



State of
New Hampshire

HOUSE RECORD

First Year of the 168th General Court

Calendar and Journal of the 2023 Session

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

Vol. 45

Concord, N.H.

Thursday, March 16, 2023

No. 9

HOUSE JOURNAL NO. 8 (Cont'd)

Thursday, March 9, 2023

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

HOUSE JOURNAL NO. 9

Thursday, March 16, 2023

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

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

Good morning. Let us pause to be in a spirit of prayer. Be Thou our vision, O God. Be our eyes. Be our hearts. Be the grace that flows through our lives. Only with and through Your eyes can we see clearly. Let us see each other clearly and with that clarity we see each other with the respect we all expect and deserve. Be Thou our vision, O God. Let us hear each other clearly and with that listening ear, may we hear each other fully before we engage in a response. Be Thou our hearing, O God. O God, I ask that You give some of Your wisdom to each member of this House of Representatives so they can make wise and meaningful decisions today with each house bill presented this day. Be Thou our wisdom, O God. I lift each leader of this New Hampshire State House this morning and ask that You guide them in their leadership. Help each leader to sense Your guiding hand in all they do this day. Be Thou our leadership, O God. We pray all this to Your glory, O God, that through Your grace we will receive the gifts of Your vision, Your listening ear, Your wisdom and Your guiding hand of leadership we need to do the business presented before us today. In gratitude we praise and glorify You, O God. Amen.

Representative Wendy Thomas, member from Merrimack, led the Pledge of Allegiance.

The National Anthem was sung by Kevin Freeman of Merrimack.

LEAVES OF ABSENCE

Reps. Baroody, Connor, Sherry Gould, Hatch, Menear, Muns, Tellez and Varney, the day, illness.

Reps. Hicks, Lewicke, Lloyd, Phinney, Prout, Schamberg, Tatro and Trottier, the day, important business.

Reps. Abbott and Belcher, the day, illness in the family.

INTRODUCTION OF GUESTS

Ken Tassey, Jr., guest of Rep. Cole.

CONSENT CALENDAR

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

Consent Calendar was adopted.

HB 421, requiring feminine hygiene products to be provided to prisoners who menstruate in state and county correctional facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. The committee after hearing initial testimony on the need for this bill, formed a subcommittee to perform an in-depth study of the issue. The subcommittee determined that while the current practice at institutions under the control of the Commissioner of Corrections were providing adequate feminine hygiene products, and new unsoiled undergarments to female

inmates, the same could not be said of all of the county institutions. The subcommittee heard from advocates that some female inmates were given used, blood-stained underwear, and due to not being given an adequate supply or properly sized hygiene products, were sometimes forced to use toilet paper and other ineffective and unsanitary methods to deal with their menstruation. This bill, as amended, will require all county and state correctional facilities to provide menstruation hygiene products to all female inmates that menstruate, at no cost to the inmate. Additionally, it requires that the facility must provide a new set of clothing at intake. It also will allow for inmates to have an adequate supply of appropriately sized hygiene products in their cell. The Commissioner of Corrections and county officials were consulted and were confident this legislation, when enacted, will be an effective and positive change. It was determined that this will not be an unfunded mandate, as this problem is caused more by procedural failures than a lack of funding. The committee is thankful to the representative for bringing this legislation forward. Vote 20-0.

Amendment (0450h)

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

AN ACT requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

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

1 New Subdivision; County Departments of Correction; Care and Custody of Prisoners Who Menstruate. Amend RSA 30-B by inserting after section 26 the following new subdivision:

Care and Custody of Prisoners Who Menstruate

30-B:27 Provision of Menstrual Hygiene Products. The superintendent of each county correctional facility shall provide menstrual hygiene products to all people who menstruate in the custody of the county in adequate amounts as necessary and at no cost to such person. The incarcerated person shall be provided a choice of standard issue menstrual hygiene products to include, and in such a manner that meets any immediate needs, at a minimum, pads, tampons, and pantyliners of varying strengths necessary for their menstrual needs. The number and type of menstrual hygiene products kept in an incarcerated person's cell shall not be excessive so as not to create safety or security issues and shall only be used for the intended purpose. In this section, "menstrual hygiene products" shall mean any product designed to address menstruation. Upon intake, undergarments shall be provided in new condition. Any items provided by the county to incarcerated persons that are impacted by menstruation shall be provided in an adequate number, unstained, and sanitized before being provided to another incarcerated person.

2 New Section; Care and Custody of Female Convicts; Provision of Menstrual Hygiene Products. Amend RSA 622 by inserting after section 37 the following new section:

622:37-a Provision of Menstrual Hygiene Products. The commissioner shall provide menstrual hygiene products to all people who menstruate in the custody of the state in adequate amounts as necessary and at no cost to such person. The incarcerated person shall be provided a choice of standard issue menstrual hygiene products to include, and in such a manner that meets any immediate needs, at a minimum, pads, tampons and pantyliners of varying strengths necessary for their menstrual needs. The number and type of menstrual hygiene products kept in an incarcerated person's cell shall not be excessive so as not to create safety or security issues and shall only be used for the intended purpose. In this section, "menstrual hygiene products" shall mean any product designed to address menstruation. Upon intake, undergarments shall be provided in new condition. Any items provided by the state to incarcerated persons that are impacted by menstruation shall be provided in an adequate number, unstained, and sanitized before being provided to another incarcerated person.

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

HB 168, relative to surety indemnification for career schools. INEXPEDIENT TO LEGISLATE.

Rep. Glenn Cordelli for Education. This bill is similar to HB 155, which was retained by the Education Committee. There were questions raised about the change in both bills to the required surety bond for a school being reduced to 10 percent of the annual gross tuition for the school. It was felt that additional investigation as to the correct percentage to ensure student tuition reimbursement in the event of the school closure was needed. Since HB 155 is retained, that bill can be used as the vehicle to find the correct percentage so this bill can be found Inexpedient to Legislate. Vote 20-0.

HB 377-FN, relative to screening and intervention in public schools for dyslexia and related disorders. OUGHT TO PASS WITH AMENDMENT.

Rep. Glenn Cordelli for Education. The amended bill sets out a program of early testing that will provide several opportunities for early identification and timely accommodations for children with dyslexia. It specifies three primary expansions to current law. First, it specifies any evidence-based screening be completed within the first 60 days for kindergarteners through the third grade and repeated at least twice a year. Second, it provides for secondary testing if the student does not meet skill benchmarks to determine the reading intervention required or indication of a special education referral. Having multiple tests helps because children

with dyslexia often become very skilled at using compensation strategies to try to keep up with their peers until they can't. Early intervention is crucial to a child's education development especially in reading. Third, the bill also involves parents if a screening indicates issues and provides for ongoing notification of screening findings. Not being able to read causes a lifetime of irreparable harm academically, socially, emotionally, and economically. Intervention and support plans for the student are to be developed jointly with the parents. This bill will offer a pathway in our public schools and charter schools to help children with dyslexia learn to read. Vote 19-1.

Amendment (0516h)

Amend the bill by replacing the title with the following:

AN ACT relative to screening and intervention in public schools and public charter schools for dyslexia and related disorders, and establishing an addition to adequate education grants for certain pupils screened for dyslexia and related disorders.

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

1 Schools; Screening and Intervention for Dyslexia and Related Disorders. Amend RSA 200:59 to read as follows:

200:59 Screening and Intervention for Dyslexia and Related Disorders.

I. School districts shall screen all public school and chartered public school students, including English learners, [using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or an equivalent cost effective] **evidence-based** screener for the identification of potential indicators or risk factors of dyslexia and related disorders upon [enrollment in public school kindergarten or first grade, and at appropriate times thereafter; to monitor progress. Beginning in 2017, such screening shall be completed no later than November 30 of each school year] **entry to public school. The initial screening shall be completed no later than 60 school days of a student entering public school in kindergarten through third grade. The screening shall be repeated one additional time during the current school year, and repeated at a minimum of twice yearly through third grade to monitor progress.**

I-a. If any such screening determines that a student fails to meet relevant benchmarks for grade-typical development in specific foundational skills, then the school must complete a secondary assessment within 30 days to determine whether the school shall provide such student with modified, differentiated, or supplementary evidence-based reading instruction intervention or refer the student to special education for further evaluation. The school shall inform the student's parent or legal guardian of the screening results. If a special education referral is made for further evaluation, the state's required timeline shall be followed. During this time general education accommodations shall be initiated within 21 days of the initial screening, and continue until a special education determination is made.

II. The student's school district **or chartered public school** shall provide age-appropriate, evidence-based, intervention strategies **to begin by the January 1 of the school year** for any student who is identified as having characteristics that are associated with potential indicators or risk factors of dyslexia and related disorders [beginning no later than January 1, 2018].

III. The parent or legal guardian of any student who is identified by the public school as having characteristics that are associated with potential indicators or risk factors of dyslexia and related disorders shall be notified and provided with all screening information and findings, in addition to periodic formal screening results based on individual written intervention and support plans developed with the student's parents or legal guardian.

IV. A parent or legal guardian of any student who is identified as having characteristics that are associated with potential indicators or risk factors of dyslexia and related disorders has the right to submit the results of an independent evaluation from a licensed reading or intervention specialist [highly] trained in dyslexia and related disorders for consideration by the student's school district. A parent or legal guardian who submits an independent evaluation shall assume all fiscal responsibility for that independent evaluation.

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

HB 382, authorizing local school boards to give students release time for participation in religious instruction in an elective course for the purposes of satisfying curriculum requirements. **INEXPEDIENT TO LEGISLATE.** Rep. Glenn Cordelli for Education. The issue with this bill is a student getting religious release time as an elective course. It raises local school control issues as well as issues of transferability of awarded credits. Religious release time is already allowed in the United States and New Hampshire Constitutions, as stated in the bill. Vote 20-0.

HB 517, relative to background checks for surrogate parents. **OUGHT TO PASS.**

Rep. Mel Myler for Education. The educational surrogate parent program is coordinated through the New Hampshire Department of Education (DOE), Bureau of Special Education. Its focus is on children with disabilities. These educational surrogates are provided to those children who need special education services

and their parent(s) or guardian is unknown or unavailable to make decisions for the disabled child. The surrogate parent acts as the child's educational decision-maker in the special education process. This bill places into statute the current DOE practice of and need for background checks on individuals seeking to become an educational surrogate parent. Vote 19-0.

HB 528-FN, relative to school lunches and establishing the meals for students fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Woodcock for Education. This bill contains significant portions of vagueness and poor wording that makes the bill unworkable. Further, the bill is irresolute about the funding source of the program, creating further confusion as to the intent, obligations, and finances of the proposal. Several found that mandating schools to provide both breakfast and lunch programs creates significant complexity, overrides local control, and creates significant costs. The bill further recognized the need to improve food opportunities for students in public school. Currently, there exists a significant population of students K-12 that are food insecure, unable to meet minimum nutritional needs and need an improved school meals program. Vote 20-0.

HB 536, relative to the chartered public school joint legislative oversight committee. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill revises the structure and duties of the Chartered Public School Joint Legislative Oversight Committee. The committee is responsible for submitting recommendations to the legislature regarding regulations and operations of public charter schools. The committee shall meet twice per year. Vote 20-0.

HB 286, relative to the removal of political advertising. **OUGHT TO PASS.**

Rep. Katherine Prudhomme-O'Brien for Election Law. This is a bipartisan bill that allows members of a campaign or local political committee to retrieve campaign items removed by the state, city, or town. Vote 20-0.

HB 336, relative to the format of election ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan Hamblet for Election Law. This bill, as amended, clarifies the ballot instructions that inform voters how many candidates they can vote for. In particular, where there are multiple allowed seats in state representative districts, the ballot will state "Vote for up to (X)" and "(X) will be elected." This wording will help voters better understand their options and may reduce undervotes. The committee amendment simplifies the wording and makes it clear how many people will be elected for a given position. Vote 19-1.

Amendment (0736h)

Amend the bill by replacing section 1 with the following:

1 Designation of Office on Election Ballots. Amend RSA 656:6 to read as follows:

656:6 Designation of Office. Immediately to the left of the set of party columns shall be an offices column which shall list the offices, each preceded by the word "For," for which the candidates whose names are listed in the party columns have been nominated, as in "For Governor." Below [each such] *the appropriate* phrase shall be printed in small but easily legible letters:

I. "Vote for not more than [(here insert a number designating how many persons are to be voted for)."]
1" (if there is only one office to be filled, such as the governor or state senator); or

II. "Vote for up to X" (insert the number of offices to be filled) "X will be elected" (insert the number of offices to be filled).

HB 405, relative to out-of-state college students voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill is a sweeping proposal that targets college students by creating two classes of voters. It is possibly unconstitutional and would create an undue burden on the Secretary of State's office in its implementation. Vote 20-0.

HB 415, making ballots cast in elections public documents. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill creates a mechanism for the public to view cast ballots outside the recount setting. The committee did not like that it would be governed by provisions of RSA 91-A. There were also other concerns relating to costs, timing, and compliance. The committee believes other legislative opportunities exist to address this issue. Vote 20-0.

HB 484, relative to the handling of the absentee ballot envelopes prior to election day. **INEXPEDIENT TO LEGISLATE.**

Rep. James Qualey for Election Law. This bill allows the moderator to open absentee ballot outer envelopes on the Monday prior to election day. During the public hearing on this bill, the committee heard testimony that the number of absentee ballots cast during the most recent general election was considerably reduced from the record levels seen during the 2020 elections at the height of the pandemic. This suggests that, barring a future pandemic situation, there will be little benefit to be had from workload reduction due to early opening of absentee ballot outer envelopes. It is also foreseeable that the increased handling of ballot materials associated with early opening of outer envelopes will increase the risk of mishandling those materials with a consequent increase in confusion, chaos, and unnecessary drama in our absentee ballot processes. The committee therefore finds it imprudent to advance this bill. Vote 20-0.

HB 495, relative to counting votes. **INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O'Brien for Election Law. This bill aims to establish guidelines for determining which marks on a ballot constitute a vote. It would also require instructions on ballots about requesting a new ballot. The committee felt these were infrequent problems and did not warrant these efforts. Additionally, the guidelines cannot possibly cover every type of mark, and observers will still debate these marks and will ultimately receive a ruling from the Secretary of State. Vote 20-0.

HB 119-FN, relative to homestead food operation licensure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Comtois for Environment and Agriculture. The Environment and Agriculture Committee members believe that because shelf-stable, non-refrigerated foods such as jams, jellies, cookies, etc. are currently exempt from the Homestead Food Operation License, having a dollar amount threshold for sales in the statute is not needed. These items cannot be sold at retail location; they can only be sold at a homestead residence, the owner's farmstand, or at farmer's markets. In order to be sold at a retail location, one must have a homestead license. This bill will allow businesses to grow without worrying about a dollar limit on their annual gross sales. The committee heard in testimony that the current annual gross sales threshold is not even tracked or reported by DHHS Food Safety Division, and there is no violation penalty for going over the current threshold, so there is no real reason to have it in current statute. Also, the one size fits all approach on annual gross sales makes no sense due to the varying sale price of goods offered for sale, and this bill will also eliminate that issue. Vote 18-0.

Amendment (0629h)

Amend the bill by replacing section 1 with the following:

1 Homestead Food Operations. Amend RSA 143-A:5, VII to read as follows:

VII. Homestead food operations selling [~~less than a maximum annual gross sales of \$35,000 of~~] food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead residence, at the owner's farm stand, or at farmers' markets.

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets.

HB 221, relative to the acquisition of agricultural land development rights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill was submitted at the request of the Department of Agriculture, Markets, and Foods (the department). New Hampshire's Agricultural Lands Protection statute, which was established in the 1980s, does not make it possible for multiple parties to cooperate on agricultural land preservation easements. The bill, as amended, modifies that statute to allow the department to jointly fund agricultural land preservation with federal agencies and private land trusts and ensure that deed restrictions are enforced. This will allow the department to access well over a million dollars in federal funding for agricultural land protection. Vote 18-0.

Amendment (0701h)

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

1 Agricultural Lands Preservation Committee; Members, Appointment, Term. Amend RSA 432:19, II to read as follows:

II. The committee shall consist of [7] **8** voting members and 2 nonvoting members, to be appointed as follows:

(a) The commissioner of the department of agriculture, markets, and food who shall be chairman;

(b) The commissioner of the department of natural and cultural resources, or his designee;

(c) The director of the office of planning and development, or his designee;

(d) The secretary of the agricultural advisory board;

(e) 3 members, 2 of whom are owners and operators of farms in the state, who shall be appointed by the governor with the advice and consent of the council for 3 years. Of the initial appointees, one shall hold office for one year, one for 2 years and one for 3 years;

(f) One member from the New Hampshire Land Trust Coalition, appointed by the governor;

[~~(f)~~] **(g)** The dean of the college of life sciences and agriculture of the university system of New Hampshire, or his designee, who shall serve as a nonvoting member; and

[~~(g)~~] **(h)** The New Hampshire state conservationist of the United States Department of Agriculture Natural Resources Conservation Service, or his designee, who shall serve as a nonvoting member.

2 Procedure for Administration; Acquisition of Agricultural Land Development Rights; Terms of Deed. Amend RSA 432:22, II to read as follows:

II. The committee shall determine the amount due to the affected agricultural landowner and authorize the commissioner to pay such amount to the owner. Agricultural land development rights purchased pursuant to this section shall be held in the name of the state of New Hampshire **or the deed shall stipulate that the state shall have the right to enforce the terms of the deed.**

3 Procedure for Administration. Amend RSA 432:22, IV to read as follows:

IV. The **state's** rights acquired pursuant to the purchase agreement shall not be sold or otherwise conveyed to a third party without consent of the landowner, nor does such purchase grant the public any right of access or right of use of the affected property.

4 Release. Amend RSA 432:24 to read as follows:

432:24 Release.

I. Agricultural preservation restrictions shall be in perpetuity except as released pursuant to this section and RSA 432:25 **and as may be further set forth in the terms of the deed**. Agricultural restricted grants shall run in accordance with the agreement between a landowner and the department of agriculture, markets, and food except as terminated pursuant to this section and RSA 432:25. All customary rights and privileges of ownership shall be retained by the owner including the right to privacy and the right to carry out all regular agricultural practices which are not prohibited by RSA 432:18, II, **and the deed terms**.

II. ~~[Agricultural]~~ **The state's interest in agricultural** preservation restrictions and agricultural restricted grants may be released or terminated by the committee if the site is no longer suitable for agricultural purposes. An owner of an agricultural preservation site may request the committee's approval to release the restriction for the public good. Prior to the release of the **state's interest in** agricultural land development rights by the committee, a public hearing shall be conducted in the municipality in which the site is located. A notice of said hearing shall specify the grounds for the hearing as well as the date, time, and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality. A legal notice of the hearing shall also be posted in at least 3 public places in such city or town. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays, and legal holidays within said period. At least 2 committee members shall sit on the hearing panel.

III. ~~[Development]~~ **The state's interests in development** rights of agricultural land purchased with public funds may be released upon repayment by the landowner of a reasonable value thereof which shall not be less than the difference between fair market value of such land at the time of such release and the fair market value of such land restricted for agricultural purposes at the time that development rights were acquired.

5 Development Rights Acquired By Public Bodies. Amend RSA 432:25, II to read as follows:

II. The restrictions may be released, in whole or in part, by the holder for consideration in an amount determined by the governmental body or charitable corporation or trust that purchased the development rights **all consistent with the terms of the deed**. Prior to release of restriction by a governmental body, a public hearing shall be conducted in the municipality in which the site is located. A notice of said hearing shall specify the grounds for the hearing as well as the date, time and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality. A legal notice of the hearing shall also be posted in at least 3 public places in such city or town. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within said period.

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

AMENDED ANALYSIS

This bill requires that agricultural land development rights purchased by the department of agriculture, markets and food shall be held in the name of the state of New Hampshire or the deed shall stipulate that the state has the right to enforce the terms of the deed. It also adds one voting member from the New Hampshire Land Trust Coalition to the agricultural lands preservation committee.

HB 253, establishing a committee to study extended producer responsibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherry Dutzy for Environment and Agriculture. This bill establishes a committee to study extended responsibility of producers in an attempt to suggest legislation to reduce waste going to our landfills. Vote 20-0.

Amendment (0797h)

Amend the bill by replacing sections 2-3 with the following:

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:

I. Study extended producer responsibility (EPR) as a mechanism for meeting the waste reduction goals established in RSA 149-M and reducing the tax burden that solid waste disposal places on municipalities.

II. Examine existing EPR laws in other states, territories, and international jurisdictions and establish priorities for more in-depth study. Possible targets for EPR include packaging, single use plastics, beverage containers, electronic waste, batteries, automotive waste, and hazardous waste.

III. Assess how these laws could be adapted to the existing solid waste recovery infrastructure in New Hampshire and what support the department of environmental services would require to implement such laws.

IV. Solicit industry stakeholder input on approaches that manufacturers and distributors would be best able to undertake or facilitate.

V. Suggest possible legislation and/or rules for implementing approaches that would be readily adaptable to New Hampshire, and may propose topics for further study.

VI. The committee may draw on a broad range of stakeholders and experts to provide relevant testimony.

HB 348-FN, relative to the sale of raw milk and products made with raw milk. **INEXPEDIENT TO LEGISLATE.**

Rep. Molly Howard for Environment and Agriculture. This bill increases the amount of raw milk a producer processor can sell or process without a license and removes the requirement that such ice cream and frozen yogurt produced using raw milk be sold in 6-ounce containers. The committee recommends Inexpedient to Legislate because last year the legislature passed what we have currently in RSA 184:84 on this topic and the committee believes that we should allow that law to be in effect before we consider additional changes. Vote 18-0.

HB 258, establishing a certification for animal chiropractors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberly Abare for Executive Departments and Administration. This bill, as amended, would permit someone who does chiropractic work on animals to do so as long as they have completed a nationally recognized animal chiropractic program. The list of such programs will be determined by the executive director of OPLC in accordance with rules adopted in consultation with the board of veterinary medicine and the board of chiropractic examiners. Animal owners will not need a referral from a veterinarian to take their animal to an animal chiropractor. The committee heard testimony that animals can have problems that cause pain that can be dealt with by animal chiropractors. Not only does requiring a referral from a vet cost money, but the committee also heard that it can take weeks to get an appointment with a vet and the animal may be in pain during that time. The committee also heard that people do not require a referral to go to a chiropractor. The committee sees no reason for an animal to require such a referral. Vote 20-0.

Amendment (0698h)

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

AN ACT relative to animal chiropractors.

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

1 New Paragraph; New Hampshire Veterinary Practice Act; License Required and Exceptions. Amend RSA 332-B:2 by inserting after paragraph X the following new paragraph:

XI. An individual who has completed a nationally recognized animal chiropractic program as determined by the executive director in accordance with rules adopted pursuant to RSA 541-A and in consultation with the board of veterinary medicine and the board of chiropractic examiners.

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

AMENDED ANALYSIS

This bill exempts individuals who have completed a nationally recognized animal chiropractic program, as determined by the executive director of the office of professional licensure and certification, from veterinary licensure requirements.

HB 284, relative to financial information regarding requests for bids and proposals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill modifies what information is prohibited from being made available to the public regarding cancellation of bids, so as not to advantage or disadvantage future responses to reissued bids. The amendment increases the minimum value of county contracts subject to competitive bidding from \$5,000 to \$10,000 and makes this value consistent across all counties. This increase was requested by the Association of Counties on behalf of all counties in the state. Vote 20-0.

Amendment (0645h)

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

AN ACT relative to financial information regarding requests for bids and proposals and to raise the minimum value of county purchases of equipment or materials which are subject to competitive bidding.

Amend the bill by replacing all after section 2 with the following:

3 Repeal. RSA 28:8-f, relative to competitive bidding in Rockingham county, is repealed.

4 Competitive Bidding on Purchases. Amend RSA 28:8 to read as follows:

28:8 Competitive Bidding on Purchases.

I. The provisions of this section shall apply to all counties in the state and the offices of county sheriff, county attorney, county treasurer, and register of deeds.

II. Any purchase of equipment or materials made by a county in an amount exceeding [~~\$5,000~~] **\$10,000** 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 reason therefor and such record shall be open to public inspection. Orders for equipment or material to be delivered at different times where the single delivery may be less than [~~\$5,000~~] **\$10,000**, but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

5 Competitive Bidding; Hillsborough County. Amend RSA 28:8-e, I to read as follows:

I. All purchases made by Hillsborough County for materials, equipment, supplies, services, insurance, building repairs or any other item, in an amount exceeding [~~\$5,000~~] **\$10,000** shall be by competitive bidding. Awards for such purchases shall be made to the lowest responsible bidder. Orders for purchases to be delivered at different times where the single delivery may be less than [~~\$5,000~~] **\$10,000**, but the total order exceeds that amount shall be construed as coming within the provisions of this section requiring competitive bidding.

6 Competitive Bidding; Hillsborough County. Amend RSA 28:8-e, III to read as follows:

III. All bids in an amount exceeding [~~\$5,000~~] **\$10,000** sought pursuant to this section shall be subject to review by the executive committee. Nothing in this chapter shall be construed to prevent the executive committee from establishing further guidelines and procedures to be followed in purchasing and bidding.

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

AMENDED ANALYSIS

This bill modifies what is prohibited from being made available to the public regarding information relative to RFB, RFP, or RFA cancellations. This bill also increases the minimum value of county contracts subject to competitive bidding and makes this value consistent across all counties.

HB 358, relative to the filing and adoption of proposed administrative rules. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill was a request of the Administrative Rules staff to clarify the process of rulemaking. The committee amendment adds two important, and easy to implement, concepts from HB 274, which was retained for further work. First, it requires the rulemaking register, which lists all the rules coming up for their main public hearing, be sent to all the representatives and senators. This will give everyone notice when rules they are concerned with are ready for comment, so we can ensure the rules meet the legislative intent. It's the regular public comment period, so this won't delay the process unless a problem causes the agency to rewrite the rules. Secondly, agencies must now include in the final approval package a report on the public comments received and how they were addressed in the final rule. This doesn't force the agency to rewrite the rule for the comments, but they must explain why they chose to amend the rule as they did or did not. Vote 20-0.

Amendment (0648h)

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Rulemaking Register. Amend RSA 541-A:9 by inserting after paragraph II the following new paragraph:

III. The rulemaking register shall be sent by email to all members of the general court.

Amend the bill by replacing all after section 15 with the following:

16 New Subparagraph; Filing Final Proposal. Amend RSA 541-A:12, II by inserting after subparagraph (d) the following new subparagraph:

(e) A report of public comments received on the rule and an explanation of how they were addressed in the final rule.

17 Final Adoption. Amend RSA 541-A:14, I(a) to read as follows:

(a) The passage of [~~45~~] **60** days from filing of a final proposal under RSA 541-A:12, I, or 60 days from filing under RSA 541-A:12, I-a, without receiving notice of objection from the committee;

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

HB 359, relative to legal holidays. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Bailey for Executive Departments and Administration. This bill would establish paid partial, up to three hours, holidays for a subset of non-essential public employees, state, city, town, school district, and state supported community college and university employees, during the biennial state primary and quadrennial presidential primary elections, with no financial appropriation made. Vote 20-0.

HB 594-FN, relative to the licensure of out-of-state applicants to boards or commissions organized under the office of professional licensure and certification. **OUGHT TO PASS.**

Rep. Tony Lekas for Executive Departments and Administration. This bill would require the Office of Professional Licensing and Certification (OPLC) to grant licenses to anyone who has a license in good standing from any other jurisdiction, provided that the jurisdiction's licensing requirements are substantially similar to New Hampshire's licensing requirements, as determined by the executive director in consultation with the boards, commissions, and councils within the office. In addition, if the New Hampshire license being sought requires that a background check be done, one will be required for the person seeking the license. Vote 18-0.

HB 617-FN, prohibiting, with limited exceptions, state agencies from requiring use of proprietary software in interactions with the public. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. There are legitimate reasons to be concerned when the state requires the use of proprietary software when members of the public need to interact with the government. However, it was not clear from testimony just what software was intended to be covered by this bill. It could have only included software run on a user's device or it could have also included all software involved in the operation on the state side. It became clear that the broader interpretation was intended and the language of the bill could reasonably be interpreted that way which resulted in a fiscal note of over \$300 million per year for the next three years. In addition, this bill applies to all political subdivisions and the Judicial branch. That would add an unknown, but almost certainly, large expense. The limited benefits and the enormous cost lead the committee to recommend inexpedient to legislate. Vote 18-1.

HB 655-FN, relative to the office of professional licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. As introduced, this bill addressed the codification of Office of Professional Licensure and Certification (OPLC), merged some boards and repealed certain licenses. Realizing that this bill was also placed in HB 2, the committee was concerned that language appearing in two bills might result in conflicting statute if amended differently. As amended, this bill codifies the organizational structure and responsibility of OPLC. It establishes a non-lapsing fund appropriated to the agency for budget purposes, gives OPLC rulemaking authority to set fees and establish rules for administration of complaints and disciplinary actions. Nothing in this bill addresses the repeals of any licensing, modifies any advisory boards or addresses mergers of boards. It is the intent of the committee to ask that this portion of the bill be removed from HB 2. Vote 20-0.

Amendment (0807h)

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

1 New Chapter; Office of Professional Licensure and Certification. RSA 310 is repealed and reenacted to insert the following new chapter:

CHAPTER 310

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

310:1 Purpose. The purpose of the office of professional licensure and certification is to promote efficiency and economy in the administration of the business processing, record keeping, and other administrative and clerical operations of professional licensing and certification boards, including both professional healthcare licensing and professional technical licensing. The individual licensing and certification boards that are organized under the office of professional licensure and certification have specialized knowledge and experience and are separate and distinct for the purpose of regulating their various professions. Notwithstanding the unique regulatory role of each board, the legislature finds that there are opportunities for improving efficiency and customer service by providing for the joint administration of the boards' administrative, clerical, business processing, and record keeping functions. Except as provided in this section, the licensing and certification boards and entities organized under the office of professional licensure and certification shall exercise the powers, duties, functions, and responsibilities granted by statute.

310:2 Definitions; Establishment.

I. In this chapter, and as appropriate when used in any chapter listed in paragraph II:

(a) "Board" means a board, council, commission, committee, or other regulatory body with jurisdiction over professions listed in paragraph II.

(b) "Lapse" when referring to licenses shall mean expire.

(c) "License" shall include licenses, certifications or registrations required to practice a regulated profession.

(d) "Office" or "OPLC" shall mean the office of professional licensure and certification.

II. The office of professional licensure and certification shall consist of the division of licensing and board administration and the division of enforcement, under the executive director as the administrative head of the agency. The boards within the office of professional licensure and certification shall consist of:

(a) Advisory board of body art practitioners under RSA 314-A.

(b) Advisory board of court reporters under RSA 310-A:163.

- (c) Advisory board of massage therapists under RSA 328-B.
- (d) Advisory board of medical imaging and radiation therapy under RSA 328-J.
- (e) Advisory board of recreational therapists established under RSA 326-J.
- (f) Advisory board of respiratory care practitioners established under RSA 326-E.
- (g) Advisory board of reflexology, structural integration, and Asian bodywork therapy under RSA 328-H.
- (h) Board of accountancy under RSA 309-B.
- (i) Board of acupuncture licensing under RSA 328-G.
- (j) Board of architects under RSA 310-A:29.
- (k) Board of barbering, cosmetology, and esthetics under RSA 313-A.
- (l) Board of chiropractic examiners under RSA 316-A.
- (m) Board of dental examiners under RSA 317-A.
- (n) Board of directors, office of licensed allied health professionals under RSA 328-F.
- (o) Board of examiners of nursing home administrators under RSA 151-A.
- (p) Board of family mediator certification under RSA 328-C.
- (q) Board of home inspectors under RSA 310-A:186.
- (r) Board of land surveyors under RSA 310-A:55.
- (s) Board of landscape architects under RSA 310-A:142.
- (t) Board of licensed dietitians under RSA 326-H.
- (u) Board of licensing for alcohol and other drug use professionals under RSA 330-C.
- (v) Board of licensing for foresters under RSA 310-A:100.
- (w) Board of manufactured housing under RSA 205-A:25.
- (x) Board of medicine under RSA 329.
- (y) Board of mental health practice under RSA 330-A.
- (z) Board of natural scientists under RSA 310-A:81.
- (aa) Board of nursing under RSA 326-B.
- (bb) Board of pharmacy under RSA 318.
- (cc) Board of podiatry under RSA 315.
- (dd) Board of psychologists under RSA 329-B:3.
- (ee) Board of professional engineers under RSA 310-A:3.
- (ff) Board of professional geologists under RSA 310-A:120.
- (gg) Board of psychologists under RSA 329-B.
- (hh) Board of registration of funeral directors and embalmers under RSA 325.
- (ii) Board of registration in optometry under RSA 327.
- (jj) Board of registration of medical technicians under RSA 328-I.
- (kk) Board of septic system evaluators under RSA 310-A:206.
- (ll) Board of veterinary medicine under RSA 332-B.
- (mm) Electricians' board under RSA 319-C.
- (nn) Electrology advisory committee under RSA 314.
- (oo) Genetic counselors governing board established under RSA 328-F and RSA 326-K.
- (pp) Governing board of athletic trainers established under RSA 328-F and RSA 326-G.
- (qq) Guardians ad litem board under RSA 490-C.
- (rr) Installation standards board under RSA 205-D.
- (ss) Mechanical licensing board under RSA 153:27-a.
- (tt) Midwifery council under RSA 326-D.
- (uu) Naturopathic board of examiners under RSA 328-E.
- (vv) Occupational therapy governing board established under RSA 326-F; and RSA 326-C.
- (ww) Physical therapy governing board established under RSA 328-F and 328-A.
- (xx) Real estate appraiser board under RSA 310-B.
- (yy) Real estate commission under RSA 331-A.
- (zz) Registration of ophthalmic dispensers under RSA 327-A.
- (aaa) Speech-language pathology and hearing care provider governing board established under RSA 328-F and 326-F.
- (bbb) Assessing standards board under RSA 21-J:14-a.

310:3 Executive Director; Directors; Unclassified Personnel.

I. The executive director of the office of professional licensure and certification shall be an unclassified employee of the state. The executive director shall be appointed by the governor, with consent of the council, and shall serve for a term of 4 years. The executive director shall be qualified to hold that position by reason of professional competence, education, and experience. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

II. The executive director shall nominate for appointment by the governor and council the unclassified positions of director of the division of licensing and board administration and director of the division of enforcement. Each director shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director for a term of 4 years.

III. The executive director shall nominate for appointment by the governor and council the unclassified position of chief pharmacy compliance investigator and 2 unclassified pharmacy investigator positions. Each inspector shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

IV. The executive director shall nominate for appointment by the governor and council the unclassified positions of agency chief legal officer and board chief legal officer. Each officer shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

V. The salaries of the executive director, each division director, each legal officer, the chief pharmacy investigator, and each pharmacy investigator shall be as specified in RSA 94:1-a.

310:4 Duties of Executive Director.

I. The executive director, as the administrative head of the office of professional licensure and certification, may employ such clerical or other assistants as are necessary for the proper performance of the office's work and may make expenditures for any purpose which are reasonably necessary, according to the executive director, for the proper performance of the office's duties under this chapter. The office shall contract for the services of investigators, presiding officers, legal counsel, and industry experts as necessary and in consultation with the appropriate board.

II. The executive director of the office of professional licensure and certification shall be responsible for:

- (a) Supervision of the division directors and chief legal officers.
- (b) Employment of personnel needed to carry out the functions of the office and the boards.
- (c) The examination, processing and approval or denial of an application for licensure, certification, or registration for all license types governed by the office or a board listed in RSA 310:2, based on set objective standards developed by the boards, and in accordance with RSA 541-A.
- (d) The investigation of all complaints of professional misconduct in accordance with RSA 310:9.
- (e) Maintenance of the official record of the office and the boards in accordance with the retention policy established by the office.
- (f) Drafting and coordinating rulemaking for all boards within the office in accordance with RSA 541-A, with the advice and recommendations of the boards.
- (g) Maintaining the confidentiality of information, documents, and files in accordance with RSA 91-A.
- (h) Submitting, by November 1, to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate executive departments and administration committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year and a complete statement of the receipts and expenditures of the office of professional licensure and certification. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.
- (i) Notwithstanding any other provisions of law to the contrary, for the performance of the administrative, clerical, and business processing responsibilities under paragraph II(b), the office and all boards shall accept electronic signatures and scans of signed documents in addition to original signatures.

310:5 Administration of the Office of Professional Licensure and Certification; Funding.

I. The executive director of the office of professional licensure and certification shall establish and collect all license, certification, and renewal fees, as well as any necessary administrative fees for each professional regulatory board administered by the office. Such fees shall be sufficient to produce estimated revenues up to 125 percent of the total operating expenses for the office, as determined by averaging the operating expenses for the office for the previous 2 fiscal years.

II. There is hereby established the office of professional licensure and certification fund into which the fees collected under paragraph I shall be deposited. The fund shall be a separate, dedicated, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs and salaries associated with the office. Funds in excess of \$5,000,000 shall lapse to the general fund at the close of each biennium.

III. There is hereby established a dedicated, nonlapsing fund to be known as the New Hampshire health professionals' program administration fund for the administration of the professionals' health program, including the professionals' health program in RSA 329:13-b, the alternative recovery monitoring program in RSA 326-B:36-a, and the impaired pharmacist program set forth in RSA 318:29-a, with a fee charged to licensees at the time of initial licensure, renewal licensure, or reinstatement of licensure, for the board of medicine, board of dental examiners, pharmacy board, board of nursing, board of veterinary medicine, board of psychologists, board of chiropractic examiners, board of mental health practice, midwifery council, board of registration in optometry, board of podiatry, board of licensed dietitians, and board of licensing for alcohol and other drug use professionals, not to exceed 125 percent of the actual cost of providing the services. Other health and technical professions boards may be added to program at the same annual fee per licensee. The moneys in this fund shall be continually appropriated to the office.

IV. The office of professional licensure and certification shall be responsible for the financing of any interstate compact joined by the state that affects a profession governed by a board listed in RSA 310:2. Such financing shall be from funds deposited in the office of professional licensure and certification fund.

310:6 Rulemaking Authority. The executive director of the office of professional licensure and certification shall adopt rules, relative to RSA 541-A, for the following:

I. All fees set forth in RSA 310:5, with the advice and recommendations of the respective board. Fees shall be reassessed, at a minimum, every five years.

II. Such organizational and procedural rules necessary to administer the boards in the office, including rules governing the administration of complaints and investigations, hearings, disciplinary and non-disciplinary proceedings, inspections, payment processing procedures, and application procedures.

III. The rate of per diem compensation and reimbursable expenses for all boards within the office.

IV. Rules governing the professionals' health program as set forth in RSA 310:5.

V. Temporary licenses to out-of-state health care professionals who present evidence of an active license in good standing from another jurisdiction. The temporary license shall be valid for 120 days, or until the office acts on an application for full licensure, whichever happens first, and shall not be renewed, except that a complete application for full licensure before the expiration of the temporary license shall continue the validity of the temporary license until the office has acted on the application. All individuals licensed under rules adopted pursuant to this subparagraph shall be subject to the jurisdiction of the state licensing body for that profession.

310:7 Telemedicine and Telehealth Services.

I. For this section:

(a) "Asynchronous interaction" means an exchange of information between a patient and a health care professional that does not occur in real time.

(b) "Synchronous interaction" means an exchange of information between a patient and a health care professional that occurs in real time.

(c) "Telemedicine" means the use of audio, video, or other electronic media and technologies by a health care professional in one location to a patient at a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions.

(d) "Telehealth" means the use of audio, video, or other electronic media and technologies by a health care professional in one location to a patient at a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions.

II. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I; RSA 328-J may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

III. Unless otherwise prescribed by statute, an out-of-state healthcare professional providing services by means of telemedicine or telehealth shall be required to be licensed, certified, or registered by the appropriate New Hampshire licensing body if the patient is physically located in New Hampshire at the time of service. This paragraph shall not apply to out-of-state physicians who provide consultation services pursuant to RSA 329:21, II.

IV. An individual providing services by means of telemedicine or telehealth directly to a patient shall:

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

(b) Maintain a medical record;

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate; and

(d) Provide meaningful language access if the individual is practicing in a facility that is required to ensure meaningful language access to limited-English proficient speakers pursuant to 45 C.F.R. section 92.101 or RSA 354-A, or to deaf or hard of hearing individuals pursuant to 45 C.F.R. section 92.102, RSA 521-A, or RSA 354-A.

V. Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

VI. Physicians and physician assistants, governed by RSA 329 and RSA 328-D; advanced practice nurses, governed by RSA 326-B and registered nurses under RSA 326-B employed by home health care providers under RSA 151:2-b; midwives, governed by RSA 326-D; psychologists, governed by RSA 329-B; allied health professionals, governed by RSA 328-F; dentists, governed by RSA 317-A; mental health practitioners governed by RSA 330-A; community mental health providers employed by community mental health programs pursuant to RSA 135-C:7; alcohol and other drug use professionals, governed by RSA 330-C; and dietitians, governed by RSA 326-H shall be authorized to provide consultation services or follow-up care via telehealth to a patient who previously received services from the provider in the state where the provider is licensed.

VII. Nothing in this section shall limit a provider's ability to diagnose, assess, or treat an individual patient.

310:8 License Renewals; Lapse.

I. The executive director of the office of professional licensure and certification shall issue licenses, as set forth in RSA 310:4, to applicants meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

II. Licenses shall be valid for 2 years from the date of issuance, except that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the office has acted on the renewal application.

III. Applicants shall submit completed applications for renewal, the renewal fee, and any supporting documents required for that renewal on or before the expiration of the license. Licenses shall lapse when completed renewal applications, renewal fee, and supporting documents have not been filed by the expiration of the license and the holders of a lapsed license are not authorized to practice until the licenses have been reinstated. Holders of lapsed licenses shall not be able to renew, but shall be eligible to reinstate licenses by submitting an application and meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

IV. The office of professional licensure and certification shall provide licensees, at least 2 months before the date of expiration of their license, with notice of the need to complete their renewal applications. Failure to receive notice shall not relieve any licensee of the obligation to renew their license, comply with the rules of the office, the rules of the board, or this section. Timeliness of submission of renewal applications shall be evidenced by the date stamp of receipt, or for applications submitted electronically the electronic time stamp of submission.

V. Upon the request of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the office of professional licensure and certification shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

310:9 Complaints and Investigations.

I. Allegations of professional misconduct shall be brought in accordance with RSA 332-G.

II. Upon receipt of an allegation of professional misconduct, the office shall determine whether the allegation states a viable claim. If the office determines that the allegation is not viable, it shall make a recommendation to the board for dismissal. The board shall review the office's recommendation and dismiss the allegation if it determines that the allegation does not state a claim of professional misconduct.

III. Notwithstanding any other law to the contrary, the office shall investigate allegations of misconduct by licensees (a) upon its own initiative or (b) upon written complaint alleging misconduct of a licensed, or unlicensed, individual or entity of a profession regulated under the office.

IV. Allegations of misconduct received by the office, information and records acquired by the office during an investigation, and reports and records made by the office because of its investigation, shall be held confidential and shall be exempt from the disclosure requirements of RSA 91-A, unless such information subsequently becomes part of a public disciplinary hearing. However, the office may disclose information acquired in an investigation to law enforcement or licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory requirements or court orders.

V. To carry out investigations, the executive director is authorized to:

(a) Retain qualified experts that have sufficient knowledge on appropriate statutes or professions and their practices.

(b) Conduct inspections of places of business of a profession regulated under the office.

(c) Issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(1) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(2) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(3) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(4) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. When an allegation of misconduct is determined to be unfounded after an investigation, the board shall dismiss the allegation and explain in writing to the complainant and the licensee its reason for dismissing the complaint. The office shall retain all information concerning investigations in accordance with the retention policy established by the office.

VII. Subject to the limitations of RSA 329-B:26 and RSA 330-A:32, the office shall obtain, handle, archive, and destroy mental health and psychological records as follows:

(a) If a client or patient owning a privilege is the person who has made a complaint against a licensee, the office may access the records of such client or patient. The complaint form provided by the office and initial follow-up correspondence shall clearly indicate that the submission of the complaint by the client or patient who is the owner of the privilege shall override the privacy of that record for the purposes of the office's confidential investigation and proceedings. The client or patient's identity shall not be disclosed to the public in any manner or in any proceeding of the board without his or her consent. If the client or patient named in the complaint is a child, the legitimate assertion of the privilege by one natural or adoptive parent or legal guardian is sufficient for this paragraph to apply. The office may act on that parent or guardian's initiation of complaint regardless of the objection of the other parent or guardian.

(b) If the person who has made the allegations against the licensee is not the owner of the privilege for the records of the client or patient named in the complaint whose treatment is under investigation by the office, the records for investigation shall be treated as follows:

(1) When the office reviews the initial complaint and upon all further reviews of the case by the office or the board, the identity of the named client or patient shall be redacted from the documents reviewed.

(2) The names of clients or patients may be made available only to office staff and consultants assigned to investigate or adjudicate the matter, and in instances where the board has decided to proceed with discipline, to board members for purposes of determining recusal issues as described in subparagraph (f).

(3) The record of a client or patient under this subparagraph that has been specifically named in a complaint may be obtained by office staff as specified:

(A) Office staff and consultants may request permission from the client or patient to obtain the record for the investigation, informing the client or patient about the bounds of confidentiality of such records and the nature of the investigative process. If the client or patient grants permission, office staff may obtain the copies of the record.

(B) If the client or patient denies permission for access to the record, the office may only obtain the record pursuant to a court order.

(4) Personally identifiable information pertaining to a client or patient under this subparagraph shall remain known only to staff and consultants assigned to the matter, which may include an employee of the office's investigations bureau, an employee of the office's prosecutions bureau, professional conduct investigator, the board administrator, and only those additional investigative assistants as the office's investigation team deems necessary to accomplish the investigation of the complaint.

(5) All communication beyond the office staff and consultants, or the board, pertaining to these clients or patients shall be conducted without the use of personally identifiable information.

(6) The identity of a client or patient shall not be disclosed to the public in any manner or in any proceeding of a board without his or her consent.

(c) Records of clients or patients who are not named in the initial complaint shall be treated as follows:

(1) If office staff and consultants assigned to the matter wish to obtain records of, or contact, clients or patients not named in the initial complaint, they shall make a request to the board with reasons for the request, specify the scope of cases and types of records requested, and state the name of the individual for whom authorization is requested to contact the client or patient.

(2) Upon board approval of a request pertaining to treatment of clients or patients defined in this subparagraph, the names of the clients or patients that fulfill the criteria of selection may be made available to office staff and consultants for purposes of determining whether recusal issues pertain to their selection for the investigation as described in subparagraph (f).

(3) If the board approves an investigation into client or patient cases who are not named in the original complaint, the board shall specify whether the clients or patients may be contacted directly.

(4) For records requested under this subparagraph, the keeper of the record shall be instructed to provide records that are redacted of personally identifiable information as defined in subparagraph (g). Each record shall be marked with an identifying code and the keeper of the record shall provide to the office's staff and consultants the contact information for corresponding clients or patients.

(5) The office shall store in a secure manner the list of these client or patient codes with corresponding contact information.

(6) If office staff and consultants have just cause to verify redacted copies against original records of specified cases they shall request permission of the board, giving reason for the request. Upon board approval, office staff and consultants may have access to the identified unredacted records, which may be viewed at a time and location of their choosing. Office staff and consultants may request a copy of the identified original records be sent to the office. Copies and corrections to the redacted records may be made by the office staff and consultants, after which any identified unredacted copies shall be destroyed and original records returned to the keeper of the records.

(7) Office staff and consultants contacting the clients or patients pursuant to subparagraph (c)(1) shall request permission from the clients or patients to conduct an interview, include an explanation that the individual(s) may grant or refuse permission for such interview, and explain there are no adverse personal consequences of any kind for refusal to grant permission or for withdrawing permission at any time during the interview. Office staff and consultants may inform the individual(s) that refusal to participate may prevent the investigation from proceeding or reaching a satisfactory conclusion.

(8) The identity of each client or patient shall be redacted from any documents reviewed by the board.

(9) The identity of a client or patient defined in this subparagraph shall not be disclosed to the public in any manner or in any proceeding of the board without the client or patient's consent.

(d) Mental health or psychological records obtained through subparagraphs (a)-(c) shall be archived or destroyed at the conclusion of the matter in accordance with a retention schedule established by the office. The identification and contact information collected during the investigation for clients or patients other than a client or patient complainant shall be destroyed.

(e) For the purposes of this paragraph:

(1) "Record" means health or psychological information collected from or about an individual that:

(A) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and

(B) Relates to the individual, the past, present, or future physical or mental health or psychological condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

(2) "Personally identifiable information" means information which identifies an individual or which a reasonable person would believe could be used to identify an individual, including common and uncommon identifiers, including but not limited to, name, address, birth date, social security number, court docket number, insurance policy number, and any other identifiers of an individual and of the individual's known relatives, household members, and employers that a reasonable person would believe could identify the individual to whom the record pertains.

(f) In the process of determining recusal, the security of the client or patient's identity shall be preserved as follows:

(1) Before engaging in any matter as defined in subparagraph (a), board members, investigators, and others as specified in this paragraph with access to case files shall first review the name of the client/patient before proceeding. If a conflict of interest is identified, that person shall recuse himself or herself from the matter.

(2) Before engaging in any cases defined in subparagraph (b), office staff and consultants at the onset of the investigation, board members at the time of reviewing the findings of the investigation, and any others authorized to have access to the case prior to commencing review of such cases shall first determine if there is a need for recusal.

(3) If a client or patient as defined in subparagraph (b) or (c) testifies or intends to attend the hearing of the case involving his or her treatment and the board may see the client or patient inadvertently or directly, the client or patient's name shall be revealed to the board members so they may have the opportunity to recuse themselves prior to the proceeding. The client or patient shall be informed beforehand of such disclosure.

(4) For recusals pertaining to clients or patients under subparagraph (c) of this section, office staff and consultants shall review the names of the clients or patients who qualify for the scope of investigation as approved by the board, to determine if there is cause for recusal.

(5) When board members review any report of investigation that includes case information pertaining to clients or patients as defined in subparagraph (c), they shall review their names prior to reading such reports in the following manner:

(A) If there are 10 or fewer cases with individual clinical information presented, then the methods of testing for recusal shall follow the recusal procedures in subparagraph (f)(2).

(B) When the report includes clinical information pertaining to more than 10 cases, the recusal methods of subparagraph (f)(4) shall apply.

(C) When such client or patients' information is presented only in aggregate form, no recusal is required.

(g) A keeper of the record shall comply with board and the office's investigative team's requests for client or patient records and all redaction requirements specified under this section. The board may seek a court order to enforce valid requests for such records under this section.

VIII. Any board member who has had a personal relationship or has worked in a professional capacity with a complainant or with a licensee against whom a complaint has been filed or whose personal or professional views regarding the licensee or the complainant could prevent the board member from being impartial in considering the complaint shall recuse himself or herself from any investigation or disciplinary action against such licensee.

310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.

I. Disciplinary proceedings shall be open to the public in accordance with RSA 91-A. All non-disciplinary remedial proceedings shall be exempt from the provisions of RSA 91-A, except that the board shall disclose any final remedial action that affects the status of a license, including any non-disciplinary restrictions imposed. The docket file for each such proceeding shall be retained in accordance with the retention policy established by the office of professional licensure and certification.

II. Boards shall conduct disciplinary and non-disciplinary remedial proceedings in accordance with procedural rules adopted by the executive director.

III. The office shall employ sufficient administrative prosecutors qualified by reason of education, competence, and relevant experience to serve as hearing counsel in all disciplinary proceedings before the boards.

IV. The office shall employ sufficient personnel qualified by reason of education, competence, and relevant experience to serve as presiding officer in all disciplinary or non-disciplinary remedial proceedings before the boards. The presiding officer shall have the authority to preside at such hearing and to issue oaths or affirmations to witnesses, rule on questions of law and other procedural matters, and issue final orders based on factual findings of the board.

V. The presiding officer in disciplinary and non-disciplinary remedial proceedings may issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(b) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(c) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(d) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. In carrying out disciplinary or non-disciplinary remedial proceedings, the presiding officer, as defined in RSA 541-A, shall have the authority to hold pre-hearing conferences, which shall be exempt from the provisions of RSA 91-A; to administer oaths and affirmations; and, to render legal opinions and make conclusions of law.

VII. Boards shall be the triers of fact in all disciplinary and non-disciplinary remedial proceedings, and shall determine sanctions, if any.

VIII. At any time before or during disciplinary or non-disciplinary remedial proceedings, complaints may be dismissed or disposed of, in whole or in part:

(a) By written settlement agreement approved by the board, provided that any complainant shall have the opportunity, before the settlement agreement has been approved by a board, to comment on the terms of the proposed settlement; or

(b) Through an order of dismissal for default, for want of jurisdiction, or failure to state a proper basis for disciplinary action.

IX. Disciplinary action taken by the board at any time, and any dispositive action taken after the issuance of a notice of public hearing, shall be reduced to writing and made available to the public. Such decisions shall not be public until they are served upon the parties, in accordance with rules adopted by the executive director.

X. Except as otherwise provided by RSA 541-A:30, the board shall furnish the respondent at least 15 days' written notice of the date, time and place of a hearing. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

XI. Neither the office nor the boards shall have an obligation or authority to appoint attorneys or pay the fees of attorneys representing licensees or witnesses during investigations or disciplinary or non-disciplinary remedial proceedings.

XII. No civil action shall be maintained against the office or the board, or any member of the board, office, or its agents or employees, against any organization or its members, or against any other person for or by reason of any statement, report, communication, or testimony to the board or determination by the board or office in relation to proceedings under this chapter.

XIII. For matters involving individuals identified in mental health records, testimony by client or patients shall be handled with utmost regard for the privacy and protection of their identity from public disclosure.

(a) A noncomplainant client or patient shall not be compelled to testify at a hearing.

(b) If a noncomplainant client or patient testifies at a hearing, the identity of the individual shall be screened from the public view and knowledge, although the respondent and attorneys shall be within the view of the client patient. The board may view the client or patient. The public's access to view or information that would identify the client or patient shall be restricted. The hearing may be closed to the public for the duration of the client or patient's testimony, at the board's discretion.

(c) If a complainant client or patient requests the privacy safeguards in subparagraph (b), the presiding officer may make such accommodations.

310:11 Licensing Proceedings.

I. Boards shall conduct licensing proceedings in accordance with procedural rules adopted by the executive director.

II. If a board denies a license following a licensing proceeding, its final decision shall be issued in accordance with RSA 541-A:35.

III. In carrying out licensing proceedings, the board shall have the authority to:

- (a) Hold pre-hearing conferences exempt from the provisions of RSA 91-A;
- (b) Appoint a board member or other qualified person as presiding officer; and
- (c) Administer, and authorize an appointed presiding officer to administer, oaths and affirmations.

IV. Neither the office nor the boards shall have an obligation or authority to appoint or pay the fees of attorneys representing licensees, certified individuals, or witnesses during investigations or adjudicatory proceedings.

V. Licensing proceedings shall be open to the public in accordance with RSA 91-A.

310:12 Sanctions.

I. Upon making an affirmative finding that a licensee has committed professional misconduct, boards may take disciplinary action in any one or more of the following ways:

- (a) By reprimand.
- (b) By suspension of a license for a period of time as determined reasonable by the board.
- (c) By revocation of license.
- (d) By placing the licensee on probationary status. The board may require the person to submit to any

of the following:

- (1) Regular reporting to the board concerning the matters which are the basis of the probation.

(2) Continuing professional education until a satisfactory degree of skill has been achieved in those areas which are the basis of probation.

(3) Submitting to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

(4) Practicing under the direct supervision of another licensee for a period of time specified by the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

II. The board may issue a non-disciplinary confidential letter of concern to a licensee advising that while there is insufficient evidence to support disciplinary action, the board believes the licensee or certificate holder should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the licensee's license. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence to establish a relevant pattern or course of conduct in subsequent adjudicatory proceedings by the board.

III. In the case of sanctions for discipline in another jurisdiction, the decision of the other jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any of the sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard prior to imposing any sanctions.

IV. In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter, and which shall commence not later than 10 working days after the date of the order suspending the license unless the licensee or certified individual agrees in writing to a longer period. In such cases of immediate danger, the board shall comply with RSA 541-A:30.

V. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, the board may require the licensee or certificate holder who is the subject of such finding to pay the office a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the office and any sums recovered shall be credited to the office's fund and disbursed by the office for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

310:13 Unlicensed Practice. Whoever, not being licensed or otherwise authorized to practice according to the laws of this state, advertises oneself as engaging in a profession licensed or certified by the office of professional licensure and certification, engages in activity requiring professional licensure, or in any way holds oneself out as qualified to do so, or calls oneself a licensed professional, or whoever does such acts after receiving notice that such person's license to practice has been suspended or revoked, is engaged in unlawful practice. After

providing notice and opportunity to be heard, and upon making an affirmative finding of unlawful practice, the board may impose a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation, or up to \$10,000 for each offense, whichever amount is greater. Each violation of unlicensed or unlawful practice shall be deemed a separate offense. The board, the state's attorney general, or a prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to any board.

310:14 Rehearing; Appeals.

I. Any person who has been denied a license or certification by the office or a board shall have the right to a rehearing before the appropriate board. Requests for a rehearing shall be made in writing to the appropriate board within 30 days of receipt of the original final decision.

II. Any person who has been disciplined by a board shall have the right to petition in writing for a rehearing within 30 days of receipt of the original final decision.

III. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant to RSA 541. No sanction shall be stayed by the board during an appeal.

310:15 Oversight Committee; Establishment; Purpose.

I. There shall be an oversight committee for the office of professional licensure and certification (OPLC) consisting of the following members:

(a) Three members of the house executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the president of the senate.

II. Membership on the oversight committee shall be for the duration of the biennium and shall be coterminous with membership in the general court. The first meeting of the committee shall be called by the first-named house member. The committee shall elect a chair from among the members at the first meeting of each biennium. Meetings shall be called as needed, but at least quarterly. The members of the committee shall receive mileage at the legislative rate when performing the duties of the committee. Three members of the committee shall constitute a quorum.

III. The committee shall provide legislative oversight and informational meetings on the policies and rules of the office as brought to its attention by office personnel, legislators, members of the boards, councils, committees, and commissions overseen by OPLC, and members of the professions under the jurisdiction of OPLC. The committee's work shall include analyzing the division of duties between administration and the boards in order to promote more productive and efficient interactions.

IV. The oversight committee shall recommend legislation deemed necessary to correct issues it identifies.

310:16 Military Service Members and Spousal Temporary Licensure. The office of professional licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered occupational or professional license in good standing issued by a state or territory of the United States, in accordance with rules adopted by executive director of the office of professional licensure and certification under RSA 541-A, provided that the applicant meets the requirements of this section, within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check. The rules shall contain the following provisions:

I. The applicant shall obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in New Hampshire so long as no cause for denial of a license exists under this title, or under any other law.

II. The license applicant must submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure and certifies that they meet those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

III. The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements. The applicant must make this request within 15 days prior to the temporary license's expiration date.

IV. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

2 Dedicated Fund; Office of Professional Licensure and Certification. Amend 6:12, I(b)(340) to read as follows:

(340) Moneys deposited in the office of professional licensure and certification fund established in RSA ~~[310-A:1-a]~~ **310:5**.

3 Transition; Administrative Rules; Recodification of Office of Professional Licensure and Certification. The rules adopted for any occupation or profession under the office of professional licensure and certification under former RSA 310-A:1-a in effect on the effective date of this act shall, to the extent practicable, continue and be effective and apply to such respective occupation or profession until they expire or are amended or repealed.

4 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:16-b, III to read as follows:

III. The mechanical licensing board with the approval of the executive director of the office of professional licensure and certification shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the office of professional licensure and certification fund established in RSA ~~[310-A:1-e]~~ **310:5**.

5 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:28, II to read as follows:

II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the office of professional licensure and certification and with the approval of the executive director of the office of professional licensure and certification, shall establish application fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified copies and reports, for inspections done pursuant to this subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure and certification, and for transcribing and transferring records and other services. The fee for examination by third parties shall be separate from the fees established by the board. Fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply. Fees collected shall be deposited in the office of professional licensure and certification fund established in RSA ~~[310-A:1-e]~~ **310:5**.

6 Reference Changed; Accountancy. Amend RSA 309-B:4, III to read as follows:

III. The office of professional licensure and certification shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates to practice under this chapter, for late renewals, for verification of licensure or examination, and for transcribing and transferring records and other services. All moneys collected by the office of professional licensure and certification from fees authorized under this chapter shall be received and accounted for by the office of professional licensure and certification, shall be deposited in the office of professional licensure and certification fund established in RSA ~~[310-A:1-e]~~ **310:5**. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees.

7 Reference Changed; Architects. Amend RSA 310-A:32, II to read as follows:

II. In adopting any rule under this section, the board **shall** consult with the office of professional licensure and certification established under RSA ~~[310-A:1 through RSA 310-A:1-e]~~ **310**.

8 Reference Changed; Body Art. Amend RSA 314-A:2, II to read as follows:

II. There shall be a fee for an initial license and a renewal license. The procedure and timeframe for license renewals shall be as described in RSA ~~[310-A:1-h]~~ **310**.

9 Reference Changed; Chiropractic. Amend RSA 316-A:14-a to read as follows:

316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire. Each applicant who qualifies under this chapter shall pay a fee for an initial license and a license renewal. The initial license and license renewals shall be valid for the terms established under RSA ~~[310-A:1-h]~~ **310**.

10 Reference Changed; Dentists Professional Health. Amend RSA 317-A:16-a, VII to read as follows:

VII. Rules governing the professional health program shall be implemented through the office of professional licensure and certification pursuant to RSA ~~[310-A:1-d, H(h)(4)]~~ **310**.

11 Reference Changed; Pharmacists. Amend RSA 318:1, XV-a to read as follows:

XV-a. "Practitioner-patient relationship" means a medical connection between a licensed practitioner and a patient that includes an in-person exam or an exam using telemedicine, as defined in RSA ~~[310-A:1-g, I-b]~~ **310**, provided the health care practitioner: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the health care practitioner's name, contact information, and the type of health occupation license held by the health care practitioner; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A health care practitioner shall complete or review a history, a diagnosis, a treatment plan appropriate for the practitioner's scope of practice, and documentation of all prescription drugs including name and dosage. A practitioner may prescribe for a patient whom the practitioner does not have a practitioner-patient relationship under the following circumstances: for a patient of another practitioner for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis for a new patient

prior to the patient's first appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a relationship.

12 Reference Changed; Nurse Practice Act. Amend RSA 326-B:36-a, VI-a, (c) to read as follows:

(c) Rules governing this program shall be implemented through the office of professional licensure and certification pursuant to RSA ~~[310-A:1-d, H(h)(4)]~~ **310**.

13 Reference Changed; Acupuncture. Amend RSA 328-G:9, IX to read as follows:

IX. The procedure and timeframe for license renewals shall be as described in RSA ~~[310-A:1-h]~~ **310**.

14 Reference Changed; Reflexologists. Amend RSA 328-H:2, IV-a to read as follows:

IV-a. "Executive director" means the executive director of the office of professional licensure and certification established under RSA ~~[310-A:1 through RSA 310-A:1-e]~~ **310**.

15 Reference Changed; Physicians. Amend RSA 329:1-c to read as follows:

329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection between a licensed physician and a patient that includes an in-person exam or an exam using telemedicine, as defined in RSA ~~[310-A:1-g, I-b]~~ **310**, provided the physician: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the physician's name, contact information, and the type of health occupation license held by the physician; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A physician shall complete or review a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a physician-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment or when providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

16 Reference Changed; Physicians. Amend RSA 329:1-d, I to read as follows:

I. "Telemedicine" means the use of audio, video, or other electronic media and technologies by a physician in one location to a patient in a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions as defined in RSA ~~[310-A:1-g]~~ **310**.

17 Reference Changed; Physicians Health. Amend RSA 329:13-b, VII to read as follows:

VII. Rules governing the program shall be implemented through the office of professional licensure and certification pursuant to RSA ~~[310-A:1-d, H(h)(4)]~~ **310**.

18 Reference Changed; Administrative Procedures. Amend 541-A:29-a, I to read as follows:

I. If an agency fails to take any required action on an application, petition, or request within the time limits prescribed by RSA 541-A:29 or any other provisions of law, the application, petition, or request shall be deemed approved and any permit, approval or other item requested shall be deemed granted to or received by the applicant, petitioner, or requestor, except as provided in RSA ~~[310-A:1-d, V]~~ **310**.

19 Reference Changed; Planning Boards. Amend RSA 676:4-b, V to read as follows:

V. Any person who becomes aware of a failure by a third party inspector to report properly and promptly a construction defect or deviation from the terms of the approval or approved project plans, may file a written complaint to the ~~[joint board established under RSA 310-A:1]~~ **office of professional licensure and certification under RSA 310** for possible ~~[peer review or]~~ disciplinary action.

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

AMENDED ANALYSIS

The bill consolidates administrative authority for the office of professional licensure and certification (OPLC) in a new chapter of law.

HB 48-FN, relative to employee protections from COVID-19 in the workplace. **INEXPEDIENT TO LEGISLATE**.

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. This bill was a resubmission of a bill brought before the Labor Committee last term. The bill was voted Inexpedient to Legislate last year because there was no indication that any New Hampshire employee had been denied their right to be vaccinated or to use protective equipment while at the workplace. There was no indication that in the past year any New Hampshire employee had been denied their right to be vaccinated or to use protective equipment. The committee did not feel there was any need for the proposed law and voted unanimously to recommend the bill as Inexpedient to Legislate again. Vote 20-0.

HB 118-FN, prohibiting employers from engaging in certain anti-union activities. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Granger for Labor, Industrial and Rehabilitative Services. Though well intentioned, the premise of the bill has structural issues that make the bill problematic. The sponsor was in agreement that the bill should not pass as written and supported the Inexpedient to Legislate motion. Vote 19-1.

HB 241, relative to the opportunity of school district employees representing the collective bargaining unit to meet with the public employer as part of collective bargaining negotiations. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This bill was brought to us concerning one collective bargaining negotiation from one specific municipality. There had been difficulty scheduling mutually agreeable times for contract negotiations. This bill was submitted under the assumption that current law will require all negotiations to take place during regular school hours when employee representatives request it. This bill would flip that assumption, requiring instead all negotiations to take place outside of regular hours unless otherwise mutually agreed upon. The committee heard that schedules are themselves negotiated and that the expectation is that there will be give and take from both sides. While this case did not go to the Public Employee Labor Relations Board for adjudication, past precedent suggests the PELRB would have required equal accommodation from both sides. Labor law is intended to provide a fair structure under which contracts can be negotiated. We cannot recommend a change that is intended to benefit one side exclusively. Vote 20-0.

HB 410, relative to municipality ranked list promotions. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This bill proposes to reinforce the use of ranked list promotion where that system is in place as part of a collective bargaining agreement. The committee heard testimony about a subdivision where employees are passed over, perhaps for unfair reasons such as favoritism or nepotism. While the committee does not condone such practices, this solution would not seem appropriate. Testimony highlighted problems with the proposed fix as it applies to other job functions in other municipalities. Furthermore, said problem can be fixed through the collective bargaining process as part of a future contract negotiation. Furthermore, the municipalities themselves have the ability to create rules governing the use of ranked lists and to restrict favoritism during promotion decisions. The state should not get in the middle of union contract negotiations where the system in place is capable of resolving the problem. Vote 20-0.

HB 134-FN, extending the public employees labor relations act to employees of the general court and relative to the duties of the joint committee on legislative facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Nikki McCarter for Legislative Administration. This bill establishes the opportunity for nonpartisan employees of the General Court to collectively bargain. The intent, according to the bill sponsors, is to "level the playing field" with regards to salaries and benefits. The majority of the committee sees the consequences of a collective bargaining agreement, which would be the elimination of individual negotiating power based on merit and performance. The committee believes the 30+ employees who would be affected by passage of this legislation have never been questioned if they want to collectively bargain and, in fact, do not want to collectively bargain. Vote 15-0.

HB 245-FN, relative to the compensation of members of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for Legislative Administration. The committee heard testimony that this bill would require the State Treasurer to secure enough silver \$1 coins to pay members of the state legislature. Setting aside the difficulties of procuring sufficient quantity and the problems for legislators to convert heavy coinage into a more convenient form of currency, the fundamental problem with the concept is that due to market fluctuations in the value of silver, and the purity of the silver coinage, the constitutionally required set compensation of \$200, if paid to a legislator in silver coins, would, at the very least, be extremely difficult to regulate and, at the very most, be a clear violation of the state constitution. For these reasons, the committee unanimously voted Inexpedient to Legislate on this bill. Vote 15-0.

HCR 6, relative to condemning the use of violence against supporters of self-governance. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Legislative Administration. In 1784 the people inhabiting the geography of what is now the State of New Hampshire established, by name and with their consent, a new government. In a matter of note, that government was approved by a super-majority of the people themselves, not merely their deputies-- an exercise in true self-governance. There has been no evidence provided to the committee that, in the words of Part 1 Article 10 of the New Hampshire Constitution (Right of Revolution), "the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual." On the contrary, New Hampshire persists as the freest of all the states in the Union. The committee finds that not all intentions of self-governance are justifiable, nor peaceable, and therefore the use of force should not be ruled out. Vote 15-0.

HB 296, relative to local authority for granting driveway permits. **OUGHT TO PASS WITH AMENDMENT.** Rep. Mark Vallone for Public Works and Highways. This amended bill revises part of the State Fire Code: Authority for Driveway Permits (RSA 153:5). As amended, the bill helps clarify the authority of local land use boards to regulate driveway access. With a compromise amendment, the bill establishes a minimum driveway width of 12 feet for driveways over 150 feet in length for detached one- or two-family dwellings in structures used only for residential purposes. Vote 17-0.

Amendment (0743h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Fire Code; Authority for Driveway Permits. Amend RSA 153:5 by inserting after paragraph V the following new paragraph:

VI. The provisions of the state fire code and associated rules shall not supersede the authority of local land use boards under planning and zoning provisions of Title LXIV of the RSA to regulate and permit driveway access, when not governed by RSA 236:13, for detached one, or two-family dwelling units in a structure used only for residential purposes, and provided that minimum driveway width shall not be less than 12 feet for driveways over 150 feet in length.

AMENDED ANALYSIS

This bill clarifies the authority for local land use boards to regulate driveway access for residential properties. **HB 137**, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees. **OUGHT TO PASS.**

Rep. Ted Gorski for Transportation. This bill clears up a conflict with federal law. If New Hampshire does not comply with federal law, New Hampshire would jeopardize federal funds. The second part of the bill creates a committee to study collection and dispersal of boat registration fees. Vote 20-0.

REGULAR CALENDAR

HB 497-FN, relative to the confidentiality of records within the division of children, youth, and families. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill changes the method case records can be accessed from one where the commissioner determines if they can be disclosed, to the commissioner petitioning the court to keep them sealed. Certain records could still stay confidential, this bill gives courts discretion to decide.

Rep. Sandra Panek

Statement in support of Inexpedient to Legislate: The changes proposed by this bill would require the Division of Children, Youth and Families (DCYF) to seek a court hearing each time they receive a request for records in a case that is still under investigation or that has a concurrent law enforcement investigation. RSA 170-G8(a) already requires the DCYF to release records to nine categories of people, including parents and guardians. It does not allow the withholding of records except in circumstances where the release would cause harm to the child. DCYF testified that in practice, records are released once a determination has been made in a case, not while allegations are still being investigated. Further, DCYF is not able to release records while there is an open, concurrent law enforcement investigation nor able to release third-party records such as from a pediatrician or therapist because DCYF does not own those records. Should this bill be adopted, parents and guardians would have to wait longer for records to be processed. Further, the bill would require DCYF to seek a court hearing to prevent further sharing of released records, placing children's sensitive, personal information at risk of exposure. DCYF testified that they have a backlog of records requests; the solution to the backlog is increased staffing, not adding burdensome hearings to an over-scheduled court system.

Rep. Heather Raymond

Rep. Panek moved Ought to Pass and spoke in favor.

Rep. Raymond spoke against.

Rep. Kofalt spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 178 - NAYS 173

YEAS - 178

BELKNAP

Bean, Harry
McCarter, Nikki
Beaudoin, Richard

Bogert, Steven
Nagel, David
Smart, Lisa

Comtois, Barbara
O'Hara, Travis
Terry, Paul

Dumais, Russell
Ploszaj, Tom

CARROLL

Avellani, Lino
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
Peternel, Katy

Crawford, Karel
Brown, Richard

CHESHIRE

Hunt, John
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheftort, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Kennedy, Stephen
Sanborn, Laurie
McLean, Mark
Pank, Sandra
Reid, Karen
Sirois, Shane
Ulery, Jordan

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
Mooney, Maureen
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Plett, Fred
Seidel, Sheila
Mannion, Tom

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Gould, Linda
McGough, Tim
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

MERRIMACK

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

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

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

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Quaratiello, Arlene
Summers, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Soti, Julius
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Bailey, Glenn
Harrington, Michael
Newton, Clifford

Bickford, David
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

Granger, Michael
Turcotte, Len

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

NAYS - 173**BELKNAP**

Coker, Matthew

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Richard
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Harvey, Cathryn
Filiault, Shaun
Newell, Jodi
Weber, Lucy

Fox, Dru
Germana, Nicholas
Parshall, Lucius

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Noël, Henry

GRAFTON

Almy, Susan
 Fellows, Sallie
 Sullivan, Jared
 Nordgren, Sharon

Baldwin, Heather
 Hakken-Phillips, Mary
 Lovett, Peter
 Stavits, Laurel

Bolton, Bill
 Hoyt, Tommy
 Morse, Corinne
 Stringham, Jerry

Cormen, Thomas
 Murphy, James
 Muirhead, Russell
 Sykes, George

HILLSBOROUGH

Murray, Alistandra
 Bouchard, Donald
 Chretien, Jacqueline
 Elberger, Susan
 Grill, Jessica
 Herbert, Christopher
 Fogg, Loren
 Leishman, Peter
 Perez, Maria
 Ming, Ben
 Nutter-Upham, Frances
 Preece, David
 Rombeau, Catherine
 Seibert, Christine
 Telerski, Laura
 Wheeler, Jonah

Nutting-Wong, Allison
 Bouldin, Amanda
 Cornell, Patricia
 Davis, Fred
 Hamer, Heidi
 Jack, Martin
 Lanza, Judi
 Long, Patrick
 MacKenzie, Mark
 Morton, Jennifer
 O'Brien, Michael
 Proulx, Mark
 Rung, Rosemarie
 Sofikitis, Catherine
 Vail, Suzanne
 Wilhelm, Matthew

Beaulieu, Jane
 Bradley, Amy
 Darby, Will
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Smith, Juliet
 Leapey, Nicole
 Howard, Molly
 Mangipudi, Latha
 Moulton, Candace
 Pedersen, Michael
 Newman, Ray
 Ryan, Linda
 Spier, Carry
 Veilleux, Daniel

Booras, Efstathia
 Calabro, Karen
 Dutzy, Sherry
 Gregg, Alicia
 Heath, Mary
 Juris, Louis
 LeClerc, Daniel
 Murray, Megan
 McGhee, Kat
 Murphy, Nancy
 Pettrigno, Peter
 Raymond, Heather
 Newman, Sue
 Staub, Kathy
 Thomas, Wendy

MERRIMACK

Turcotte, Alan
 Ebel, Karen
 Hall, Muriel
 Myler, Mel
 Schultz, Kristina
 Wolf, Dan

Brennan, Angela
 Ellison, Arthur
 Lane, Connie
 Payeur, Stephanie
 Shurtleff, Steve

Caplan, Tony
 Gallager, Eric
 Luneau, David
 Richards, Beth
 Soucy, Timothy

Carey, Lorrie
 Gibbs, Merryl
 McWilliams, Rebecca
 Schuett, Dianne
 Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
 Grossman, Gaby
 Murray, Kate
 Maggiore, Jim
 O'Neil, Candice
 Vallone, Mark

DiLorenzo, Charlotte
 Grote, Jaci
 Knab, Allison
 Malloy, Dennis
 Reynolds, Ned
 Vogt, Robin

Edgar, Michael
 Hamblet, Joan
 Cahill, Michael
 Manos, Zoe
 Simpson, Alexis
 Ward, Gerald

Gilman, Julie
 Haskins, Linda
 Paige, Mark
 Meuse, David
 Turer, Eric

STRAFFORD

Bay, Luz
 Conlin, Bill
 Howard, Heath
 LaMontagne, Jessica
 Pare, Gail
 Vincent, Kenneth

Bixby, Peter
 Fitzpatrick, Daniel
 Horrigan, Timothy
 Levesque, Cassandra
 Selig, Loren
 Wall, Janet

Rich, Cecilia
 Smith, Geoffrey
 Howland, Allan
 Smith, Marjorie
 Southworth, Thomas

Cannon, Gerri
 Grassie, Chuck
 Kenney, Cam
 Schmidt, Peter
 Treleaven, Susan

SULLIVAN

Sullivan, Brian
 Palmer, William

Cloutier, John
 Tanner, Linda

Damon, Hope

Merchant, Gary

and the motion of Ought to Pass was adopted and the bill was ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hoell moved that the House reconsider its action whereby, on a roll call vote of 178-173, the House adopted the motion of Ought to Pass on **HB 497-FN**, relative to the confidentiality of records within the division of children, youth, and families.

Rep. Hoell spoke against.

On a division vote, with 174 members having voted in the affirmative, and 182 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 76, imposing a waiting period between the purchase and delivery of a firearm. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would establish a three-day waiting period between the time a firearm is sold by a licensed importer, dealer, manufacturer, or collector in New Hampshire and the time

the firearm can be delivered to or picked up by the new owner. Similar waiting periods have been adopted in other states whose legislatures have recognized that a brief “cooling-off” period can reduce suicide and other forms of violence by offering a troubled person who impulsively purchases a firearm additional time to gain perspective when a situation in the moment seems intolerable or hopeless. According to the New Hampshire Office of the Chief Medical Examiner, 118 out of 129 firearm deaths in 2020, about 91 percent, were suicides. From 2015 through 2019, suicide was the second-leading cause of death in the Granite State among those ages 10 to 34. Meanwhile, death from firearms remains the most lethal form of suicide with approximately a 90% mortality rate. To reduce delays for those with an immediate need for a firearm, the bill also includes a long list of sensible exceptions, including ones for people who have completed a hunter safety course, active-duty police and law enforcement personnel, people under the protection of a restraining order, and persons who have expressed a reasonable fear for their personal safety to a law enforcement officer.

Rep. David Meuse

Statement in support of Inexpedient to Legislate: After hearing testimony, the reasons given for implementing a three-day waiting period to reduce suicide do not overcome the balance of allowing the citizens of New Hampshire the right to purchase a firearm in a timely fashion. This bill as proposed makes certain illogical carve outs. For example, an individual who is the plaintiff in an ex parte protective order would not have to comply with a three-day waiting period. Additionally, if an individual possesses a hunting license, they do not need to wait three days, yet if you possess a New Hampshire Pistol License you are not exempted. The language of this bill is very conflicting. There is no constitutional nexus between the right to bear arms and the privilege of hunting. Furthermore, there is an exemption for a handgun purchased by any active-duty state, county, or municipal law enforcement officer, active-duty state or county correctional officer, or active-duty member of the armed forces as defined in RSA 21:50, III, thus giving the people in these listed professions, greater rights than other citizens. Conversely, this bill does not allow an exemption for a person who trades one firearm in for another through a licensed dealer. It should also be noted, recent federal law now mandates all individuals under the age of 21 years of age be given a “delayed” status for three days, during the three days NICS will notify the FFL that there will be an additional 10-day window for further research on a background check. New Hampshire is one of the safest states in the country, it has a long history of responsible gun ownership. We should not be restricting the overwhelming majority for a very small minority of our citizens. No New Hampshire law enforcement agency asked for or testified in favor of this bill.

Rep. Jonathan Stone

Rep. Meuse moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Rhodes spoke against.

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 168 - NAYS 193

YEAS - 168 BELKNAP

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Burroughs, Anita Paige, David McAleer, Chris

CHESHIRE

Ames, Richard	Harvey, Cathryn	Fox, Dru	Eaton, Daniel
Faulkner, Barry	Filiault, Shaun	Germana, Nicholas	Jones, Philip
Newell, Jodi	Parshall, Lucius	Schapiro, Joe	Toll, Amanda
Weber, Lucy			

COOS

Cascadden, Corinne Noël, Henry

GRAFTON

Almy, Susan	Baldwin, Heather	Bolton, Bill	Cormen, Thomas
Fellows, Sallie	Hakken-Phillips, Mary	Hoyt, Tommy	Murphy, James
Sullivan, Jared	Lovett, Peter	Massimilla, Linda	Morse, Corinne
Muirhead, Russell	Nordgren, Sharon	Stavis, Laurel	Stringham, Jerry
Sykes, George			

HILLSBOROUGH

Murray, Alissandra	Nutting-Wong, Allison	Beaulieu, Jane	Booras, Efstathia
Bouchard, Donald	Bouldin, Amanda	Bradley, Amy	Chretien, Jacqueline
Cornell, Patricia	Darby, Will	Devine, Shelley	DiSilvestro, Linda
Dutzy, Sherry	Elberger, Susan	Davis, Fred	Gregg, Alicia

Grill, Jessica
Herbert, Christopher
Foxy, Loren
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Veilleux, Daniel

Hamer, Heidi
Jack, Martin
Lanza, Judi
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Raymond, Heather
Newman, Sue
Staub, Kathy
Thomas, Wendy

Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Wilhelm, Matthew

Heath, Mary
Juris, Louis
LeClerc, Daniel
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Vail, Suzanne

MERRIMACK

Brennan, Angela
Gallager, Eric
Luneau, David
Richards, Beth
Shurtleff, Steve

Caplan, Tony
Gibbs, Merryl
McWilliams, Rebecca
Roesener, James
Soucy, Timothy

Ebel, Karen
Hall, Muriel
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

Ellison, Arthur
Lane, Connie
Payeur, Stephanie
Schultz, Kristina
Wolf, Dan

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
O'Neil, Candice
Vogt, Robin

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Raynolds, Ned
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
Meuse, David
Turer, Eric

STRAFFORD

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

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

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 193

BELKNAP

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

Bogert, Steven
Dumais, Russell
O'Hara, Travis
Terry, Paul

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard

CARROLL

Avellani, Lino
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
Pernel, Katy

Crawford, Karel
Brown, Richard

CHESHIRE

Hunt, John
Santonastaso, Matthew

Monteil, Renee
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheport, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Calabro, Karen
Creighton, Jim
Fedolfi, Jim
Gorski, Ted
Kenny, Catherine
Leishman, Peter

Abare, Kimberly
King, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Healey, Robert
Kofalt, Jim
Mazur, Lisa

Alexander, Joe
Berry, Ross
Cole, Brian
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda
McGough, Tim

Ammon, Keith
Boehm, Ralph
Corcoran, Travis
Erf, Keith
Goley, Jeffrey
Kennedy, Stephen
Sanborn, Laurie
McLean, Mark

Mooney, Maureen
Pauer, Diane
Reid, Karen
Sirois, Shane
Ulery, Jordan

Noble, Kristin
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Wheeler, Jonah

Notter, Jeanine
Post, Lisa
Seidel, Sheila
Mannion, Tom
Wherry, Robert

Panek, Sandra
Proulx, Mark
Sheehan, Vanessa
Tenczar, Jeffrey

MERRIMACK

Turcotte, Alan
McGuire, Carol
Gerhard, Jason
Mason, James
Seaworth, Brian
Wood, Clayton

Andrus, Louise
Cambrils, Jose
Hill, Gregory
Moffett, Michael
See, Alvin

Aures, Cyril
Carey, Lorrie
Hoell, J.R.
Polozov, Yury
Walsh, Thomas

Aylward, Deborah
McGuire, Dan
Leavitt, John
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Cahill, Tim
Tudor, Paul
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vallone, Mark
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Bailey, Glenn
Harrington, Michael
Newton, Clifford

Bickford, David
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

Granger, Michael
Turcotte, Len

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion of Ought to Pass failed.

Rep. Roy moved Inexpedient to Legislate.
Motion was adopted.

HB 89, relative to posthumous exonerations and annulments. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David Meuse for Criminal Justice and Public Safety. While it is not possible to go back in time and correct an unjust criminal prosecution, this bill allows us to acknowledge that the injustice occurred and gives the general court the ability to posthumously exonerate individuals who have suffered unjustly at the hands of our criminal justice system. The bill also exonerates Eunice “Goody” Cole of Hampton, who is the only person ever convicted of witchcraft in New Hampshire; and Willard Uphaus who ran the World Fellowship Center in Albany. During the early colonial era, Cole was convicted, flogged and imprisoned for casting spells and for “familiarity with the devil.” Uphaus was imprisoned in the 1950’s by refusing to comply with a subpoena from the New Hampshire Attorney General, who demanded he turn over a list of guests of the World Fellowship Organization so they could be combed through for connections with subversive organizations, including the Communist Party. After several appeals, Uphaus was sentenced to a year in jail for refusing to comply as a matter of conscience. In hindsight, both episodes are examples of what can happen when irrational fear or political fervor overcome good judgment. The bill acknowledges injustices occurred in both cases and confirms that we are able to set the record straight and admit our past mistakes. Vote 20-0.

Amendment (0472h)

Amend the title of th1e bill by replacing it with the following:

AN ACT relative to posthumous exonerations.

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

1 Posthumous Exoneration. The general court recognizes that on occasion a mistake may be made in the criminal justice process that does not become evident until after the person who was the subject of the mistake is deceased, or with the passage of time the manifest injustice of a law or policy for which someone was arrested and prosecuted and punished becomes apparent after the person is deceased.

2 New Section; Posthumous Exoneration. Amend RSA 651 by inserting after section 5-b the following new section:

651:5-c Posthumous Exoneration. In cases where the judgment of history is that an individual now deceased suffered an unjust criminal prosecution, the general court may, notwithstanding the provisions of part II, article 52 of the New Hampshire constitution and RSA 651:5, acknowledge the injustice and posthumously exonerate any arrest and conviction of the individual for the sole purpose of correcting the historic record. Posthumous exoneration under this section shall not be considered a pardon or annulment. Such legislative action to posthumously remedy manifest historic injustice shall not entitle the heirs or the estate of the person who suffered the injustice to recover damages from the state, nor shall it be deemed to create any other legal right or remedy in any person as a result of such posthumous exoneration.

3 Posthumous Exoneration of Conviction of Willard Uphaus. Pursuant to RSA 651:5-c, as inserted by section 1 of this act, the general court finds the conviction and imprisonment of Willard Uphaus in connection with the provisions of the New Hampshire subversive activities act was a manifest injustice and by this act corrects that historical error and exonerates Willard Uphaus.

4 Posthumous Exoneration of Arrests and Flogging and Imprisonment of Eunice “Goody” Cole. Pursuant to RSA 651:5-c, as inserted by section 1 of this act, the general court finds the arrests, convictions, floggings and imprisonment of Eunice “Goody” Cole for witchcraft and familiarity with the devil was a manifest injustice, and by this act corrects that historical error and exonerates Eunice “Goody” Cole.

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

AMENDED ANALYSIS

This bill provides that the general court may grant a posthumous exoneration in a case where, over time, the manifest injustice of the law or policy for which the person was convicted becomes evident. The bill grants a posthumous exoneration of the convictions of Willard Uphaus and Eunice “Goody” Cole. Committee amendment was adopted.

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

Rep. Janvrin spoke in favor.

On a division vote, with 317 members having voted in the affirmative, and 45 in the negative, the committee report was adopted and the bill was ordered to third reading.

HB 328-FN, an act legalizing certain controlled substances for persons 21 years of age or older. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. After a public hearing, the majority of the committee recommends this bill be found inexpedient to legislate. This bill seeks to legalize hallucinogenic drugs such as LSD, mescaline, psilocybin, and peyote for persons 21 years of age and older. There was some testimony alluding to possible medical benefits to these drugs but nothing that has been embraced by the medical community to the level that would justify broad, unrestricted legalization. If there are indeed any medical benefits to these controlled substances, evidence of such should first be provided by extensive controlled studies, and then legalization proposed for the limited purposes for which they have been shown to be efficacious. In any event, barring changes at the federal level, even that would be pointless. The federal government continues to classify them as illegal for having no valid medical purpose. Unlike marijuana, people under the influence of these drugs have been shown to sometimes become violent and suicidal. There is no way to predict how each person will react. In the midst of a crisis where we are seeing young Granite Staters dying from illegal drugs, attempts by the legislature to legalize more of them, are in the opinion of the majority, drastically out of touch with what the majority of our constituents expect from us. Vote 17-3.

Rep. Jonah Wheeler for the Minority of Criminal Justice and Public Safety. The minority of the committees felt criminalization of these substances has caused more harm than help. The substances which would be legal if passed are colloquially known as psychedelics. These substances have shown promise in addressing trauma, mental health crises, and no evidence suggests an addictive nature to them. In fact, the committee heard testimony that the substances legalized in this bill helped individuals overcome addiction.

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

Rep. Verville spoke against.

Rep. Roy spoke in favor.

Rep. Reid requested a roll call; sufficiently seconded.

YEAS 290 - NAYS 76

YEAS - 290

BELKNAP

Bean, Harry
Dumais, Russell
Nagel, David
Terry, Paul

Bogert, Steven
Huot, David
O'Hara, Travis

Bordes, Mike
Harvey-Bolia, Juliet
Beaudoin, Richard

Coker, Matthew
McCarter, Nikki
Smart, Lisa

CARROLL

Buco, Thomas
Paige, David
Brown, Richard

Burroughs, Anita
MacDonald, John
Woodcock, Stephen

Cordelli, Glenn
McAleer, Chris

Crawford, Karel
Peternel, Katy

CHESHIRE

Ames, Richard
Hunt, John
Parshall, Lucius
Nutting, Zachary

Harvey, Cathryn
Jones, Philip
Qualey, James

Fox, Dru
Monteil, Renee
Rhodes, Jennifer

Eaton, Daniel
Newell, Jodi
Weber, Lucy

COOS

Davis, Arnold
Tierney, James

Cascadden, Corinne

Merner, Troy

Ouellet, Mike

GRAFTON

Almy, Susan
Cormen, Thomas
Hoyt, Tommy
Massimilla, Linda
Sellers, John
Sykes, George

Baldwin, Heather
Fellows, Sallie
Murphy, James
Morse, Corinne
Simon, Matthew

Bolton, Bill
Greeson, Jeffrey
Ladd, Rick
Nordgren, Sharon
Stavis, Laurel

Brown, Carroll
Hakken-Phillips, Mary
Lovett, Peter
Rocheft, David
Stringham, Jerry

HILLSBOROUGH

Abare, Kimberly
Beaulieu, Jane
Bouchard, Donald
Cole, Brian
Devine, Shelley
Erf, Keith
Gagne, Larry
Hamer, Heidi
Herbert, Christopher
Smith, Juliet
Kofalt, Jim
Lanza, Judi
Leishman, Peter
MacKenzie, Mark
McGough, Tim
Moulton, Candace
Panek, Sandra
Plett, Fred
Raymond, Heather
Rung, Rosemarie
Sheehan, Vanessa
Telerski, Laura
Veilleux, Daniel

Alexander, Joe
Berry, Ross
Bradley, Amy
Cornell, Patricia
DiSilvestro, Linda
Davis, Fred
Goley, Jeffrey
Harriott-Gathright, Linda
Infantine, William
Juris, Louis
Foxy, Loren
Lascelles, Richard
Long, Patrick
Mangipudi, Latha
Ming, Ben
Murphy, Nancy
Pauer, Diane
Preece, David
Reid, Karen
Ryan, Linda
Sirois, Shane
Tenczar, Jeffrey
Wherry, Robert

Boyd, Bill
Boehm, Ralph
Calabro, Karen
Creighton, Jim
Dutzy, Sherry
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Jack, Martin
Kennedy, Stephen
Gould, Linda
Leapley, Nicole
Howard, Molly
Mazur, Lisa
Mooney, Maureen
Notter, Jeanine
Pedersen, Michael
Proulx, Mark
Renzullo, Andrew
Newman, Sue
Spier, Carry
Ulery, Jordan
Wilhelm, Matthew

King, Bill
Booras, Efstathia
Colcombe, Riché
Darby, Will
Elberger, Susan
Griffin, Gerald
Gregg, Alicia
Heath, Mary
Judy, Jean
Kenny, Catherine
Sanborn, Laurie
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Morton, Jennifer
O'Brien, Michael
Petrigno, Peter
Newman, Ray
Rombeau, Catherine
Seidel, Sheila
Staub, Kathy
Vail, Suzanne

MERRIMACK

Turcotte, Alan
Brennan, Angela
Ebel, Karen
Lane, Connie
Moffett, Michael
Boyd, Stephen
Soucy, Timothy
Wolf, Dan

Andrus, Louise
Cambrils, Jose
Ellison, Arthur
Leavitt, John
Myler, Mel
Schuett, Dianne
Walsh, Thomas
Wood, Clayton

Aures, Cyril
Caplan, Tony
Hall, Muriel
Luneau, David
Payeur, Stephanie
See, Alvin
Testerman, Dave

Aylward, Deborah
Carey, Lorrie
Hill, Gregory
Mason, James
Richards, Beth
Shurtleff, Steve
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Thomas, Douglas
Doucette, Fred
Emerick, Tracy
Grote, Jaci
Harley, Tina
Janigian, John
Katsakiores, Phyllis
Walsh, Lilli
Cahill, Michael
Malloy, Dennis
Melvin, Charles

Ball, Lorie
DeSimone, Debra
Drago, Mike
Foote, Charles
Guthrie, Joseph
Haskins, Linda
Janvrin, Jason
Khan, Aboul
Love, David
Paige, Mark
Manos, Zoe
Meuse, David

Bernardy, JD
DiLorenzo, Charlotte
Dunn, Ron
Gilman, Julie
Hamblet, Joan
Hobson, Deb
Murray, Kate
Knab, Allison
Lundgren, David
Pearson, Mark
McDonnell, Valerie
Milz, David

Mannion, Dennis
Donnelly, Tanya
Edgar, Michael
Grossman, Gaby
Harb, Robert
Nelson, Jodi
Perez, Kristine
Kuttab, Katelyn
Lynn, Bob
Maggiore, Jim
McMahon, Charles
O'Neil, Candice

Ford, Oliver
Porcelli, Susan
Quaratiello, Arlene
Summers, James
Dolan, Tom
Vallone, Mark
Weyler, Kenneth

Osborne, Jason
Potucek, John
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael

Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sytek, John
Tudor, Paul
MacDonald, Wayne

Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Cahill, Tim
Turer, Eric
Ward, Gerald

STRAFFORD

Bay, Luz
Rich, Cecilia
Rich, Jeffrey
Smith, Marjorie
Pitre, Joseph
Wall, Janet

Bickford, David
Cannon, Gerri
Turcotte, Len
Newton, Clifford
Selig, Loren

Bixby, Peter
Horgan, James
LaMontagne, Jessica
Schmidt, Peter
Southworth, Thomas

Burnham, Claudine
Howland, Allan
Levesque, Cassandra
Pare, Gail
Treleaven, Susan

SULLIVAN

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

Sullivan, Brian
Merchant, Gary
Spilsbury, Walter

Cloutier, John
Palmer, William
Stapleton, Walter

Damon, Hope
Rollins, Skip
Stone, Jonathan

NAYS - 76

BELKNAP

Comtois, Barbara

Ploszaj, Tom

St. Clair, Charlie

CARROLL

Avellani, Lino

Costable, Michael

Smith, Jonathan

CHESHIRE

Faulkner, Barry
Schapiro, Joe

Filiault, Shaun
Toll, Amanda

Germana, Nicholas

Santonastaso, Matthew

COOS

Noël, Henry

King, Seth

GRAFTON

Berezhny, Lex

Coulon, Matthew

Sullivan, Jared

Muirhead, Russell

HILLSBOROUGH

Lekas, Alicia
Bouldin, Amanda
Ford, Damond
McLean, Mark
Seibert, Christine
Thomas, Wendy

Murray, Alissandra
Chretien, Jacqueline
Kelley, Diane
Noble, Kristin
Sofikitis, Catherine
Wheeler, Jonah

Nutting-Wong, Allison
Corcoran, Travis
Grill, Jessica
Nutter-Upham, Frances
Lekas, Tony

Ammon, Keith
Cushman, Leah
Perez, Maria
Post, Lisa
Mannion, Tom

MERRIMACK

McGuire, Carol
Gibbs, Merryl
Roesener, James

McGuire, Dan
Hoell, J.R.
Schultz, Kristina

Gallager, Eric
McWilliams, Rebecca
Seaworth, Brian

Gerhard, Jason
Polozov, Yury

ROCKINGHAM

Brouillard, Jacob
Soti, Julius
Verville, Kevin

Layon, Erica
Spillane, James
Vogt, Robin

Phillips, Emily
True, Chris
Wallace, Scott

Raynolds, Ned
Vandecasteele, Susan
Yokela, Josh

STRAFFORD

Bailey, Glenn
Granger, Michael
Horrigan, Timothy
Vincent, Kenneth

Conlin, Bill
Grassie, Chuck
Kaczynski, Thomas

Fitzpatrick, Daniel
Howard, Heath
Kenney, Cam

Smith, Geoffrey
Harrington, Michael
Potenza, Kelley

and the majority committee report was adopted.

HB 360-FN, an act legalizing cannabis for persons 21 years of age or older. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. This majority of the committee agreed that this bill should be found inexpedient to legislate, albeit for different reasons. Some of the majority members agree with marijuana legalization in principle but felt that this bill was not the best legislation to accomplish this. These members felt that as New Hampshire is the lone state in New England that still

criminalizes cannabis, there is a high likelihood that New Hampshire citizens who want to obtain and use cannabis products, probably already are. They felt that if that is the case, by keeping it criminal we are accomplishing nothing other than exposing more citizens to potential criminal justice system involvement. These members also expressed that by legalizing it, there would be a better chance that the products being used would be safer than that which is available on the black market. That being said, these members believe other legislation that is before other committees is the best vehicle to accomplish this. The other members of the majority oppose legalization for public health and safety reasons. They felt that this bill, legalizing cannabis for persons 21 years or older, would be detrimental to the health and safety of the public. They cited statistics in states that have legalized cannabis that show an increase in highway deaths. According to the national Highway Traffic Safety Administration, 12.6 percent of weekend nighttime drivers tested positive for THC in 2013-2014, compared to 8.6 percent in 2007. These members also believe that evidence shows that there is permanent brain damage from heavy marijuana use in persons under age 25, precisely when the human brain is finishing the development of the parts used for reasoning and critical thinking. Vote 11-9. Rep. Jodi Newell for the Minority of Criminal Justice and Public Safety. Given that the majority of New Hampshire residents believe cannabis should be legal for adult use, that its health impact is much less detrimental than that of alcohol, which is legal over the age of 21, and that the lifelong harm of criminalization far outweighs that of responsible consumption, the minority supports this bill.

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

Reps. Verville and Newell spoke against.

Rep. Roy spoke in favor.

Rep. Lilli Walsh requested a roll call; not sufficiently seconded.

On a division vote, with 160 members having voted in the affirmative, and 210 in the negative, the majority committee report failed.

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

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

HB 444-FN, prohibiting possession of a firearm at a polling place. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Dennis Mannion for the Majority of Criminal Justice and Public Safety. This bill would prohibit people from exercising one constitutional right in order to exercise another. Specifically, the right to keep and bear a firearm while voting. The majority of the members feel that this is an infringement on that right and it might actually deter some citizens from voting and thus cause the government to be discouraging the exercising of two constitutional rights. Vote 11-9.

Rep. Jodi Newell for the Minority of Criminal Justice and Public Safety. Considering that we already understand the benefit of limiting speech within 100 feet of a polling place, reducing the potential for undue influence and intimidation political speech may have, and recognizing a recent uptick in reports of intimidation using a firearm, we acknowledge and affirm the benefit of limiting such intimidation involving the possession of a firearm in a polling place. Given that the location itself is secure and is a broad sampling, the constituency should feel comfortable in participating in the voting process, we find this minor inconvenience to some to be worth the potential benefit to us all.

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

Rep. Horrigan spoke against.

Rep. Roy spoke in favor.

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 202 - NAYS 167

YEAS - 202

BELKNAP

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

Bogert, Steven
Dumais, Russell
O'Hara, Travis
Terry, Paul

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard

CARROLL

Avellani, Lino
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

Crawford, Karel
Peternel, Katy

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Ladd, Rick
Simon, Matthew

Brown, Carroll
Massimilla, Linda
Stringham, Jerry

Coulon, Matthew
Rochefort, David

Greeson, Jeffrey
Sellers, John

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Calabro, Karen
Creighton, Jim
Fedolfi, Jim
Gorski, Ted
Jack, Martin
Gould, Linda
McGough, Tim
Notter, Jeanine
Plett, Fred
Renzullo, Andrew
Sirois, Shane
Ulery, Jordan

Abare, Kimberly
King, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Healey, Robert
Kennedy, Stephen
Sanborn, Laurie
McLean, Mark
Panek, Sandra
Post, Lisa
Ryan, Linda
Lekas, Tony
Wheeler, Jonah

Alexander, Joe
Berry, Ross
Cole, Brian
Kelley, Diane
Gagne, Larry
Hynes, Dan
Kenny, Catherine
Lascelles, Richard
Mooney, Maureen
Pauer, Diane
Proulx, Mark
Seidel, Sheila
Mannion, Tom
Wherry, Robert

Ammon, Keith
Boehm, Ralph
Corcoran, Travis
Erf, Keith
Goley, Jeffrey
Infantine, William
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Pedersen, Michael
Reid, Karen
Sheehan, Vanessa
Tenczar, Jeffrey

MERRIMACK

Turcotte, Alan
McGuire, Carol
Gerhard, Jason
Mason, James
Seaworth, Brian
Wolf, Dan

Andrus, Louise
Cambrils, Jose
Hill, Gregory
Moffett, Michael
See, Alvin
Wood, Clayton

Aures, Cyril
Carey, Lorrie
Hoell, J.R.
Polozov, Yury
Walsh, Thomas

Aylward, Deborah
McGuire, Dan
Leavitt, John
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Tudor, Paul
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vallone, Mark
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Turcotte, Len

Bailey, Glenn
Harrington, Michael
Newton, Clifford

Bickford, David
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Merchant, Gary
Stone, Jonathan

Rollins, Skip

**NAYS - 167
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Richard
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Harvey, Cathryn
Filiault, Shaun
Newell, Jodi
Weber, Lucy

Fox, Dru
Germana, Nicholas
Parshall, Lucius

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTONAlmy, Susan
Fellows, Sallie
Sullivan, Jared
Stavis, LaurelBaldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Sykes, GeorgeBolton, Bill
Hoyt, Tommy
Morse, CorinneCormen, Thomas
Murphy, James
Muirhead, Russell**HILLSBOROUGH**Murray, Aissandra
Bouchard, Donald
Cornell, Patricia
DiSilvestro, Linda
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Murphy, Nancy
Preece, David
Rung, Rosemarie
Spier, Carry
Veilleux, DanielNutting-Wong, Allison
Bouldin, Amanda
Ford, Damond
Dutzy, Sherry
Grill, Jessica
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Newman, Ray
Newman, Sue
Staub, Kathy
Thomas, WendyBeaulieu, Jane
Bradley, Amy
Darby, Will
Elberger, Susan
Hamer, Heidi
Judy, Jean
Lanza, Judi
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Raymond, Heather
Seibert, Christine
Telerski, Laura
Wilhelm, MatthewBooras, Efstathia
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Petrigno, Peter
Rombeau, Catherine
Sofikitis, Catherine
Vail, Suzanne**MERRIMACK**Brennan, Angela
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schultz, KristinaCaplan, Tony
Gibbs, Merryl
MacKay, James
Richards, Beth
Shurtleff, SteveEbel, Karen
Hall, Muriel
McWilliams, Rebecca
Roesener, James
Soucy, TimothyEllison, Arthur
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane**ROCKINGHAM**Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
O'Neil, Candice
Vogt, RobinDiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Raynolds, Ned
Ward, GeraldEdgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
Simpson, AlexisGilman, Julie
Haskins, Linda
Paige, Mark
Meuse, David
Turer, Eric**STRAFFORD**Bay, Luz
Conlin, Bill
Howard, Heath
Kenney, Cam
Schmidt, Peter
Treleaven, SusanBixby, Peter
Fitzpatrick, Daniel
Horrigan, Timothy
LaMontagne, Jessica
Pare, Gail
Vincent, KennethRich, Cecilia
Smith, Geoffrey
Howland, Allan
Levesque, Cassandra
Selig, Loren
Wall, JanetCannon, Gerri
Grassie, Chuck
Rich, Jeffrey
Smith, Marjorie
Southworth, Thomas**SULLIVAN**Sullivan, Brian
Tanner, Linda

Cloutier, John

Damon, Hope

Palmer, William

and the majority committee report was adopted

HB 596-FN, prohibiting the use of racial profiling in law enforcement activities and in sentencing. WITHOUT RECOMMENDATION

Statement in support of Ought to Pass with Amendment: This bill, as amended, explicitly prohibits New Hampshire law enforcement personnel from targeting individuals for suspicion of a crime based on the individual's race, ethnicity, color, national origin, nationality, language, sex, gender identity, sexual orientation, political affiliation, religion, socioeconomic status, or disability. It further clarifies that these characteristics shall not be a factor in determining the existence of probable cause to arrest or to place an individual into custody. The bill provides clear guardrails to prevent demographic characteristics that have nothing to do with criminal activity from being used as a factor to constitute reasonable suspicion that an offense has been committed in order to detain an individual or to stop a motor vehicle. But to be clear, there is nothing in the bill that prevents a law enforcement officer from using a physical description to apprehend a specific suspect linked to an identified criminal incident or scheme. In New Hampshire, people of all races, ethnicities, religions, and colors rely on the police to protect us from harm and promote fairness and justice in our communities. But racial profiling has led some of our neighbors who may not look or speak like the majority of our residents to live in fear, simply because they look different, come from a different place, or practice a different religion.

While the governor's 2021 Law Enforcement Accountability, Community and Transparency (LEACT) Commission, made a series of legislative recommendations on gathering racial profiling data, none have yet been enacted. Meanwhile, the act of racial profiling itself has never been explicitly prohibited by New Hampshire law. It is time to do so, as over 30 other states have already done.

Rep. David Meuse

Statement in support of Inexpedient to Legislate: After hearing testimony regarding this bill, several areas of concern and serious questions were raised. How would one prove racial profiling has occurred? Is there a quantifying element for making such a determination? For example an officer stopping X number of citizens, from demographic group Y within a specified time period? Would the demographic makeup of different places in the state affect whatever standard is used to determine racial profiling? Would the passing of this legislation lead to allegations of racial profiling against officers based on nothing but statistics? Would different standards apply to officers of different races? Could political pressure influence a department's handling of an allegation, investigation and/or disciplinary procedure against an officer? There was no answer provided to any of these questions. The main argument put forward by the sponsor in support of this bill was that we "want to make a statement that racial profiling is not allowed in this state." The committee members in support of ITL do not believe laws are the appropriate method to "make statements." These members believe that a resolution would have been the appropriate method for the sponsor to make this statement and would have unanimously supported it. Our laws must prohibit specific conduct, in a clear and articulable manner, so that a citizen can understand what exactly is prohibited and what the consequences are of violating it. The New Hampshire Police Standards & Training Council already provides extensive training on the topics of racial profiling and civil rights issues. State and local police agencies currently have the authority to enact policies related to racial profiling. They also have the ability to deal with any performance issues related to sustained violations of these policies. Furthermore, racial profiling is already illegal under federal law. Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

Rep. Jonathan Stone

Rep. Meuse moved Ought to Pass and offered amendment (0596h).

Amendment (0596h)

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

AN ACT prohibiting the use of racial profiling in law enforcement activities.

Amend the bill by replacing all after section 1 with the following:

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

AMENDED ANALYSIS

This bill prohibits the use of racial profiling in law enforcement activities.

The question being adoption of amendment (0596h).

On a division vote, with 178 members having voted in the affirmative, and 186 in the negative, amendment (0596h) failed.

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

Reps. Harriott-Gathright, DiLorenzo and Damond Ford spoke in favor.

Rep. Stone spoke against.

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 186 - NAYS 185

YEAS - 186 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Richard
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Harvey, Cathryn
Filiault, Shaun
Newell, Jodi
Weber, Lucy

Fox, Dru
Germana, Nicholas
Parshall, Lucius

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

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

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

Bolton, Bill
 Hoyt, Tommy
 Massimilla, Linda
 Stavis, Laurel

Cormen, Thomas
 Murphy, James
 Morse, Corinne
 Stringham, Jerry

HILLSBOROUGH

Murray, Alissandra
 Booras, Efstathia
 Calabro, Karen
 Darby, Will
 Elberger, Susan
 Gregg, Alicia
 Heath, Mary
 Smith, Juliet
 Leapley, Nicole
 Howard, Molly
 Mangipudi, Latha
 Moulton, Candace
 Pedersen, Michael
 Raymond, Heather
 Newman, Sue
 Staub, Kathy
 Thomas, Wendy

Nutting-Wong, Allison
 Bouchard, Donald
 Chretien, Jacqueline
 Devine, Shelley
 Davis, Fred
 Grill, Jessica
 Herbert, Christopher
 Juris, Louis
 LeClerc, Daniel
 Murray, Megan
 McGhee, Kat
 Murphy, Nancy
 Petrigno, Peter
 Rombeau, Catherine
 Seibert, Christine
 Telerski, Laura
 Wheeler, Jonah

Abare, Kimberly
 Bouldin, Amanda
 Cornell, Patricia
 DiSilvestro, Linda
 Freitas, Mary
 Hamer, Heidi
 Jack, Martin
 Foxx, Loren
 Leishman, Peter
 Perez, Maria
 Ming, Ben
 Nutter-Upham, Frances
 Preece, David
 Rung, Rosemarie
 Sofikitis, Catherine
 Vail, Suzanne
 Wilhelm, Matthew

Beaulieu, Jane
 Bradley, Amy
 Ford, Damond
 Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Jeudy, Jean
 Lanza, Judi
 Long, Patrick
 MacKenzie, Mark
 Morton, Jennifer
 O'Brien, Michael
 Newman, Ray
 Ryan, Linda
 Spier, Carry
 Veilleux, Daniel

MERRIMACK

Turcotte, Alan
 Ebel, Karen
 Hall, Muriel
 McWilliams, Rebecca
 Roesener, James
 Soucy, Timothy

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

Caplan, Tony
 Gallager, Eric
 Luneau, David
 Payeur, Stephanie
 Schultz, Kristina
 Wolf, Dan

Carey, Lorrie
 Gibbs, Merryl
 MacKay, James
 Richards, Beth
 Shurtleff, Steve

ROCKINGHAM

Balboni, Peggy
 Grossman, Gaby
 Murray, Kate
 Maggiore, Jim
 O'Neil, Candice
 Simpson, Alexis
 Ward, Gerald

DiLorenzo, Charlotte
 Grote, Jaci
 Knab, Allison
 Malloy, Dennis
 Ford, Oliver
 Turer, Eric

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

Gilman, Julie
 Haskins, Linda
 Paige, Mark
 Meuse, David
 Read, Ellen
 Vogt, Robin

STRAFFORD

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

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

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

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

SULLIVAN

Sullivan, Brian
 Palmer, William

Cloutier, John
 Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 185**BELKNAP**

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

Bogert, Steven
 Dumais, Russell
 O'Hara, Travis
 Terry, Paul

Bordes, Mike
 Harvey-Bolia, Juliet
 Ploszaj, Tom

Coker, Matthew
 McCarter, Nikki
 Beaudoin, Richard

CARROLL

Avellani, Lino
 MacDonald, John
 Brown, Richard

Cordelli, Glenn
 Smith, Jonathan

Costable, Michael
 McConkey, Mark

Crawford, Karel
 Peternel, Katy

CHESHIRE

Hunt, John
 Thackston, Dick

Qualey, James
 Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOSDavis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTONBerezhny, Lex
Ladd, RickBrown, Carroll
Rochefort, DavidCoulon, Matthew
Sellers, JohnGreeson, Jeffrey
Simon, Matthew**HILLSBOROUGH**Lekas, Alicia
King, Bill
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lascelles, Richard
Mooney, Maureen
Pauer, Diane
Reid, Karen
Sirois, Shane
Ulery, JordanAlexander, Joe
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Wherry, RobertAmmon, Keith
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Notter, Jeanine
Post, Lisa
Seidel, Sheila
Mannion, TomBoyd, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Sanborn, Laurie
McLean, Mark
Panek, Sandra
Proulx, Mark
Sheehan, Vanessa
Tenczar, Jeffrey**MERRIMACK**Andrus, Louise
Cambrils, Jose
Hoell, J.R.
Polozov, Yuri
Walsh, ThomasAures, Cyril
McGuire, Dan
Leavitt, John
Boyd, Stephen
Testerman, DaveAylward, Deborah
Gerhard, Jason
Mason, James
Seaworth, Brian
Wood, ClaytonMcGuire, Carol
Hill, Gregory
Moffett, Michael
See, Alvin**ROCKINGHAM**Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael
Yokela, JoshBernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Tudor, Paul
MacDonald, WayneBrouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wallace, ScottMannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth**STRAFFORD**Bailey, Glenn
Harrington, Michael
Newton, CliffordBickford, David
Horgan, James
Pitre, JosephBurnham, Claudine
Kaczynski, Thomas
Potenza, KelleyGranger, Michael
Turcotte, Len**SULLIVAN**Aron, Judy
Stapleton, WalterDrye, Margaret
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

and the motion of Ought to Pass was adopted and the bill was ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Weber moved that the House reconsider its action whereby, on a roll call vote of 186-185, the House adopted the motion of Ought to Pass on **HB 596-FN**, prohibiting the use of racial profiling in law enforcement activities and in sentencing.

Rep. Weber spoke against.

On a division vote, with 185 members having voted in the affirmative, and 187 in the negative, the motion failed.

MOTION TO PRINT DEBATE

Rep. Weber moved that the debate on **HB 596-FN**, prohibiting the use of racial profiling in law enforcement activities and in sentencing, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 596-FN

Speaker Packard: Rep. Meuse offers Ought to Pass with Amendment. The amendment is (0596h) printed in House Record 15. Are you ready for the question on the amendment. All those in favor, say Aye; those opposed, Nay. A division has been requested. Only members in the Chamber. Only members that were in the Chamber on the voice vote can vote. If you weren't in the Chamber on the voice vote, you cannot vote. The motion before us is on the amendment. We had a voice vote and a division was requested. This will be a division vote on the amendment. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 178 voting Yea, 186 voting Nay, the amendment fails. The question now is on Ought to Pass on HB 596. The Chair recognizes Rep. Harriott-Gathright.

Representative Harriott-Gathright: Thank you, Mister Speaker. This bill explicitly prohibits New Hampshire law enforcement personnel from targeting individuals for suspicion of a crime based on an individual's race, ethnicity, color, national origins, nationality, language, sex, gender identity and sexual orientation, political affiliations, religion, social economic status or disability. It further clarifies that these characteristics shall not be a factor in determining the existence of probable cause to arrest or to be placed, the individual into custody. The bill provides clear guardrails to prevent demographic characteristics that have nothing to do with criminal activity from being used as a factor to constitute reasonable suspicions that an offense has been committed in order to detain an individual or to stop a motor vehicle. But to be clear, there is nothing in the bill that prevents a law enforcement officer from using a physical description to apprehend a specific suspect linked to an identified criminal incident or scheme. In New Hampshire, people of all races, ethnicities, religions and colors rely on the police to protect us from harm and promote fairness and justice in our communities, but racial profiling has led some of our neighbors who may not look or speak like the majority of our residents, to live in fear simply because they look different, come from a different place or practice a different religion. While the Governor's 2021 law enforcement accountability, community and transparency, LEAC Commission, made a series of legislative recommendations on gathering racial profiling data. Some have yet been enacted. Meanwhile, the act of racial profiling itself has never been explicitly prohibited by New Hampshire law. It is time to do so as over 30 other states have already done so. Our state has the unique distinction of having passed a motorcycle profiling law, but not a racial profiling law. There is a problem here in New Hampshire and we can address that issue because I believe that everyone in here in this room today realize what is happening in New Hampshire. I'm not talking about across the state, I'm talking about right here. I know you have friends and you might even have family members that experience the same situations. All we're asking is that we as a body stand and say it's not okay here in the State of New Hampshire. Before there was ever a name for racial profiling, it has been ingrained in our country law enforcement practices. From a public safety perspective, racial profiling results in a loss of trusts and confidence in our law enforcement. It involves unwarranted screening of certain groups of people, assumed by law enforcement, agents, to be predisposed to criminal activity. Where, as we all know, that is not true as well. Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Rep. DiLorenzo.

Representative DiLorenzo: Thank you, Mister Speaker. I stand in support of HB 596 as amended. As a Black woman, I believe I was racial profiled by law enforcement in a New Hampshire town. This was a couple of years ago. One Saturday morning, I was driving to the Market Basket supermarket in Stratham. On my way to the market I drove past a Stratham police station and a few seconds later I glanced in my rearview mirror and I noticed a Town of Stratham police cruiser with flashing blue lights behind my car. Well, as I know it is the law to pull to the side when you see flashing blue lights, I pulled over and stopped my car and looked into my rearview mirror and I realized that I was the one that was being stopped. I was a little bit frightened and so I just sat in my car and tried to remember to do what my parents and aunts and uncles told me to do when you are approached by the police. Get your license and registration out, be polite, don't talk back, be respectful to the officer. The officer approached me and I handed her my license and registration. I didn't bother to ask why I was being stopped. I think I was in shock. As I sat there waiting for the report to come through, I was thinking to myself why is this happening to me? There is nothing wrong with my car. My car is in perfect condition. It's daytime so it wasn't like a headlight or anything. All of my registration was valid, my driver's license was valid, my insurance was valid and so I just sat there thinking about what my elders told me about being stopped by the police and tried to follow that. Well, a few minutes later, the officer returned to my car and told me I was free to go. I didn't ask her why she stopped me, but she told me that she was looking for a red Chrysler PT Cruiser vehicle. My vehicle was a red Toyota Prius. There is no way you could mistake a Prius for a PT Cruiser. So I left. As I am relating to this you can tell that it still bothers me. I still wonder why did that happen. Why would someone stop me? I am a wife, a mother and a grandmother, you know? I was just going to the store to get bread and milk on a Sunday morning. Thank you. Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Rep. Stone.

Representative Stone: Thank you, Mister Speaker. Mister Speaker, we heard testimony in the committee and the area of concern that was raised was Title 18, US Code, Section 242 already making it a crime for a person acting under the color of law to willfully deprive a person of a right or privilege protected by the constitution and the laws of the United States. Is there a possibility that political influence could lead to investigation, subsequent prosecution? Would demographic makeup in different areas within the state affect the standards used to determine racial profiling? This legislation leads to allegations of racial profiling based on statistics only. Will all officers be treated equally regardless of race? The committee was not provided any answers. The sponsor of this bill remarked that they want to make a statement that racial profiling is not allowed in this state. Laws are not appropriate methods to make statements. Our laws must prohibit specific conduct in a clear and articulate manner so that citizens can understand what specifically is prohibited and what consequences are for violating the law. New Hampshire Police Standards and Training Council provides extensive training on the topic of racial profiling and civil rights issues. The state county and local law enforcement agencies currently have the authority to enact policies relating to racial profiling. They also have the ability to deal with any performance issues relating to sustained violations of these policies. In closing, racial profiling is already illegal under federal law as it has been. This bill looks to provide a further divide within the criminal justice system and I would ask that you please vote no on the Ought to Pass so that another more appropriate motion can be brought forward. Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes the last speaker. There has been a roll call vote request. It is sufficiently seconded. Members will take their seats. The Chair recognizes Rep. Ford.

Representative Damond Ford: Thank you, Mister Speaker. I rise in support of this bill, not as a Black man as you can see because that is visible. But I stand up here in support of this bill because it is in our heart to say that in the State of New Hampshire we do not racially profile people. We know that it happens but this body should stand up and say our law enforcement, those who are tasked to enforce the laws that we are passing in this house, should not racially profile people. I am fortunate enough and blessed by the almighty to not have been racially profiled by police in this state, but I'm from Virginia, born there. It happens. It still happens, but because it hasn't happened to me, doesn't mean it isn't happening to others in this state. Those in small places up North in Coos County and in big places like Manchester. It is happening. We should codify this. Support this bill as OTP. Thank you. Thank you, Mister Speaker.

Speaker Packard: The motion before us is Ought to Pass on HB 596. This is going to be a roll call vote. Members take your seats. The motion before us is Ought to Pass on HB 596. This is a roll call vote. The Chair recognizes Rep. Stone for a parliamentary inquiry.

Representative Stone: Thank you, Mister Speaker. Mister Speaker, if I know that racial profiling is already illegal under federal law Section 242, Title 18 makes it a crime for a person acting under the color of law to willfully deprive a person of a right or privilege protected by the constitutional or the laws of the United States. And Mister Speaker, if I know the main argument put forward by the sponsor in support of this bill was, we want to make the statement. And Mister Speaker, if I know as a consequence of this law, police are encouraged to implement quotas for arrests based on race, sexual orientation or ethnicity, which is racist and sexist, would I now press the red button for Ought to Pass? Thank you.

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

Representative Wheeler: Thank you, Mister Speaker. If I know that we should be judging people by the content of their character and not the color of their skin, including law enforcement. And if I know that this would be a statement based on law affirming as the overseers of law enforcement, that they cannot racially profile, then would I press the green button on OTP? Thank you very much, Mister Speaker.

Speaker Packard: The motion before us is Ought to Pass on HB 596. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 186 voting Yea, 185 voting Nay, the motion is adopted.

REGULAR CALENDAR CONT'D

HB 71, repealing a department of education report on chartered public school funding. **OUGHT TO PASS.** Rep. Oliver Ford for Education. This bill removes the requirement that the commissioner of the Department of Education submit a report to the Fiscal Committee of the General Court for each payment made in a fiscal year by the state to a chartered public school. Vote 16-4.

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

Committee report was adopted and the bill was ordered to third reading.

HB 104, relative to multi-stall bathrooms and locker rooms in schools. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: This bill relates to the use of school multi-stall bathrooms and locker rooms and that they be used by the same sex. Existing single stall bathrooms in many schools are not affected. Testimony was heard in committee that this bill conforms to current New Hampshire building codes which require single sex use. We also heard testimony that students are "holding it" rather than using school

bathrooms out of concerns for someone of a different biological sex being in the bathroom. Biological girls and boys have valid concerns about their safety and privacy. Local accommodations can be made and have been made by school districts for transgender students.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: This bill requires that multi-stall bathrooms and locker rooms in all public elementary, middle, and high schools be same sex. The bill would prevent transgender youth from accessing facilities aligning with their gender identity. It has other consequences too, such as preventing visiting athletic teams from using an available locker room. The committee also heard from the chair of the state building code review board who expressed opposition to putting this into state law as these regulations would likely outdate quickly due to pending revisions in building codes. Current policy in most schools allows students to use the bathroom where they are most comfortable. Students testifying from several schools were fully supportive of continuing that approach, noting that requiring transgender students to use single stall bathrooms is a form of outing them, which could compromise their safety. Indeed, this bill may be unconstitutional as it is a blatant form of discrimination. Further, transgender and gender-nonconforming teens are experiencing increased incidence of anxiety and depression. Sadly, they are more likely to consider suicide. Schools, as crucial developmental environments, should be places where people can be comfortable with their identity.

Rep. Hope Damon

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 104**, relative to multi-stall bathrooms and locker rooms in schools, be laid on the table. On a division vote, with 345 members having voted in the affirmative, and 28 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 170, requiring the teaching of cursive handwriting and multiplication tables. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as amended, requires that instruction shall be provided in cursive handwriting and multiplication by the end of the fifth grade. An exception to accommodate, modify, or waive this requirement due to a student's individualized education plan (IEP) or 504 plan may be made. The importance of cursive handwriting should not be understated. From an early age, children should be exposed to handwriting and drawing activities in school. There's a significant amount of research stating that writing in cursive is better for the brain. By teaching students cursive, more neurons fire in different ways than printing. When young brains encounter new information, they create new neural paths and, with practice, those paths become permanently inscribed. Research overwhelmingly shows that learning by writing by hand is a key to good spelling and composition skills. In addition, a problem plaguing students with dyslexia is that many printed letters look similar or make mirror images of one another. Cursive avoids this issue. There are well over 20 states in the United States that do require the teaching of cursive. Neighboring Massachusetts is one. There are so many good benefits to teaching cursive writing that no student should finish school without learning it. Elementary teachers are trained in this skill and there are no additional costs associated with cursive instruction, as there are not additional costs associated with teaching manuscript (printing). In regard to teaching the multiplication tables, there is overwhelming information and general consensus that knowing math facts is essential to progressing in the subject. Along with memorization of the multiplication tables, students must be taught number sense, concepts, and how to figure out math problems. Multiplication facts are a stepping stone in mathematics, memorization is a confidence booster, and knowing multiplication facts helps one stay engaged while solving problems. Over the past years, mathematics proficiency has declined; a return to providing instruction in the multiplication tables is needed.

Rep. Rick Ladd

Statement in support of Inexpedient to Legislate: This bill mandates school districts to provide instruction in cursive handwriting and memorization of multiplication tables. Curriculum and instruction is up to local school boards to determine. This bill would add additional unfunded mandates (up to 42) since 2002. The amendment has language to make exceptions for students with disabilities and 504 plans. The federal and state laws already mandate accommodations and modification on any instructional discipline for any student receiving services under the Individuals with Disabilities Education Act (IDEA) and 504 nondiscrimination. RSA 189:11-c Cursive Handwriting and Memorization of Multiplication Tables is currently in law in spite of it not identified in RSA 193:2 Criteria for an Adequate Education. The members of the Education Committee in opposition to this bill have expertise in education and see that this bill needs to be found Inexpedient to Legislate.

Rep. Corinne Cascadden

Rep. Ladd moved Ought to Pass and offered amendment (0316h).

Amendment (0316h)

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

1 Cursive Handwriting and Memorization of Multiplication Tables. RSA 189:11-c is repealed and reenacted to read as follows:

189:11-c Cursive Handwriting and Memorization of Multiplication Tables. Each public school district and chartered public school shall:

(a) Provide instruction in cursive writing by the end of fifth grade as a component of English language arts; and

(b) Provide instruction of the multiplication tables by the end of fifth grade; and

(c) Subparagraphs (a) and (b) may be accommodated, modified, or waived in accordance with a student's Individual Education Program (IEP) or 504 Plan.

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

Amendment (0316h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

On a division vote, with 199 members having voted in the affirmative, and 174 in the negative, the motion was adopted and the bill was ordered to third reading.

HB 394-L, relative to the organization of cooperative school boards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Valerie McDonnell for the Majority of Education. The majority believes that the bill does not enable cooperative school boards to change meeting and chairperson practices, because the boards already have the ability to do so. In addition, the majority fears both the infringement of local control and the increased difficulty of the public to attend has potential unintended consequences. Vote 11-9.

Rep. Katy Peternel for the Minority of Education. Each term, there is legislation to provide fairer treatment of smaller districts within cooperative school districts. This bill is designed to give smaller districts the opportunity to have one of their representatives serve as the cooperative school district chair if there is one willing to serve as the chair. In addition, the bill provides for cooperative school board meetings to rotate between the districts within the cooperative if suitable facilities are available. Some cooperative school districts cover large areas so it is only fair for the citizens in all the districts to have greater opportunities to attend board meetings and offer public comment. This bill is just a small step toward greater opportunities for everyone within a cooperative school district.

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

Rep. Luneau spoke in favor.

On a division vote, with 226 members having voted in the affirmative, and 146 in the negative, the majority committee report was adopted.

HB 399-FN, allowing for a testing exception for graduation from high school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mel Myler for the Majority of Education. This bill would allow a student at age 13 to take a New Hampshire Department of Education designed exam to test out of attending any future high school and receive a diploma from their resident school district. The student could be a New Hampshire resident or from "elsewhere" and qualify for the test. On passage of the test, the bill would demand that the student be automatically matriculated to any higher education institutions. If a higher education institution rejects said student's application, it will be subject to having its state funding reduced or removed. This bill is fraught with problems. Public schools have made accommodations for exceptional students through tutors, advanced programs, dual enrollment programs at community colleges, etc. This bill would lower the level of difficulty and the intellectual content of academic/graduation standards. Finally, there is a current process for parents to sign off for the best interest of their child to appeal to their local high school counselor to seek a HiSet (high school equivalency test) exam. Vote 14-6.

Rep. Mike Belcher for the Minority of Education. The minority finds great potential in the intent of the bill to allow gifted students to test out of compulsory attendance and receive a full credential high school diploma. So many of our great men and women – those who change the nature of our lives with invention, art, and industry – drop out of high school due to the tediousness of it for them, and an unknowable number of would-be history makers develop mental health and behavioral conditions through compulsory attendance. However, the minority also recognizes significant specific faults with the language, and therefore will work towards a floor amendment that addresses all the concerns while providing a pathway for students of a certain age to demonstrate significant, graduate-level competencies through testing, receive a diploma, and become free to pursue their talents without government obstruction, and remaining a non-emancipated person while a minor.

MOTION TO LAY ON THE TABLE

Rep. Peternel moved that **HB 399-FN**, allowing for a testing exception for graduation from high school, be laid on the table.

Motion was adopted.

REGULAR CALENDAR CONT'D

HB 514, relative to the dissemination of obscene material by schools and institutions of higher learning. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: New Hampshire obscenity laws are contained in Chapter 650. The law currently provides exemptions from the obscenity laws that include institutions and persons in scientific, educational, governmental, or similar justifications for possessing obscene materials. Yes, education is currently exempt from our obscenity laws. We have seen published reports and talked to constituents about concerns of materials in our schools. We heard testimony and were given examples; we cannot share any of them here, but they are available to children. The question is why are our schools exempt from obscenity laws? This bill removes K-12 education from the exemptions. Opponents say that this is about banning books. This is about making sure that our children have access to age-appropriate educational materials. Educational materials. The bill also provides for a local means by which parents can raise objections on materials to the principal and then the school board. Local control. What does access to objectionable materials do to student anxiety and mental health? Our schools should be focused on academics and achievement. That is what this bill is about.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: The distribution of obscene materials is illegal now and this bill does not change that. No one is exempt from the state's obscenity laws, nor should they be, and this bill does not change that. This bill does remove the due process provisions afforded to K-12 educators as employees of a school, where a court determines whether material meets the definitions under the law prior to a prosecution. The bill also sets up a confusing one-way process to remove what some people might consider to be objectionable material and impose those limited beliefs on others. In doing so, the bill denies the rights of other parents and students to appeal. Parents already have the right to review materials and opt out their child from anything they find objectionable. They don't need this bill to do that. This bill is an attempt to restrict access to controversial materials and intimidate educators from retaining certain items in their library collections. History has witnessed book bans like this before with devastating results.

Rep. Peggy Balboni

MOTION TO LAY ON THE TABLE

Rep. Wilhelm moved that **HB 514**, relative to the dissemination of obscene material by schools and institutions of higher learning, be laid on the table.

Rep. Verville requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 175**YEAS - 200****BELKNAP**

Bogert, Steven
Nagel, David

Bordes, Mike
St. Clair, Charlie

Coker, Matthew

Huot, David

CARROLL

Buco, Thomas
MacDonald, John

Burroughs, Anita
McAleer, Chris

Costable, Michael
Woodcock, Stephen

Paige, David

CHESHIRE

Ames, Richard
Faulkner, Barry
Monteil, Renee
Thackston, Dick

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

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

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Adjutant, Joshua
Cormen, Thomas
Murphy, James
Morse, Corinne
Stringham, Jerry

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

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

Bolton, Bill
Hoyt, Tommy
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Murray, Aissandra
 Bouchard, Donald
 Chretien, Jacqueline
 Devine, Shelley
 Davis, Fred
 Grill, Jessica
 Heath, Mary
 Jeudy, Jean
 Lanza, Judi
 Long, Patrick
 MacKenzie, Mark
 Morton, Jennifer
 O'Brien, Michael
 Newman, Ray
 Ryan, Linda
 Spier, Carry
 Veilleux, Daniel

Nutting-Wong, Allison
 Bouldin, Amanda
 Cornell, Patricia
 DiSilvestro, Linda
 Freitas, Mary
 Hamer, Heidi
 Herbert, Christopher
 Smith, Juliet
 Leapley, Nicole
 Howard, Molly
 Mangipudi, Latha
 Moulton, Candace
 Pedersen, Michael
 Raymond, Heather
 Newman, Sue
 Staub, Kathy
 Thomas, Wendy

Beaulieu, Jane
 Bradley, Amy
 Ford, Damond
 Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Hynes, Dan
 Juris, Louis
 LeClerc, Daniel
 Murray, Megan
 McGhee, Kat
 Murphy, Nancy
 Petrigno, Peter
 Rombeau, Catherine
 Seibert, Christine
 Telerski, Laura
 Wheeler, Jonah

Booras, Efstathia
 Calabro, Karen
 Darby, Will
 Elberger, Susan
 Gregg, Alicia
 Healey, Robert
 Jack, Martin
 Foxx, Loren
 Leishman, Peter
 Perez, Maria
 Ming, Ben
 Nutter-Upham, Frances
 Preece, David
 Rung, Rosemarie
 Sofikitis, Catherine
 Vail, Suzanne
 Wilhelm, Matthew

MERRIMACK

Turcotte, Alan
 Ebel, Karen
 Hall, Muriel
 McWilliams, Rebecca
 Roesener, James
 Soucy, Timothy

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

Caplan, Tony
 Gallager, Eric
 Luneau, David
 Payeur, Stephanie
 Schultz, Kristina
 Wolf, Dan

Carey, Lorrie
 Gibbs, Merry
 MacKay, James
 Richards, Beth
 Shurtleff, Steve

ROCKINGHAM

Balboni, Peggy
 Grossman, Gaby
 Haskins, Linda
 Paige, Mark
 McBeath, Rebecca
 Reynolds, Ned
 Turer, Eric

DiLorenzo, Charlotte
 Grote, Jaci
 Murray, Kate
 Maggiore, Jim
 Meuse, David
 Read, Ellen
 Vallone, Mark

Edgar, Michael
 Guthrie, Joseph
 Knab, Allison
 Malloy, Dennis
 O'Neil, Candice
 Simpson, Alexis
 Vogt, Robin

Gilman, Julie
 Hamblet, Joan
 Cahill, Michael
 Manos, Zoe
 Popovici-Muller, Daniel
 Sytek, John
 Ward, Gerald

STRAFFORD

Ankarberg, Aidan
 Rich, Cecilia
 Smith, Geoffrey
 Horrigan, Timothy
 LaMontagne, Jessica
 Pare, Gail
 Vincent, Kenneth

Bay, Luz
 Cannon, Gerri
 Grassie, Chuck
 Howland, Allan
 Levesque, Cassandra
 Selig, Loren
 Wall, Janet

Bickford, David
 Conlin, Bill
 Howard, Heath
 Rich, Jeffrey
 Smith, Marjorie
 Southworth, Thomas

Bixby, Peter
 Fitzpatrick, Daniel
 Horgan, James
 Kenney, Cam
 Schmidt, Peter
 Treleaven, Susan

SULLIVAN

Sullivan, Brian
 Palmer, William

Cloutier, John
 Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 175**BELKNAP**

Bean, Harry
 McCarter, Nikki
 Smart, Lisa

Comtois, Barbara
 O'Hara, Travis
 Terry, Paul

Dumais, Russell
 Ploszaj, Tom

Harvey-Bolia, Juliet
 Beaudoin, Richard

CARROLL

Avellani, Lino
 McConkey, Mark

Cordelli, Glenn
 Petermel, Katy

Crawford, Karel
 Brown, Richard

Smith, Jonathan

CHESHIRE

Hunt, John
 Nutting, Zachary

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
 Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
 Ladd, Rick

Brown, Carroll
 Rochefort, David

Coulon, Matthew
 Sellers, John

Greeson, Jeffrey
 Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Kennedy, Stephen
Sanborn, Laurie
McLean, Mark
Panek, Sandra
Proulx, Mark
Sheehan, Vanessa
Tenczar, Jeffrey

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
Mooney, Maureen
Pauer, Diane
Reid, Karen
Sirois, Shane
Ulery, Jordan

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Infantine, William
Gould, Linda
McGough, Tim
Notter, Jeanine
Post, Lisa
Seidel, Sheila
Mannion, Tom

MERRIMACK

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

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

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

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Prudhomme-O'Brien, Katherine
Soti, Julius
Dolan, Tom
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Tripp, Richard
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Potucek, John
Roy, Terry
Summers, James
True, Chris
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tudor, Paul
Wallace, Scott

STRAFFORD

Bailey, Glenn
Kaczynski, Thomas
Potenza, Kelley

Burnham, Claudine
Turcotte, Len

Granger, Michael
Newton, Clifford

Harrington, Michael
Pitre, Joseph

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion was adopted

REGULAR CALENDAR CONT'D

HB 590, allowing the removal of political advertisements containing a candidate's name and which appear to be the candidate's advertising on public property by the candidate. **INEXPEDIENT TO LEGISLATE.** Rep. Russell Muirhead for Election Law. This bill would permit candidates to remove from public property any political advertising containing their name and that appears to be the candidate's own advertising. The majority believes this bill infringes on the principle of free speech. Some members of the majority are also concerned that the bill's attempt to address only advertising that "appears to be the candidate's advertising" is overly broad and will prove vexing to apply in practice. Vote 15-5.

The question being adoption of the committee report of Inexpedient to Legislate.
Committee report was adopted.

HB 231-FN, prohibiting the removal of claws from cats. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would make the declawing of cats a civil violation. This practice is roundly condemned by veterinarians and appears to be rare in the state, but the committee received testimony that it does still occur. The committee also received testimony that some veterinarians are strongly in favor of the bill because it provides them with support when they refuse to perform the procedure when requested by clients. The bill would continue to permit the procedure for medically necessary reasons. The CDC does not advocate for the declawing of cats as a protective measure for people with medical conditions complicated by cat scratches.

Rep. Nicholas Germana

Statement in support of Inexpedient to Legislate: The view in favor of Inexpedient to Legislate is that the government should not be involved in directing how veterinarians practice medicine or dictate what procedures they should or should not perform, nor should we make it a civil penalty with fines for violation. The testimony of state representatives, private organizations, and veterinarians, indicated that cat declawing is virtually non-existent in New Hampshire. Most veterinarians in New Hampshire refuse to perform the operation unless there is a medical necessity. Veterinarians also already provide their customers advice regarding alternative approaches to declawing. There are cases where options to declaw could keep a cat in its home rather than rehoming or euthanasia.

Rep. Jim Creighton

Rep. Germana moved Ought to Pass and spoke in favor.

Rep. Aron spoke against.

Rep. Diane Kelley spoke in favor.

On a division vote, with 225 members having voted in the affirmative, and 147 in the negative, the motion of Ought to Pass was adopted and the bill was ordered to third reading.

HB 58-FN, prohibiting payment of subminimum wages. WITHOUT RECOMMENDATION

Statement in support of Ought to Pass with Amendment: This bill, as amended, eliminates the subminimum wage for all New Hampshire tipped workers who currently have a base wage of \$3.27 per hour. Eleven states have already eliminated their subminimum wages without any extraordinary negative effects. Due to the confusion and complexity of tracking the total of the base wage plus tipped wages, it has been found that tipped workers do not always earn the full minimum wage that the law requires. While this may not generally be a problem for servers who work in higher-end establishments, those who work in bargain priced restaurants struggle under the current subminimum wage system.

Rep. Brian Sullivan

Statement in support of Inexpedient to Legislate: This bill would require New Hampshire to abandon the current minimum wage for tipped employees from \$3.27 (which is above the federal minimum wage of \$2.19) to \$7.25. The sponsors feel that many tipped employees are not making at least the minimum wage. New Hampshire law requires employers to make up the difference if the employee does not make at least \$7.25 per hour. At \$3.26 per hour plus their tips, we have heard that tipped employees are happy with the amount they make in tips and that tips normally increase as inflation increases the cost of the service they provide. Some employers in New Hampshire have decided to increase these wages paid to tipped employees on their own to entice employees to become and employee or stay in their employ. The feeling of half of the committee is that it is best for the employer to make this business decision on their own and not have the state pass another mandate on to them.

Rep. Michael Granger

Rep. Sullivan moved Ought to Pass and offered amendment (0070h).

Amendment (0070h)

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

1 Minimum Wage Law; Hourly Rate. The introductory paragraph of RSA 279:21 is repealed and reenacted to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee paid by the employer at an hourly rate lower than that set forth in the federal minimum wage law, as amended, subject to the following exceptions:

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

AMENDED ANALYSIS

This bill removes the authority for payment of a lower base wage for tipped employees.

The question is on the adoption of amendment (0070h).

On a division vote, with 184 members having voted in the affirmative, and 182 in the negative, amendment (0070h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

Rep. Infantine spoke against.

Rep. Schultz spoke in favor.

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 176 - NAYS 194

**YEAS - 176
BELKNAP**

CARROLL

Paige, David

McAleer, Chris

CHESHIREAmes, Richard
Faulkner, Barry
Monteil, Renee
Toll, AmandaHarvey, Cathryn
Filiault, Shaun
Newell, Jodi
Weber, LucyFox, Dru
Germana, Nicholas
Parshall, LuciusEaton, Daniel
Jones, Philip
Schapiro, Joe**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTONAdjutant, Joshua
Cormen, Thomas
Murphy, James
Morse, Corinne
Stringham, JerryAlmy, Susan
Fellows, Sallie
Sullivan, Jared
Muirhead, Russell
Sykes, GeorgeBaldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Nordgren, SharonBolton, Bill
Hoyt, Tommy
Massimilla, Linda
Stavis, Laurel**HILLSBOROUGH**Murray, Aissandra
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Leapley, Nicole
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Newman, Ray
Newman, Sue
Staub, Kathy
Thomas, WendyNutting-Wong, Allison
Bradley, Amy
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Smith, Juliet
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Seibert, Christine
Telerski, Laura
Wheeler, JonahBeaulieu, Jane
Calabro, Karen
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Juris, Louis
Leishman, Peter
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, MatthewBooras, Efsthathia
Chretien, Jacqueline
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Lanza, Judi
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Proulx, Mark
Ryan, Linda
Spier, Carry
Veilleux, Daniel**MERRIMACK**Brennan, Angela
Ellison, Arthur
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary JaneCaplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schultz, KristinaCarey, Lorrie
Gibbs, Merryl
MacKay, James
Richards, Beth
Shurtleff, SteveEbel, Karen
Hall, Muriel
McWilliams, Rebecca
Roesener, James
Soucy, Timothy**ROCKINGHAM**Balboni, Peggy
Grossman, Gaby
Haskins, Linda
Paige, Mark
Meuse, David
Simpson, Alexis
Ward, GeraldDiLorenzo, Charlotte
Grote, Jaci
Murray, Kate
Maggiore, Jim
O'Neil, Candice
Turer, EricEdgar, Michael
Hamblet, Joan
Knab, Allison
Malloy, Dennis
Raynolds, Ned
Vallone, MarkGilman, Julie
Harley, Tina
Cahill, Michael
Manos, Zoe
Read, Ellen
Vogt, Robin**STRAFFORD**Bay, Luz
Conlin, Bill
Howard, Heath
Kenney, Cam
Schmidt, Peter
Treleaven, SusanBixby, Peter
Fitzpatrick, Daniel
Horriggan, Timothy
LaMontagne, Jessica
Pare, Gail
Vincent, KennethRich, Cecilia
Smith, Geoffrey
Howland, Allan
Levesque, Cassandra
Selig, Loren
Wall, JanetCannon, Gerri
Grassie, Chuck
Rich, Jeffrey
Smith, Marjorie
Southworth, Thomas**SULLIVAN**Sullivan, Brian
Palmer, WilliamCloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

**NAYS - 194
BELKNAP**Bogert, Steven
Dumais, Russell
O'Hara, Travis
St. Clair, CharlieBordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Terry, PaulCoker, Matthew
McCarter, Nikki
Beaudoin, RichardComtois, Barbara
Nagel, David
Smart, Lisa

CARROLL

Avellani, Lino
Costable, Michael
McConkey, Mark

Buco, Thomas
Crawford, Karel
Peternel, Katy

Burroughs, Anita
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan
Woodcock, Stephen

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheport, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Sanborn, Laurie
McLean, Mark
Panek, Sandra
Reid, Karen
Sheehan, Vanessa
Tenczar, Jeffrey

Abare, Kimberly
King, Bill
Cole, Brian
Ford, Damond
Griffin, Gerald
Hynes, Dan
Kofalt, Jim
Lascelles, Richard
Mooney, Maureen
Pauer, Diane
Renzullo, Andrew
Sirois, Shane
Ulery, Jordan

Alexander, Joe
Berry, Ross
Corcoran, Travis
Kelley, Diane
Gagne, Larry
Infantine, William
Foxy, Loren
Mazur, Lisa
Noble, Kristin
Plett, Fred
Rombeau, Catherine
Lekas, Tony
Wherry, Robert

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Gould, Linda
McGough, Tim
Notter, Jeanine
Post, Lisa
Seidel, Sheila
Mannion, Tom

MERRIMACK

Turcotte, Alan
McGuire, Carol
Hill, Gregory
Moffett, Michael
See, Alvin
Wood, Clayton

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

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

Aylward, Deborah
Gerhard, Jason
Mason, James
Seaworth, Brian
Wolf, Dan

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Janigian, John
Kuttab, Katelyn
Lundgren, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Vandecasteele, Susan
Wallace, Scott

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Perez, Kristine
Walsh, Lilli
Lynn, Bob
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
True, Chris
Vose, Michael
Yokela, Josh

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Nelson, Jodi
Khan, Aboul
Love, David
McBeath, Rebecca
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tudor, Paul
MacDonald, Wayne

STRAFFORD

Bailey, Glenn
Harrington, Michael
Newton, Clifford

Bickford, David
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

Granger, Michael
Turcotte, Len

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion failed.

Rep. Sweeney moved Inexpedient to Legislate.

On a division vote, with 192 members having voted in the affirmative, and 182 in the negative, the motion was adopted.

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

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 1:00 p.m.

(Speaker Packard in the Chair)

UNANIMOUS CONSENT

Rep. Verville requested Unanimous Consent of the House regarding an apology and addressed the House.

REGULAR CALENDAR CONT'D

HB 125, relative to youth employment during the school year and at night. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass with Amendment: The bill, as amended, clearly defines and sets reasonable limits on the time 16- and 17-year-old students can work when school is in session.

Rep. Michael Cahill

Statement in support of Inexpedient to Legislate: If passed, this bill would create new restrictions on employers and their youth employees aged 16 or 17. In New Hampshire law, work restrictions for teens are more permissive when those employees are not expected to be in school full time. This bill seeks to narrow the designation of non-school time to a single week in spring plus the summertime calendar, as determined by the public school district in which the employer is located. Additionally, the bill would create a work-curfew prohibition for 16 and 17-year-olds. This bill was filed in reaction to a change in law passed near the end of the prior session. That new language has been in effect only since June so we've not had time to see whether teen workers are negatively impacted by the current law. More importantly, there has been no consideration of those teens who might be hurt by these changes. We understand that it is cooperation between parents, teachers, employers, and the teens themselves that will best address the individual circumstances surrounding when older teens wish to work. This one-size-fits-all solution may well harm more young people than it could help.

Rep. Brian Seaworth

Rep. Michael Cahill moved Ought to Pass and offered amendment (0328h).

Amendment (0328h)

Amend RSA 276-A:13-a as inserted by section 2 of the bill by replacing it with the following:

276-A:13-a Night Work. In addition to the provisions of RSA 276-A:4, when school is in session, no youth shall be permitted to work later than 9:00 p.m. on Sunday through Thursday, or later than midnight on Friday and Saturday.

The question is on adoption of amendment (0328h).

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 183 - NAYS 183**YEAS - 183****BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Richard
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Harvey, Cathryn
Filiault, Shaun
Newell, Jodi
Weber, Lucy

Fox, Dru
Germana, Nicholas
Parshall, Lucius

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Adjutant, Joshua
Cormen, Thomas
Murphy, James
Muirhead, Russell
Sykes, George

Almy, Susan
Fellows, Sallie
Sullivan, Jared
Nordgren, Sharon

Baldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Stavis, Laurel

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

HILLSBOROUGH

Murray, Alissandra
Bouchard, Donald
Cornell, Patricia
DiSilvestro, Linda

Nutting-Wong, Allison
Bradley, Amy
Ford, Damond
Dutzy, Sherry

Beaulieu, Jane
Calabro, Karen
Darby, Will
Elberger, Susan

Booras, Efstathia
Chretien, Jacqueline
Devine, Shelley
Davis, Fred

Freitas, Mary
Hamer, Heidi
Jack, Martin
Foxx, Loren
Leishman, Peter
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Newman, Ray
Ryan, Linda
Spier, Carry
Veilleux, Daniel

Goley, Jeffrey
Harriott-Gathright, Linda
Jeudy, Jean
Lanza, Judi
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
Pedersen, Michael
Raymond, Heather
Newman, Sue
Staub, Kathy
Thomas, Wendy

Gregg, Alicia
Heath, Mary
Smith, Juliet
Leapley, Nicole
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Petrigno, Peter
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Wheeler, Jonah

Grill, Jessica
Herbert, Christopher
Juris, Louis
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Murphy, Nancy
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Turcotte, Alan
Ebel, Karen
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

Brennan, Angela
Ellison, Arthur
Lane, Connie
Myler, Mel
Schultz, Kristina
Wolf, Dan

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Shurtleff, Steve

Carey, Lorrie
Gibbs, Merry
MacKay, James
Roesener, James
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Pearson, Mark
McBeath, Rebecca
Read, Ellen
Turer, Eric

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Maggiore, Jim
Meuse, David
Pearson, Stephen
Vallone, Mark

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Malloy, Dennis
O'Neil, Candice
Simpson, Alexis
Vogt, Robin

Gilman, Julie
Haskins, Linda
Paige, Mark
Manos, Zoe
Raynolds, Ned
Sytek, John
Ward, Gerald

STRAFFORD

Bay, Luz
Conlin, Bill
Howard, Heath
Kenney, Cam
Schmidt, Peter
Vincent, Kenneth

Bixby, Peter
Fitzpatrick, Daniel
Horrigan, Timothy
LaMontagne, Jessica
Pare, Gail
Wall, Janet

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 183

BELKNAP

Bogert, Steven
McCarter, Nikki
Beaudoin, Richard

Comtois, Barbara
Nagel, David
Smart, Lisa

Dumais, Russell
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Ploszaj, Tom

CARROLL

Avellani, Lino
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

Crawford, Karel
Peternel, Katy

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rochefort, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Hynes, Dan
Kofalt, Jim

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Sanborn, Laurie

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lascelles, Richard

Mazur, Lisa
Noble, Kristin
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

McGough, Tim
Notter, Jeanine
Post, Lisa
Seidel, Sheila
Mannion, Tom

McLean, Mark
Panek, Sandra
Proulx, Mark
Sheehan, Vanessa
Tenczar, Jeffrey

Mooney, Maureen
Pauer, Diane
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

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

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

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Milz, David
Piemonte, Tony
Pratt, Kevin
Spillane, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Summers, James
True, Chris
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Sweeney, Joe
Tudor, Paul
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
Melvin, Charles
Phillips, Emily
Potucek, John
Soti, Julius
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Newton, Clifford

Bailey, Glenn
Harrington, Michael
Pitre, Joseph

Bickford, David
Horgan, James
Potenza, Kelley

Burnham, Claudine
Turcotte, Len

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and amendment (0328h) failed.

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

Reps. Seaworth and Hoell spoke against.

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 175 - NAYS 195

YEAS - 175

BELKNAP

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Richard
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Harvey, Cathryn
Filiault, Shaun
Newell, Jodi
Weber, Lucy

Fox, Dru
Germana, Nicholas
Parshall, Lucius

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Adjutant, Joshua
Cormen, Thomas
Murphy, James
Muirhead, Russell
Sykes, George

Almy, Susan
Fellows, Sallie
Sullivan, Jared
Nordgren, Sharon

Baldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Stavis, Laurel

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

HILLSBOROUGH

Murray, Aissandra
 Bouchard, Donald
 Chretien, Jacqueline
 DiSilvestro, Linda
 Freitas, Mary
 Hamer, Heidi
 Jack, Martin
 Foxx, Loren
 Long, Patrick
 MacKenzie, Mark
 Morton, Jennifer
 O'Brien, Michael
 Newman, Ray
 Ryan, Linda
 Staub, Kathy
 Thomas, Wendy

Nutting-Wong, Allison
 Bouldin, Amanda
 Cornell, Patricia
 Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Jeudy, Jean
 Lanza, Judi
 Howard, Molly
 Mangipudi, Latha
 Moulton, Candace
 Pedersen, Michael
 Raymond, Heather
 Newman, Sue
 Telerski, Laura
 Wheeler, Jonah

Beaulieu, Jane
 Bradley, Amy
 Ford, Damond
 Elberger, Susan
 Gregg, Alicia
 Heath, Mary
 Smith, Juliet
 Leapley, Nicole
 Murray, Megan
 McGhee, Kat
 Murphy, Nancy
 Petrigno, Peter
 Rombeau, Catherine
 Seibert, Christine
 Vail, Suzanne
 Wilhelm, Matthew

Booras, Efsthathia
 Calabro, Karen
 Devine, Shelley
 Davis, Fred
 Grill, Jessica
 Herbert, Christopher
 Juris, Louis
 LeClerc, Daniel
 Perez, Maria
 Ming, Ben
 Nutter-Upham, Frances
 Preece, David
 Rung, Rosemarie
 Sofikitis, Catherine
 Veilleux, Daniel

MERRIMACK

Turcotte, Alan
 Ellison, Arthur
 Lane, Connie
 Myler, Mel
 Shurtleff, Steve

Brennan, Angela
 Gallagher, Eric
 Luneau, David
 Roesener, James
 Soucy, Timothy

Caplan, Tony
 Gibbs, Merryl
 MacKay, James
 Schuett, Dianne
 Wallner, Mary Jane

Ebel, Karen
 Hall, Muriel
 McWilliams, Rebecca
 Schultz, Kristina

ROCKINGHAM

Balboni, Peggy
 Grossman, Gaby
 Murray, Kate
 Maggiore, Jim
 Meuse, David
 Simpson, Alexis
 Ward, Gerald

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

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

Gilman, Julie
 Haskins, Linda
 Paige, Mark
 McBeath, Rebecca
 Read, Ellen
 Vogt, Robin

STRAFFORD

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

Bixby, Peter
 Fitzpatrick, Daniel
 Horrigan, Timothy
 LaMontagne, Jessica
 Pare, Gail
 Wall, Janet

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

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

SULLIVAN

Sullivan, Brian
 Palmer, William

Cloutier, John
 Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 195**BELKNAP**

Bogert, Steven
 Harvey-Bolia, Juliet
 Ploszaj, Tom

Comtois, Barbara
 McCarter, Nikki
 Beaudoin, Richard

Dumais, Russell
 Nagel, David
 Smart, Lisa

Huot, David
 O'Hara, Travis
 Terry, Paul

CARROLL

Avellani, Lino
 MacDonald, John
 Brown, Richard

Cordelli, Glenn
 Smith, Jonathan

Costable, Michael
 McConkey, Mark

Crawford, Karel
 Peternel, Katy

CHESHIRE

Hunt, John
 Thackston, Dick

Qualey, James
 Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
 Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
 Ladd, Rick

Brown, Carroll
 Rochefort, David

Coulon, Matthew
 Sellers, John

Greeson, Jeffrey
 Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
 Boyd, Bill

Abare, Kimberly
 King, Bill

Alexander, Joe
 Berry, Ross

Ammon, Keith
 Boehm, Ralph

Colcombe, Riché
Cushman, Leah
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Panek, Sandra
Proulx, Mark
Sheehan, Vanessa
Mannion, Tom

Cole, Brian
Kelley, Diane
Griffin, Gerald
Hynes, Dan
Kofalt, Jim
Leishman, Peter
Mooney, Maureen
Pauer, Diane
Reid, Karen
Sirois, Shane
Tenczar, Jeffrey

Corcoran, Travis
Darby, Will
Gagne, Larry
Infantine, William
Gould, Linda
Mazur, Lisa
Noble, Kristin
Plett, Fred
Renzullo, Andrew
Spier, Carry
Ulery, Jordan

Creighton, Jim
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Sanborn, Laurie
McGough, Tim
Notter, Jeanine
Post, Lisa
Seidel, Sheila
Lekas, Tony
Wherry, Robert

MERRIMACK

Andrus, Louise
Cambrils, Jose
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Wolf, Dan

Aures, Cyril
Carey, Lorrie
Hoell, J.R.
Payeur, Stephanie
See, Alvin
Wood, Clayton

Aylward, Deborah
McGuire, Dan
Leavitt, John
Polozov, Yuri
Walsh, Thomas

McGuire, Carol
Gerhard, Jason
Mason, James
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Tudor, Paul
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Newton, Clifford

Bailey, Glenn
Harrington, Michael
Pitre, Joseph

Bickford, David
Horgan, James
Potenza, Kelley

Burnham, Claudine
Turcotte, Len
Vincent, Kenneth

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion of Ought to Pass failed.

Rep. Hoell moved Inexpedient to Legislate.

Motion was adopted.

HB 208-FN, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would allow New Hampshire to join the other New England states in setting medium and long-term greenhouse gas (GHG) reduction goals and would require the Department of Environmental Services to prepare and maintain 5-year plans related to these targets and an annual emissions inventory. Climate change is occurring and already having an impact on New Hampshire businesses, environment, and health. Our current lack of a specific plan to reduce GHGs makes it more difficult for municipalities and businesses to make long-term investment decisions and puts the state at risk of not receiving a proportionate share of federal tax dollars being dedicated to low-GHG energy projects for the New England grid. Moreover, the costs of renewable energy have decreased precipitously in recent years, while those of fossil fuels have remained high or even increased, leading to energy price spikes that have hurt New Hampshire ratepayers. Setting and pursuing ambitious GHG reduction goals is both the right thing to do from a climate and environmental perspective and fiscally prudent for the future of the state.

Rep. Jacqueline Chretien

Statement in support of Inexpedient to Legislate: This bill would establish extreme greenhouse gas emission reduction goals for the state and another climate action plan. The vast essence of the bill is a dissertation on climate change and offers little substance on why the current Climate Action Plan of 2009 needs to be revised. The Department of Environmental Services testified that the bill offers no funding and that the current plan

was completed using a government grant and took extensive time to research and publish. They estimate the state would need to hire three more staff members and an outside consultant to do another plan. Even so, the plan could not be completed in the time of the bill's intent. Furthermore, the greenhouse gas goals listed are extreme and could put the state and residents at economical risk during this time of high inflation and extraordinary high electricity and fuel costs.

Rep. Douglas Thomas

Rep. Chretien moved Ought to Pass and offered floor amendment (1033h).

Floor Amendment (1033h)

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

1 New Subdivision; Climate Action Plan. Amend RSA 125-O by inserting after section 30 the following new subdivision:

Climate Action Plan

125-O:31 Climate Action Plan.

I. The public policy of the state of New Hampshire shall be to reduce statewide greenhouse gas emissions to:

- (a) At least 20 percent below 1990 levels by 2027;
- (b) At least 50 percent below 1990 levels by 2035; and
- (c) Net zero by 2050, defined as a level of statewide greenhouse gas emissions that is equal in quantity

to the amount of carbon dioxide or its equivalent that is removed from the atmosphere and stored annually in the state, excluding removed and stored carbon dioxide or its equivalent that another jurisdiction credits against its emissions; provided, however, that in no event shall the level of emissions be greater than a level that is 85 percent below the 1990 level.

II. All state agencies with jurisdiction over activities that impact greenhouse gas emissions shall incorporate these goals into their project planning, rulemaking, and funding determinations going forward.

III. Beginning in calendar year 2026, the commissioner of the department of environmental services shall submit an annual greenhouse gas inventory report, to be made available on or before January 15, to the public, the governor, the senate president, the speaker of the house of representatives, the chairperson of the senate energy and natural resources committee, the chairperson of the house science, technology and energy committee, the house clerk, the senate clerk, the energy efficiency and sustainable energy board, and the department of energy. The inventory shall:

(a) Be established with calendar year 1990 as the baseline year and use scientifically valid methodologies that are consistent with surrounding state and federal practices.

(b) Separately identify the greenhouse gas contribution of each of the major sectors of the New Hampshire economy.

IV.(a) By July 1, 2026, the department of environmental services shall, after a period of public comment, prepare and adopt a plan for achieving the limits and interim limits established pursuant to paragraph I. This plan shall be reviewed and updated by the department every 5 years.

(b) In developing this plan, the department shall:

(1) Evaluate the best available scientific, technological, and economic information on greenhouse gas emissions.

(2) Consider inclusion of strategies, programs, and compliance mechanisms with measurable goals and targets, including, but not limited to: development of market-based programs; expanding financing and investment tools; modernizing the electrical grid, electric sector regulations and rates; supporting strategic electrification and fuel switching; promoting combined heat and power systems; modifying the renewable energy standard and procurement; expanding least-cost energy procurement (including to unregulated fuels); improving state energy efficiency codes and standards, and compliance therewith; addressing natural gas leaks; promoting alternative fuel and electric vehicles; increasing use and availability of efficient public transport; changing land-use patterns to support transit-oriented development and mixed-use commercial and residential areas; and maintaining and enhancing the carbon storage and sequestration, and related ecosystem services, provided by New Hampshire's agricultural and forested lands, as well as freshwater, coastal, and marine systems.

(3) Consider opportunities to encourage public and private investment toward rural, low-income, low to moderate income, and minority communities in New Hampshire and provide an opportunity for small businesses, schools, affordable housing associations, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

(4) Recommend how the state could provide retraining and apprenticeship opportunities for those affected by the required changes.

(5) Review the federal funding opportunities available through the new Climate Pollution Reduction Grants (CPRG) program and ensure that the state is taking actions as appropriate to qualify for relevant sources of federal funding, including those associated with the 2022 Bipartisan Infrastructure Law and Inflation Reduction Act;

(6) Consult with the public utilities commission; the department of transportation; the department of agriculture, markets and food; and the department of energy throughout the plan development process to ensure the greenhouse gas emissions reduction activities to be adopted and implemented by the department are complementary, non-duplicative, and can be implemented in an efficient and cost-effective manner.

(c) The department of environmental services, in conjunction with the public utilities commission; the department of transportation; the department of agriculture, markets and food; and the department of energy, will develop a report regarding the plan, including areas of progress, barriers, and emerging opportunities, in years 2 and 4 following the release of the plan. The commissioner of the department of environmental services shall submit the report, to be made available on or before January 15, to the public; the governor; the senate president; the speaker of the house of representatives; the chairperson of the senate energy and natural resources committee; the chairperson of the house science, technology and energy committee; the house clerk; the senate clerk; the energy efficiency and sustainable energy board; and the department of energy.

V. The department of environmental services may assign work to one or more of their employees or hire new employees to fulfill the requirements of this chapter. The department may engage additional technical, legal, or administrative support as required to fulfill the requirements of this chapter. The department shall make an application to the federal Climate Pollution Reduction Grant Program for any costs, including personnel costs and reimbursements to other departments, necessary to fulfill the requirements of this chapter. If necessary, the department may also fund such costs through the use of RGGI funds accepted by the state as of the 4th quarterly auction of the fiscal year ending June 30, 2023.

2 State Energy Policy. RSA 378:37 is repealed and reenacted to read as follows:

378:37 New Hampshire Energy Policy.

I. The general court declares that it shall be the energy policy of this state to:

(a) Meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources;

(b) Maximize the use of all cost-effective energy efficiency and other demand-side resources;

(c) Achieve the greenhouse gas emission goals identified in RSA 125-O:31, II; and

(d) Protect the safety and health of the citizens, the physical environment of the state, and the supply of natural resources for future generations.

II. The energy policy of this state shall be developed with due regard and appreciation for both the short- and long-term financial and fiscal costs imposed by climate change and continued reliance on fossil fuels on the state, its citizens, and businesses. It shall also seek to mitigate the difficulties associated with the transition to a clean energy-based economy for this state's businesses, commercial entities, and labor force in a manner that does not impede this state from achieving the greenhouse gas emission reduction goals identified in RSA 125-O:31, II.

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

The question being adoption of floor amendment (1033h).

Rep. Vose spoke against and yielded to questions.

Rep. Chretien spoke in favor.

On a division vote, with 185 members having voted in the affirmative, and 186 in the negative, floor amendment (1033h) failed.

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

Rep. Doug Thomas spoke against.

Rep. Chretien spoke in favor.

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 183 - NAYS 187

YEAS - 183

BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Richard
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Harvey, Cathryn
Filiault, Shaun
Newell, Jodi
Weber, Lucy

Fox, Dru
Germana, Nicholas
Parshall, Lucius

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Adjutant, Joshua
Cormen, Thomas
Murphy, James
Muirhead, Russell
Sykes, George

Almy, Susan
Fellows, Sallie
Sullivan, Jared
Nordgren, Sharon

Baldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Stavis, Laurel

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

HILLSBOROUGH

Murray, Aissandra
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Juris, Louis
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Wheeler, Jonah

Nutting-Wong, Allison
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Foxy, Loren
Leishman, Peter
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Lanza, Judi
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Veilleux, Daniel

Booras, Efstathia
Calabro, Karen
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Smith, Juliet
Leapley, Nicole
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Raymond, Heather
Newman, Sue
Staub, Kathy
Thomas, Wendy

MERRIMACK

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

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schultz, Kristina
Wolf, Dan

Carey, Lorrie
Gibbs, Merryl
MacKay, James
Richards, Beth
Shurtleff, Steve

Ebel, Karen
Hall, Muriel
McWilliams, Rebecca
Roesener, James
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Simpson, Alexis
Ward, Gerald

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

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

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Read, Ellen
Vogt, Robin

STRAFFORD

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

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

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 187**BELKNAP**

Bogert, Steven
McCarter, Nikki
Beaudoin, Richard

Comtois, Barbara
Nagel, David
Smart, Lisa

Dumais, Russell
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Ploszaj, Tom

CARROLL

Avellani, Lino
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

Crawford, Karel
Paternel, Katy

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheport, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Hynes, Dan
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda
McGough, Tim
Notter, Jeanine
Post, Lisa
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Sanborn, Laurie
McLean, Mark
Panek, Sandra
Proulx, Mark
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lascelles, Richard
Mooney, Maureen
Pauer, Diane
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

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

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

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Tudor, Paul
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Newton, Clifford

Bailey, Glenn
Harrington, Michael
Pitre, Joseph

Bickford, David
Horgan, James
Potenza, Kelley

Burnham, Claudine
Turcotte, Len

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion of Ought to Pass failed.

Rep. Sweeney moved Inexpedient to Legislate.

On a division vote, with 192 members having voted in the affirmative, and 181 in the negative, the motion was adopted.

MOTION TO PRINT DEBATE

Rep. Adjutant moved that the debate on **HB 208-FN**, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

Objection was made.

On a division vote, with 214 members having voted in the affirmative, and 159 in the negative, the motion was adopted.

DEBATE ON HB 208-FN

Speaker Packard: Rep. Chretien moves Ought to Pass and has a floor amendment (1033h) in your seat pockets. The Chair recognizes Rep. (Doug) Thomas. The Chair recognizes Rep. Vose.

Representative Vose: Thank you, Mister Speaker. Mister Speaker, I rise this afternoon to oppose the amendment to HB 208. On the surface, it appears to be a fairly innocuous amendment. It changes a few dates from 2024 to 2026 and one to 2027 and it adds a clause about funding for writing a climate action plan. But the amendment is essentially the bill itself with just those few changes that I mentioned. The bill itself is a fundamentally dangerous proposition for the State of New Hampshire. This bill could, even though it looks innocuous, this bill could actually fundamentally change the way we live. It could allow government to dictate what kind of car you drive, to dictate how you heat your home, to dictate where you can work, to dictate where you can go on vacation or whether you could go on vacation. That's what a climate action plan could do to this state. This legislation says the General Court declares that it shall be the energy policy of this state to achieve the greenhouse gas emission goals identified in the climate action plan. Those goals are pretty draconian and to achieve them would require changing our lifestyle. We better be careful how we proceed with something like that. Now I'll point out that the use of the word goals doesn't actually make this a mandate, but it would be an encouragement to adopt policies that could significantly change the way you live. I'd also point out that the 2009 climate action plan contained 67 recommended actions, one of which was to import hydro and wind power from Canada that was never implemented, obviously. But the reality remains that putting a policy like this in place

Speaker Packard: The Representative will suspend for a minute. Are you speaking to the amendment or the bill itself?

Representative Vose: Mister Speaker, the amendment is the bill itself with a few small changes. So the bottom line here is simple. This amendment is the bill itself with a few small changes and it's a fundamentally dangerous bill. I urge you to vote no on the amendment.

Speaker Packard: Does the member yield to questions?

Representative Vose: Yes.

Speaker Packard: Member yields.

Representative Harrington: Thank you, Mister Speaker. Thank you, Representative, for taking my question. I'm looking at a section of the amendment here and I'm trying to figure out what this has to do with climate action plans, energy or the climate at all. Where it says this plan must consider opportunities to encourage public and private investment toward to rural, low-income, low to moderate income, and minority communities in New Hampshire and provide an opportunity for small businesses, schools, affordable housing associations, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

Speaker Packard: Is there a question?

Representative Harrington: This sounds like some type of a socialized plan and can you explain what it has to do with energy?

Representative Vose: Thank you for the question, Representative. All this language is designed to give government the power to virtually do anything it wants in a climate action plan and that's one of the things that makes it dangerous. Thank you.

Speaker Packard: The Chair recognizes Rep. Chretien.

Representative Chretien: Thank you, Mister Speaker. Thank you for those interesting perspectives. This amendment makes a few improvements and clarifications to the language of the original bill, 208, in response to the testimony that we heard in committee and concerns that were raised from my colleagues. So mainly it adjusts the deadline dates for the reports in the first emissions reduction goal to move them two years into the future. So we heard it was necessary to make them more reasonably achievable for DES. The amendment also adds a section, as was noted, section five, that clarifies that any costs that DES incurs that are associated with personnel or administrative support to prepare the plan and emissions inventory should come from federal grants, which have recently been made available specifically for this kind of work. In the unlikely event that the time line for that isn't fast enough, they can use some of the funds the state receives from the regional greenhouse gas initiative as a backup source. Please vote to adopt the amendment so that we can vote on the best possible version of this important bill and ensure that this state has a climate plan that will make us all eligible to receive as many federal dollars for energy projects as possible by pressing the green button. Thank you.

Speaker Packard: The motion before us is the amendment (1033h). A division has been requested. Members will take their seats. The motion before us is floor amendment (1033h). This is a division vote. The Chair recognizes Rep. Vose for a parliamentary inquiry.

Representative Vose: Thank you, Mister Speaker. Mister Speaker, if I know that this amendment is fundamentally the bill before us. And if I know that this amendment and this bill is a massive expansion of government influence over our lives, would I press the red button to say no to this amendment? Thank you, Mister Speaker.

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

Representative Chretien: Thank you, Mister Speaker. If I know that a vote on the underlying bill will follow a vote on the amendment. And if I know that the amendment simply changes the dates and clarifies the funding source for this bill, would I now press the green button? Thank you.

Speaker Packard: The motion before us is floor amendment (1033h). This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 185 voting Yea, 186 voting Nay, the amendment fails. We are back to a motion of Ought to Pass on HB 208. The Chair recognizes Rep. Doug Thomas.

Representative Doug Thomas: Thank you, Mister Speaker. Members, in my committee we are told often just how far New Hampshire lags behind other states around us, that we should be more like the states around us. Maybe that's why we are experiencing the greatest influx of people coming in from most states to New Hampshire. They like New Hampshire. We know how to take care of our environment. We have clean air. We have good mountain views. We have great beaches. The agencies that we have here, DES, Department of Environmental Services and a Department of Energy, they know how to take care and guide us through the environmental crisis that everyone is looking at here and have been doing a great job. That's why we already have a climate action plan from 2009 and we have done quite well with that. Just a few days ago, I learned that there is federal money coming down that will enable DES to write an update. I asked DES if they needed legislative direction to write an update to your climate action plan and they said no. Since we have done such a great job with the 2009 plan, I have complete trust that our state employees will do a great job in updating according to federal guidelines what the next climate action plan will be and using the money that is being given to us by the federal agency. So we don't really need this bill to write an update to a climate action plan. What we need are good state employees that know the commonsense that New Hampshire has to put in there what we already know is doing a good job in keeping our state so good that everyone is coming here for both hiking, tourism and also to live. The other part of this bill talks about the New Hampshire Department of Energy. If this bill were to pass, the Department of Energy would be tasked with doing project planning, funding determinations and rulemaking. This is not what the Department of Energy is for. It is basically an economic regulator in our state and it's doing a great job so far. So if this bill were to pass, that portion would have to be funded. The Department of Energy would have to grow with staff members, costing us more money on something that DES is already doing. So this bill isn't needed. What we need is commonsense and trust in our state employees to keep up with the environmental regulations that we already have to keep New Hampshire going. Also, the requirements that this bill would do are extreme such as having zero emissions by the year 2050, which are just not going to happen, plus it will affect our economics in doing so. We are New Hampshire. We don't want to be like the rest of the states here. That's why we don't need HB 208. That's why we need to press the red button. Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Rep. Chretien.

Representative Chretien: Thank you, Mister Speaker. This bill does two simple, but critical things. First, it sets out a series of stepwise goals for reducing greenhouse gas emissions in the state in statute to 80% of 1990 levels or less by 2050. Then, it charges the Department of Environmental Services with creating and maintaining plans to meet those goals. I sponsored this bill first and foremost because the people of New Hampshire want the state to have a climate plan. With the exception of some date changes, this bill is actually essentially identical to bills that were introduced in the last two sessions. In 2020 it passed the House with a margin of 197 to 123, but unfortunately died a COVID death in the Senate. Last term it was tabled with many other bills from this committee, however, the public support for all three iterations of this bill has been overwhelming with 10 to 1 margin signing in for the bill versus against it. We have a mandate from our constituents to act on climate. A second reason why I sponsored this bill is because I believe as legislators, we have a responsibility to protect our residents and our state resources for future generations. Climate change is real and is already having negative impacts on our residents, businesses and the environment. Warmer winters are a killer for tourism and revenues in the North Country. Hotter summers are bad for kids with asthma and older people with COPD. Warmer waters and unpredictable weather patterns are major challenges for our fishermen, farmers and maple sugar producers. The science is clear that global weirding is happening at an unprecedented rate due mostly to greenhouse gas emissions primarily from fossil fuels and that structural changes will be required to slow it down. We have a responsibility to the future citizens of the state and the world to do our part. With that said, I recognize that climate change alone may not be a persuasive argument for everyone in this chamber. So let's talk about the money instead. There is substantial evidence growing almost daily that renewables and low carbon technologies, in general, are on learning curves or experience curves. And what this means is, unlike fossil fuels, which have costs essentially the same price per kilowatt produced for centuries, renewable technologies are becoming exponentially cheaper over time as production scales and this includes storage technology. They are far exceeding initial expectations in terms of affordability. This is actually amazing news because it means that the sooner we make this switch from oil and gas to solar and wind and other technologies, the more money we can save. Excuse me? I believe I have the right to be heard. Thank you. This is not counting any costs of climate change itself at all. Nothing about the savings of preventing flooding or wildfires or drought, so just the cost of energy itself. If you like citations, there is a really fabulous paper published in the Journal Joule last year that I can recommend that shows these trends clearly. If you prefer anecdotes, I can tell you there are already places, many places

in the country where wind and solar are regularly the least expensive sources of electricity. And again, this gap is all but guaranteed to get wider over the next couple of years. I really can't emphasize this enough. We literally cannot afford not to switch to renewables as fast as we possibly can. For me it is also important to consider that low carbon tech presents an opportunity to develop homegrown energy from in-state companies so we keep more energy dollars in the state and because renewable projects, including energy storage projects, can be sited throughout the state. They ultimately help us build a more resilient distributed grid. To be honest, Granite Staters aren't actually all sitting around waiting for us on this. We currently have many municipal and individual level efforts in the state to produce renewable energy, but what we don't have is a guiding, binding plan at the state level to help businesses understand where best to make long-term investments and to bridge the gap between local projects and the region level tasks of grid planning so they can be more efficient, avoid planning missteps and delays and not get left out of opportunities as our neighboring states go forward. On the topic of opportunities, let's talk about the big one, federal investment. Monies to accelerate the transition from fossil energy to renewables is coming and it's clearly going to be a game changer for supporting renewables projects nationwide. New Hampshire is not even eligible for some of these dollars because we don't have an appropriate state level climate plan and we are otherwise in an enormous competitive disadvantage among the other states that feed into the New England grid because, yes, Vermont, Maine, Connecticut, Rhode Island, Massachusetts all have ambitious and legally binding greenhouse gas reduction goals. They have plans and state administrative support in place to direct federal funds to benefit their people and their businesses and New Hampshire doesn't. I'm happy to pay my fair share of federal taxes as part of my duties as a citizen of this great country, but I also want to make sure that my community is going to receive our fair share of the return on federal investments. If every other New England state has a real plan with shovel ready green energy projects, they are aware all of the dollars for modernizing New England's energy grid is going to get and they are aware the jobs created with these projects are going to be. I don't know about you, but when I'm out knocking doors next Summer and Fall, I don't want my constituents asking me why New Hampshire is the only state in New England that isn't benefiting from a green jobs boom. Finally, I do want to acknowledge, yes, my colleague from Londonderry is correct, New Hampshire does technically have a climate plan. The first one was created 14 years ago and it had emissions reduction goals in line with the ones proposed here and in line with what all the other states in New England have now, but it was essentially ignored after the Lynch administration ended. So if these goals had been put into statute, which is the difference with this bill, if we had actually followed the recommendations set out in that plan instead of undermining them, if we had stuck to the goal that was set then of obtaining 25% of our energy from renewables by 2025, we would certainly be less reliant on gas today and there is every reason to believe that we would have been more resilient to those electricity price spikes that we saw this year. That final goal of an 85% reduction by 2050 would be that much closer. So in closing, one thing that we have heard over and over again this year when the energy bills come up is that oh this isn't the time to invest in energy efficiency, now isn't the time to invest in renewables and you know what, I actually agree with that. The right time was 20 years ago. It was 14 years ago, but we failed to act at that right time so the next best time to act, the time that we have is now. Let us not let another 15 or 20 years go by. Let's not let our children and grandchildren and constituents look back at us and say the same thing we are saying about previous legislatures, oh gosh this could have been so much easier if they had just acted back then. Let's make energy transition a bipartisan issue. Stop kicking this can down the road and commit together to the serious energy transition plan that New Hampshire deserves. Thank you and I request a division vote.

Speaker Packard: Rep. Santonastaso has requested a roll call. It is efficiently seconded. This will be a roll call vote. Members take your seats. The motion before us is Ought to Pass on HB 208. This is a roll call vote. The Chair recognizes Rep. Vose for a parliamentary inquiry.

Representative Vose: Thank you, Mister Speaker. Mister Speaker, if I know that 2009's New Hampshire climate action plan ran to 74 pages and recommended 67 steps, the vast majority of which were never implemented, including importation of Canadian hydro and wind power. If I also know that the Manhattan Institute has identified at least 42 solid reasons that explain why net zero by any date can never happen, which negates the need to plan for such a contingency. And if I know that now is not the time to expand government influence over our lives. And finally if I know that creating such plans is costly as well as ineffective, would I now press the red button to relegate this bill to its rightly place in the chronicles of historical futility? Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Wendy Thomas for a parliamentary inquiry.

Representative Wendy Thomas: Thank you, Mister Speaker. Mister Speaker, if I know this bill will have New Hampshire join other New England states in setting medium- and long-term greenhouse gas reductions plans and would require the Department of Environmental Services to prepare and maintain 5-year plans related to these targets and an annual emissions inventory. And if I know climate change is occurring and already having an impact on New Hampshire businesses, our environment and our state's health. And if the lack of a specific climate plan to reduce greenhouse gas makes it more difficult for municipalities and businesses to make long term investment decisions and that we must have a state climate plan in order to be

eligible for certain federal funding that is dedicated to renewable energy projects for the New England grid. And finally, if I know that setting and pursuing ambitious greenhouse gas reduction goals is both the right thing to do from a climate and environmental perspective while also being fiscally and economically prudent for the future of this state, would I now do the right thing for New Hampshire's energy and economic future and press the green button for Ought to Pass? Thank you.

Speaker Packard: The motion before us is Ought to Pass on HB 208. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 183 voting Yea, 187 voting Nay, the motion of Ought to Pass fails. For what reason does the member rise?

Representative Sweeney: To make a motion, Mister Speaker.

Speaker Packard: State your motion.

Representative Sweeney: I move Inexpedient to Legislate.

Speaker Packard: The motion before us is Inexpedient to Legislate. A division has been called. Members will be in your seats. The motion before us is Inexpedient to Legislate on HB 208. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 192 voting Yea, 181 voting Nay, the motion of Inexpedient to Legislate passes.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Ammon moved that the House reconsider its action whereby, on a Division vote of 192-181, the House adopted the motion of Inexpedient to Legislate on **HB 208-FN**, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan.

Rep. Ammon spoke against.

On a division vote, with 186 members having voted in the affirmative, and 187 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 263-FN, requiring notification to renewable energy customer-generators of issues related to renewable energy credits. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Renewable Energy Certificate (REC) sweeping occurs when an energy producer, typically a homeowner who installs solar panels, fails to apply for certificates for their solar energy. Over a decade ago, New Hampshire enacted a law to allow electric utilities to "sweep" these RECs, which allows the utility to avoid paying an Alternative Compliance Payment and therefore receive a benefit from the value of the RECs that the homeowner did not receive. We heard testimony that under the New Hampshire Constitution, without notice to the owner of the RECs, this constitutes a taking. This bill seeks to provide notice in the form of a letter mailed to the REC owner that if they do not apply for their certificates, the value will be transferred to their local utility. It addresses at a base level the legal requirement that there be notice prior to a taking.

Rep. Rebecca McWilliams

Statement in support of Inexpedient to Legislate: This bill increases electricity costs by requiring the Department of Energy (DOE) to send annual notices to every company and individual generating renewable energy that have not claimed their Renewable Energy Certificates (RECs). These abandoned certificates will be "swept" by utilities to lower all ratepaying customer costs. The administrative cost, both for the DOE to make these notices and to small roof top generators to create RECs of nominal value is unacceptably high. The DOE is also tasked with making claims regarding the Federal Trade Commission's jurisdiction to bring legal action against homeowners with roof-top solar that are fanciful at best. With the value of this notice being errant and of minimal worth and the cost being high, Inexpedient to Legislate is the appropriate decision.

Rep. JD Bernardy

Rep. McWilliams moved Ought to Pass and spoke in favor.

Rep. Bernardy spoke against.

On a division vote, with 178 members having voted in the affirmative, and 186 in the negative, the motion of Ought to Pass failed.

Rep. Sweeney moved Inexpedient to Legislate.

On a division vote, with 187 members having voted in the affirmative, and 180 in the negative, the motion of Inexpedient to Legislate was adopted.

HB 523-FN, relative to net energy metering limits for individual and business customers. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This is a bill to increase the one-megawatt net metering cap for all renewable energy projects to a more economical five megawatts limit. To be clear, the metering and hook-up costs are a substantial part of any solar install. Increasing the net metering cap to five megawatts allows for a quicker return on investment that our businesses are asking for. This approach to net metering design-

nates it to be accounted as a load reducer. It makes net metering invisible at the bulk power level and saves transmission costs. In doing so it may directly benefit ratepayers. Anticipating that naysayers may claim that large scale net metering leads to cost shifting, the Public Utilities Commission recently published a Value of Distributed Energy Resources (VDER) report, which concluded there is no significant cost shifting in net metering in the most conservative scenario, using data prior to the 2022 winter electricity price spikes. New Hampshire businesses are clamoring to access a higher net metering cap to benefit their own bottom line. This bill is a business friendly, moderate approach that will help New Hampshire businesses stay competitive. We heard testimony that Anheuser Busch recently went through a round of layoffs as a direct result of the recent surge in energy costs. They have the space to do additional solar, but show reluctance to install it and decrease their energy bill until the legislature increases the net metering cap. It's time to help our businesses, diversify our grid with homegrown solar, and keep New Hampshire workers on the job.

Rep. Lucius Parshall

Statement in support of Inexpedient to Legislate: Electric utilities in New Hampshire are required to purchase electricity, at above wholesale prices, from customers who are generating excess electricity in their home or business (e.g. from solar panels). Customer generated electricity is less reliable and more expensive than wholesale electricity; therefore, a limit of one megawatt per customer generator was put in place to keep reliability and costs to all ratepayers manageable. This bill increases allowable net metering from one to five megawatts. Some committee members felt that quintupling the net metering limit is unmanageable growth (for reference, it takes about five football fields of solar panels to generate one megawatt of electricity, which is the current limit per individual generator). Recent studies show that increases in net metered energy create an escalating cost shift to other customers. Businesses lobby for these increases to obtain a faster return on a renewable investment, given that up-front capital costs comprise 80% of the cost of a solar generation project. Unfortunately, that accelerated return comes at the expense of all other ratepayers. Some committee members believe this policy therefore promotes corporate welfare, and it hurts the lowest wage earners the most. The New Hampshire Department of Energy (DOE) opposes this bill because there is an ongoing investigation at the Public Utilities Commission to determine what changes need to occur to net metering tariffs and requirements to make it more manageable and cost effective. DOE would like to see this study conclude before making further changes to net metering laws.

Rep. Lex Berezchny

Rep. Parshall moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Berezchny spoke against.

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 182 - NAYS 189

YEAS - 182 BELKNAP

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Burroughs, Anita Paige, David McAleer, Chris
Woodcock, Stephen

CHESHIRE

Ames, Richard Harvey, Cathryn Fox, Dru Eaton, Daniel
Faulkner, Barry Filiault, Shaun Germana, Nicholas Jones, Philip
Monteil, Renee Newell, Jodi Parshall, Lucius Schapiro, Joe
Toll, Amanda Weber, Lucy

COOS

Cascadden, Corinne Kelley, Eamon Noël, Henry

GRAFTON

Adjutant, Joshua Almy, Susan Baldwin, Heather Bolton, Bill
Cormen, Thomas Fellows, Sallie Hакken-Phillips, Mary Hoyt, Tommy
Murphy, James Sullivan, Jared Lovett, Peter Massimilla, Linda
Muirhead, Russell Nordgren, Sharon Stavis, Laurel Stringham, Jerry
Sykes, George

HILLSBOROUGH

Murray, Alissandra Nutting-Wong, Allison Beaulieu, Jane Booras, Efstathia
Bouchard, Donald Bradley, Amy Calabro, Karen Chretien, Jacqueline
Cornell, Patricia Ford, Damond Darby, Will Devine, Shelley
DiSilvestro, Linda Dutzy, Sherry Elberger, Susan Davis, Fred
Freitas, Mary Goley, Jeffrey Gregg, Alicia Grill, Jessica

Hamer, Heidi
Jeudy, Jean
Lanza, Judi
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Veilleux, Daniel

Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Raymond, Heather
Newman, Sue
Staub, Kathy
Thomas, Wendy

Heath, Mary
Juris, Louis
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Wheeler, Jonah

Jack, Martin
Foxx, Loren
Leishman, Peter
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Turcotte, Alan
Ebel, Karen
Hall, Muriel
McWilliams, Rebecca
Roesener, James
Soucy, Timothy

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

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schultz, Kristina
Wolf, Dan

Carey, Lorrie
Gibbs, Merry
MacKay, James
Richards, Beth
Shurtleff, Steve

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Simpson, Alexis
Ward, Gerald

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

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

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Read, Ellen
Vogt, Robin

STRAFFORD

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

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

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 189

BELKNAP

Bogert, Steven
Dumais, Russell
O'Hara, Travis
Terry, Paul

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard

Comtois, Barbara
Nagel, David
Smart, Lisa

CARROLL

Avellani, Lino
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

Crawford, Karel
Peternel, Katy

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheport, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert

Hynes, Dan
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Infantine, William
Gould, Linda
McGough, Tim
Notter, Jeanine
Post, Lisa
Seidel, Sheila
Mannion, Tom

Kennedy, Stephen
Sanborn, Laurie
McLean, Mark
PANEK, Sandra
Proulx, Mark
Sheehan, Vanessa
Tenczar, Jeffrey

Kenny, Catherine
Lascelles, Richard
Mooney, Maureen
Pauer, Diane
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

Andrus, Louise
Cambrils, Jose
Hoell, J.R.
Polozov, Yuri
Walsh, Thomas

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

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

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Tudor, Paul
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttub, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Newton, Clifford

Bailey, Glenn
Harrington, Michael
Pitre, Joseph

Bickford, David
Horgan, James
Potenza, Kelley

Burnham, Claudine
Turcotte, Len

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion of Ought to Pass failed.

Rep. Sweeney moved Inexpedient to Legislate.

On a division vote, with 189 members having voted in the affirmative, and 182 in the negative, the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sweeney moved that the House reconsider its action whereby, on a Division vote of 189-182, the House adopted the motion of Inexpedient to Legislate on **HB 523-FN**, relative to net energy metering limits for individual and business customers.

Rep. Sweeney spoke against.

On a division vote, with 178 members having voted in the affirmative, and 193 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 524-FN, relative to regional greenhouse gas initiative funds. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The New Hampshire Energy Efficiency Fund (EEF) is a dedicated fund created in 2008 when New Hampshire joined the Regional Greenhouse Gas Initiative (RGGI). RGGI is a regional market for emission allowances, which are sold at quarterly auctions. New Hampshire's share of emissions allowances is deposited into the EEF and available through the NHSaves program. Upon joining RGGI, the legislature agreed to invest the first \$6 of sales per ton of each allowance sold in the EEF, with the remaining proceeds rebated directly to utility ratepayers. Legislation passed in 2013 dictated that only the first \$1 per ton could be used to fund the EEF. The remaining proceeds are rebated directly to utility ratepayers. This bill would increase the amount invested in the EEF from \$1 to \$3 per ton, which is still half of the originally intended amount. With allowances currently trading at \$13 per ton, ratepayers will continue to receive rebates on all but the first \$3 per ton; the equivalent of \$10 per ton, or 77% of their current rebate.

The committee received testimony from New Hampshire Department of Environmental Services (DES) that New Hampshire's share of RGGI allowance sales is \$43 million dollars. Of that, only \$3.2 million is currently being invested in programs to support conservation and energy efficiency. This bill would increase that investment to \$9.6 million while reducing the average ratepayer's monthly rebate by \$0.83 per month. This is a small additional investment in New Hampshire's energy future, but a steppingstone to enacting the 2008 goal of investing in energy efficiency to lower rates for everyone in the state. The committee is unanimous in its concern about the rising price of energy and need to reduce those prices going forward. The members of the committee who recommend Ought to Pass believe that we cannot achieve this goal without additional investment in long term plans that will change the energy picture in New Hampshire. We will continue to see rate hikes due to our overreliance on natural gas without a long-term plan to invest in energy efficiency to reduce demand. There is no future payback from rebates, but there will be if we fund the EEF to invest in the future of energy efficiency in New Hampshire.

Rep. Chris Muns

Statement in support of Inexpedient to Legislate: This bill would increase yearly ratepayer costs by \$6.7 million in the first year and \$70 million or more over the next ten years. It changes the current Regional Greenhouse Gas Initiative (RGGI) ratepayer rebate formula by increasing the threshold amount from \$1 to \$3. The most recent auction price of \$13.07 provided \$43 million to our state. Over \$39 million of that money went back to ratepayers. Investments in efficiency often lead to more consumption for goods and services. Plastics is a classic example. As the manufacture of plastics became more efficient, its uses expanded due to its increasingly lower cost and other benefits, such as durability and light weight. Increases in energy efficiency can also lead to more energy use if its cost goes down. With the recent spike in electricity prices combined with higher costs for heating and transportation fuels, this is not the time to be adding more costs onto the backs of energy ratepayers.

Rep. Troy Merner

Rep. McGhee moved Ought to Pass.

Rep. Merner spoke against.

The House recessed at 2:35 p.m.

RECESS

The House reconvened at 3:00 p.m.

CLERK'S NOTE

The House went into Recess for the purpose of attending to a medical emergency.

(Speaker Packard in the Chair)

HB 524-FN CONTINUED

Rep. McGhee spoke in favor.

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

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 181 - NAYS 186

YEAS - 181

BELKNAP

Coker, Matthew

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Richard
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Harvey, Cathryn
Filiault, Shaun
Newell, Jodi
Weber, Lucy

Fox, Dru
Germana, Nicholas
Parshall, Lucius

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Adjutant, Joshua
Cormen, Thomas
Murphy, James
Muirhead, Russell
Sykes, George

Almy, Susan
Fellows, Sallie
Sullivan, Jared
Nordgren, Sharon

Baldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Stavis, Laurel

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

HILLSBOROUGH

Murray, Aissandra
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Hamer, Heidi
Jeudy, Jean
Lanza, Judi
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Veilleux, Daniel

Nutting-Wong, Allison
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Raymond, Heather
Newman, Sue
Staub, Kathy
Thomas, Wendy

Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Wheeler, Jonah

Booras, Efsthathia
Calabro, Karen
Darby, Will
Elberger, Susan
Grill, Jessica
Jack, Martin
Foxy, Loren
Leishman, Peter
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Turcotte, Alan
Ebel, Karen
Hall, Muriel
McWilliams, Rebecca
Roesener, James
Soucy, Timothy

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

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schultz, Kristina
Wolf, Dan

Carey, Lorrie
Gibbs, Merryl
MacKay, James
Richards, Beth
Shurtleff, Steve

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Simpson, Alexis
Ward, Gerald

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

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

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Read, Ellen
Vogt, Robin

STRAFFORD

Bay, Luz
Conlin, Bill
Howland, Allan
Levesque, Cassandra
Selig, Loren
Wall, Janet

Bixby, Peter
Fitzpatrick, Daniel
Rich, Jeffrey
Smith, Marjorie
Southworth, Thomas

Rich, Cecilia
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Treleaven, Susan

Cannon, Gerri
Howard, Heath
LaMontagne, Jessica
Pare, Gail
Vincent, Kenneth

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 186**BELKNAP**

Bogert, Steven
McCarter, Nikki
Beaudoin, Richard

Comtois, Barbara
Nagel, David
Smart, Lisa

Dumais, Russell
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Ploszaj, Tom

CARROLL

Avellani, Lino
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Costable, Michael
Peternel, Katy

MacDonald, John
Brown, Richard

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rochefort, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill

Abare, Kimberly
King, Bill

Alexander, Joe
Berry, Ross

Ammon, Keith
Boehm, Ralph

Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Hynes, Dan
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Plett, Fred
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Cole, Brian
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda
McGough, Tim
Notter, Jeanine
Post, Lisa
Seidel, Sheila
Mannion, Tom

Corcoran, Travis
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Sanborn, Laurie
McLean, Mark
Panek, Sandra
Proulx, Mark
Sheehan, Vanessa
Tenczar, Jeffrey

Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lascelles, Richard
Mooney, Maureen
Pauer, Diane
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

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

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

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Tudor, Paul
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Newton, Clifford

Bailey, Glenn
Harrington, Michael
Pitre, Joseph

Bickford, David
Horgan, James
Potenza, Kelley

Burnham, Claudine
Turcotte, Len

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion of Ought to Pass failed.

Rep. Sweeney moved Inexpedient to Legislate.

On a division vote, with 187 members having voted in the affirmative, and 180 in the negative, the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sweeney moved that the House reconsider its action whereby, on a Division vote of 187-180, the House adopted the motion of Inexpedient to Legislate on **HB 524-FN**, relative to regional greenhouse gas initiative funds.

Rep. Sweeney spoke against.

On a division vote, with 180 members having voted in the affirmative, and 187 in the negative, the motion failed.

MOTION TO PRINT DEBATE

Rep. Weber moved that the debate on **HB 524-FN**, relative to regional greenhouse gas initiative funds, be printed in the Permanent Journal.

On a division vote, with 260 members having voted in the affirmative, and 106 in the negative, the motion was adopted.

DEBATE ON HB 524-FN

Speaker Packard: Rep. McGhee moves Ought to Pass. The Chair recognizes Rep. Merner.

Representative Merner: Thank you, Mister Speaker. I rise in strong opposition to HB 524. This bill will increase the yearly rate by \$6.7 million of ratepayer money, costing the ratepayer and \$70 million over 10 years.

The most recent auction price of \$13.07 provided \$43 million to the fund in our state, to our state and \$39 million went back to the ratepayers. With the recent spike in electricity prices, heating, transportation fuels, now is not the time for a tax increase to ratepayers. I urge you to vote ITL on this bill.

Speaker Packard: The Chair recognizes Rep. McGhee.

Representative McGhee: Thank you, Mister Speaker and esteemed colleagues. It's nice to be back. I very much respect my colleague from Lancaster, though I do have a disagreement with him about this bill. The Regional Greenhouse Gas Initiative or RGGI, as it is known.

Speaker Packard: The Member will suspend. The House is in recess.

DEBATE ON HB 524-FN CONT'D

Speaker Packard: Members take your seats. The House will be in order. The Member may continue.

Representative McGhee: Thank you again, Mister Speaker. Esteemed colleagues, the Regional Greenhouse Gas Initiative or RGGI, a regional cap and trade program involves 11 states and it helps fund investments in those states in clean, local energy supply, greater efficiency and current technologies. States do this to help avoid the kind of crushing price hikes we fell victim to last year. Though every state uses their RGGI money differently, only New Hampshire has chosen not to invest their money to modernize the state's energy economy. New Hampshire opted to offer electrical rebates so small that no one notices them while our rates shot up over 150%. Last year, New Hampshire received \$43 million under RGGI. By statute, we can only use the first dollar of our allowances to fund energy improvements. Last year the average was about \$13 as my colleague from Lancaster mentioned. Currently in March the allowance is around \$12.50 so about the same. But less than 7% of that money gets used for its intended purpose and remember we've been spending the RGGI money this way for years, giving 93% of our investment capital away, a couple of dollars per person, per month. New Hampshire has received \$262 million over the life of the program and what do we have to show for it? If we keep doing what we've been doing, which is the absolute minimum, then we cannot claim that we are doing all that we can to help people lower their bills and deal with the high cost of energy. It's really simple. No investment, no return. It's not taking money from people, which is one way to spin it. It's putting some of that money where it could actually do them some good. The bill asks us to increase that \$1, 7%, to \$3, so tripling our money to make investments and that would turn into approximately 20% or more, just under 21%. But we would still be rebating 80% of the funding onto the utility bills of the customers. So this is truly a compromise, as my caucus believes, we should be using 80% for energy transition and like the other 10 states in RGGI are doing. But having 20% of the annual funding gives us at least a chance to make the money work for our constituents, to do some things that are interesting and to try to keep up in terms of competitiveness. We can give them supply and demand side options and truly being down costs. We are not spendthrifts in New Hampshire, but we are not fools either. Our lack of progress on local sustainable energy has increased our share of the regional transmission costs on that regional grid. We don't have to be the only state member of RGGI who isn't seeing the benefits of this wildly successful program. We can do something today. If you told your constituents that you were going to do something to lower energy bills, then you can point to this vote as your follow-through on that commitment. Thank you.

Speaker Packard: Rep. Santonastaso has requested a roll call vote and that is sufficiently seconded. Members take your seats. This will be a roll call vote. The motion before us is Ought to Pass on HB 524. This is going to be a roll call vote. The Chair recognizes Rep. Vose for a parliamentary inquiry.

Representative Vose: Thank you, Mister Speaker. Mister Speaker, if I know the word investments is another term for taxes. And if I know that his bill reduces RGGI ratepayer rebates and will cost \$70 million in the coming decade. If I also know that efficiency increases energy demand by making products and services more affordable. Finally, if I know that cost increases this past year for home heating, road travel and lighting our homes have hit near record levels, would I now press the red button to allow beleaguered energy buyers to catch a breather from relentless price spikes? Thank you, Mister Speaker.

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

Representative McGhee: Thank you, Mister Speaker. If I know that New Hampshire ratepayers are not benefiting from the rebate program that was in place when they saw their bills go up by hundreds of dollars last year. And if I know that an increase in energy program funding from 7% to 20% would mean we could do more than just energy efficiency to help people lower their energy costs. And finally, if I know that rebating 80% of the RGGI fund to electric bills instead of 93% is a fiscally responsible compromise that won't do all the RGGI can do for New Hampshire, but it will help, then would I now press the green button to give consumers the choices they deserve to lower their costs? Thank you.

Speaker Packard: The motion before us is Ought to Pass on HB 524. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 181 voting Yea, 186 voting Nay, the Ought to Pass motion fails. For what reason does the member rise?

Representative Sweeney: I move Inexpedient to Legislate, Mister Speaker.

Speaker Packard: The motion before us is Inexpedient to Legislate on HB 524. A division has been called. All members should still be in their seats. This will be a division vote. The motion is Inexpedient to Legislate. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 187 voting Yea, 180 voting Nay, the motion of ITL passes.

REGULAR CALENDAR CONT'D

HB 605-FN, relative to solar generation under the renewable portfolio standards. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The Renewable Portfolio Standard (RPS) law, RSA 362-F was created in 2007. It requires each electric service provider to include, in the total amount of electricity they procure on customers' behalf each year, a certain percentage from renewable sources (solar, wind, hydro, biomass). Thirty-five other states, including every one of our New England neighbors, has such a law. This bill focuses on just one renewable generation source, solar energy, because it is currently the one with the greatest potential for growth through small, private investments (offshore wind is coming, but is still years away). The gradually increasing percentage of solar energy in New Hampshire's portfolio that would be required under this bill is well below what every other New England state has now or aspires to through 2050. This goal is achievable for New Hampshire, and because New Hampshire has zero fossil fuel resources, it is smart public policy. We are 100% price-takers, vulnerable to the prices for natural gas and oil set by the global fossil fuel market. The skyrocketing price of natural gas is the cause of the more than 100% jump in electricity rates inflicted on Granite Staters. Renewable energy has the singular virtue of having zero fuel costs, so that gradually increasing renewable generation over time makes us less vulnerable and reduces costs for all. The RPS is an important market signal that would encourage and support a more diverse, renewable energy supply for New Hampshire, one that is less and less exposed over time to the whims of the global fossil fuel market.

Rep. Ned Raynolds

Statement in support of Inexpedient to Legislate: This bill raises the cost of electricity by more than \$11 million in 2024 with yearly increases up to \$46 million by 2050. It selects one class of renewable energy, solar, and raises the minimum percentages for solar electrical generation included in the renewable portfolio standards for 2024 through 2050 and after. These are the percentages of megawatt hours the electric utilities would need to provide to customers either in RECs or the more expensive alternate compliance payments (ACPs). The increase in solar requirements starting in 2025 from .7% to 3% and ending in 2050 at 25% would increase the cost of electricity anywhere from \$11M to \$46M according to the fiscal note. There is no way to predict the supply of RECs that far in the future which puts the risk of electricity costs at the higher end. Additionally, focusing on only Class II renewables would be at the expense of the other three classes and the jobs that go with them.

Rep. Douglas Thomas

Rep. Raynolds moved Ought to Pass and spoke in favor.

Rep. Harrington spoke against.

On a division vote, with 181 members having voted in the affirmative, and 188 in the negative, the motion of Ought to Pass failed.

Rep. Sweeney moved Inexpedient to Legislate.

Motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sweeney moved that the House reconsider its action whereby, on a Voice Vote, the House adopted the motion of Inexpedient to Legislate on **HB 605-FN**, relative to solar generation under the renewable portfolio standards.

Rep. Sweeney spoke against.

Motion failed.

REGULAR CALENDAR CONT'D

HCR 4, urging Congress to propose a constitutional amendment to establish congressional term limits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. The committee chose to remove this bill from retention and ultimately pass a slightly amended version. It was the majority's opinion that Congress will never choose to limit its own power, and a remedial mechanism, per the framers and founders, at our disposal to correct this is an Article V Convention of States application for a "term limits amendment." Historically, Article V movements have prompted congressional action and subsequent amendments. Without the possibility of an Article V Convention, some important reform proposals would not receive due consideration from congress. Vote 11-6.

Amendment (0470h)

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

A RESOLUTION applying for a convention of the states under Article V of the Constitution of the United States.

AMENDED ANALYSIS

This resolution applies to Congress, under Article V of the United States Constitution, to call a convention of the states for the purposes of proposing an amendment to the Constitution of the United States that limits the terms of office for its officials and for members of Congress.

The question being adoption of amendment (0470h).

On a division vote, with 172 members having voted in the affirmative, and 196 in the negative, the amendment failed.

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

Rep. Shurtleff spoke against.

Rep. Wallace spoke in favor.

On a division vote, with 145 members having voted in the affirmative, and 224 in the negative, the motion of Ought to Pass failed.

Rep. Shurtleff moved Inexpedient to Legislate.

Motion was adopted.

HB 54-FN, relative to antique car inspections. OUGHT TO PASS WITH AMENDMENT.

Rep. Alvin See for Transportation. This bill, as amended, will move the month for vehicle inspection of antique cars from April to May. This can avoid getting an inspection when winter weather and salt and sand residue may still be on the roadways. Vote 17-3.

Amendment (0272h)

Amend the bill by replacing section 1 with the following:

1 Inspection Authorized; Antique Motor Vehicles. Amend RSA 266:1, III to read as follows:

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration month for such legal entity. Vehicles registered as antique motor vehicles and antique motorcycles and which are 40 years old and over shall be inspected biennially. Antique motor vehicles and custom vehicles shall be inspected in the month of ~~April~~ **May**. Without regard to the owner's birth date or registration month, motorcycles, autocycles, and recreational vehicles shall be inspected annually by July 1.

This bill changes the month for antique motor vehicle inspections.

Committee amendment was adopted.

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

Committee report was adopted and the bill was ordered to third reading.

HB 93, authorizing municipalities to reduce speed limits seasonally. INEXPEDIENT TO LEGISLATE.

Rep. John Sellers for Transportation. The majority voted inexpedient to legislate on this bill due to seeing a problem where it would allow municipalities to reduce speed limits on all town roads not just seasonally congested roads. It would also allow a small group of 10 residents, to force upon the town a new seasonal speed limit without the vote of any voters. We also know reducing a 45-mph speed limit or a 30-mph speed limit to 20 mph would be painfully slow especially during off hours, nights or when there's no congestion by pedestrian or bicycle traffic. This bill would do nothing to force any drivers to actually drive at the slower speed. Vote 11-9.

MOTION TO LAY ON THE TABLE

Rep. Thomas Walsh moved that **HB 93**, authorizing municipalities to reduce speed limits seasonally, be laid on the table.

On a division vote, with 205 members having voted in the affirmative, and 162 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 198-FN, modifying the new resident drivers' license transfer requirement. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: This bill would require non-resident drivers who establish residency in New Hampshire to notify the Department of Safety if they cease to become residents within 60 days, or if their out-of-state driver's license expires. It would require new residents to notify the Department of State that they are no longer residents of the state they left. This bill overall would allow the Attorney General of New Hampshire to verify voter information in an effort to maintain election integrity.

Rep. Ted Gorski

Statement in support of Inexpedient to Legislate: This bill would require residents to notify the Secretary of State when they move out of the state. The provisions in the bill have no penalties and no enforcement mechanism for any of its provisions and is, therefore, unnecessary and unenforceable.

Rep. Daniel Veilleux

Rep. Gorski moved Ought to Pass.

Rep. Sykes spoke against.

Rep. Verville spoke in favor.

On a division vote, with 187 members having voted in the affirmative, and 182 in the negative, the motion was adopted and the bill was ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Verville moved that the House reconsider its action whereby, on a Division vote of 187-182, the House adopted the motion of Ought to Pass on **HB 198-FN**, modifying the new resident drivers' license transfer requirement.

Rep. Verville spoke against.

On a division vote, with 181 members having voted in the affirmative, and 188 in the negative, the motion failed.

HB 222-FN, to require the use of seat belts during the operation of motor vehicles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ted Gorski for the Majority of Transportation. This bill would require motor vehicle drivers and passengers to wear a seat belt. Even though the bill would only be enforceable on a secondary offense, meaning that law enforcement could not stop a motorist for not wearing a seat belt as an initial or the only offense. The majority felt that this is the first step to making the law mandatory. The majority also felt that this law would violate article 2 and article 2-b of the New Hampshire Constitution. In New Hampshire, we "live free or die" and the majority believes we should keep it that way. Vote 11-9.

Rep. Daniel Veilleux for the Minority of Transportation. This bill would require all occupants of a motor vehicle to wear seat belts when the vehicle is in motion. The law is a secondary law that would not allow a vehicle to be stopped only for a failure to wear a seat belt. The bill also contains several common-sense exceptions to the requirement. Failure to wear a seat belt is not a victimless crime: unrestrained vehicle occupants become projectiles within the vehicle, often injuring or killing other occupants. Unrestrained occupants are more likely to cause secondary crashes after they are ejected from the vehicle or are unable to control the vehicle after a crash due to injury or being thrown out of the driver's seat. Unrestrained vehicle occupants are more likely to sustain more severe injuries, taking away medical resources from other critically ill or injured patients. Unrestrained vehicle occupants are entitled to emergency medical services, putting a responsibility on vehicle occupants to operate in the safest manner possible. Unrestrained vehicle occupants are more likely to sustain life-altering injuries, including severe head injuries, that affect their ability to work or even care for themselves. Requiring seat belts does not represent a constitutional conflict: New Hampshire is the only state or territory in the United States that does not have a mandatory seat belt law. There are only a handful of countries around the world that do not have seat belt laws. Driving on New Hampshire highways is a privilege. The state sets the requirements for driving on New Hampshire highways and defines what constitutes the safe operation of a vehicle. Statistically, there is no question as to the efficacy of seat belts. New Hampshire has the lowest usage rate in the country at 75% versus over 90% nationally. Nationally, over 50% of deaths that result from a vehicle crash are from less than 10% of unrestrained occupants. In New Hampshire, two-thirds, 67%, of crash deaths are unrestrained.

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

Reps. Veilleux and Sykes spoke against.

Rep. Gorski spoke in favor.

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 206 - NAYS 162

YEAS - 206

BELKNAP

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

Bordes, Mike
Harvey-Bolia, Juliet
Beaudoin, Richard

Coker, Matthew
McCarter, Nikki
Smart, Lisa

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

CARROLL

Avellani, Lino
Smith, Jonathan
Brown, Richard

Cordelli, Glenn
McAleer, Chris

Costable, Michael
McConkey, Mark

MacDonald, John
Peternel, Katy

CHESHIRE

Eaton, Daniel
Rhodes, Jennifer

Hunt, John
Santonastaso, Matthew

Newell, Jodi
Thackston, Dick

Qualey, James
Nutting, Zachary

COOS

Davis, Arnold
Tierney, James

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Sullivan, Jared
Simon, Matthew

Brown, Carroll
Ladd, Rick

Coulon, Matthew
Rocheport, David

Greeson, Jeffrey
Sellers, John

HILLSBOROUGH

Lekas, Alicia
Ammon, Keith
Boehm, Ralph
Creighton, Jim
Darby, Will
Fedolfi, Jim
Gorski, Ted
Jack, Martin
Gould, Linda
Mazur, Lisa
Noble, Kristin
Plett, Fred
Renzullo, Andrew
Sirois, Shane
Ulery, Jordan

Murray, Alistandra
Boyd, Bill
Colcombe, Riché
Cushman, Leah
DiSilvestro, Linda
Griffin, Gerald
Healey, Robert
Kennedy, Stephen
Sanborn, Laurie
McGough, Tim
Notter, Jeanine
Post, Lisa
Ryan, Linda
Lekas, Tony
Wheeler, Jonah

Abare, Kimberly
King, Bill
Cole, Brian
Ford, Damond
Dutzy, Sherry
Gagne, Larry
Hynes, Dan
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Panek, Sandra
Proulx, Mark
Seidel, Sheila
Mannion, Tom
Wherry, Robert

Alexander, Joe
Berry, Ross
Corcoran, Travis
Kelley, Diane
Erf, Keith
Goley, Jeffrey
Infantine, William
Kofalt, Jim
Leishman, Peter
Mooney, Maureen
Pauer, Diane
Reid, Karen
Sheehan, Vanessa
Tenczar, Jeffrey

MERRIMACK

Turcotte, Alan
McGuire, Carol
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Wood, Clayton

Andrus, Louise
Cambriels, Jose
Hoell, J.R.
Polozov, Yury
See, Alvin

Aures, Cyril
McGuire, Dan
Leavitt, John
Roesener, James
Walsh, Thomas

Aylward, Deborah
Gerhard, Jason
Mason, James
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Piemonte, Tony
Pratt, Kevin
Roy, Terry
Summers, James
Tripp, Richard
Vandecasteele, Susan
Wallace, Scott

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Pearson, Stephen
Sweeney, Joe
True, Chris
Verville, Kevin
Weyler, Kenneth

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Soti, Julius
Sytek, John
Tudor, Paul
Vose, Michael
Yokela, Josh

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Phillips, Emily
Potucek, John
Read, Ellen
Spillane, James
Dolan, Tom
Vallone, Mark
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Newton, Clifford

Bailey, Glenn
Harrington, Michael
Pitre, Joseph

Bickford, David
Horgan, James
Potenza, Kelley

Burnham, Claudine
Turcotte, Len
Vincent, Kenneth

SULLIVAN

Aron, Judy
Spilsbury, Walter

Merchant, Gary
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

**NAYS - 162
BELKNAP**

Huot, David

Nagel, David

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

Woodcock, Stephen

CHESHIRE

Ames, Richard
Filiault, Shaun
Parshall, Lucius

Harvey, Cathryn
Germana, Nicholas
Schapiro, Joe

Fox, Dru
Jones, Philip
Toll, Amanda

Faulkner, Barry
Monteil, Renee
Weber, Lucy

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Adjutant, Joshua
Cormen, Thomas
Murphy, James
Nordgren, Sharon

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Hakken-Phillips, Mary
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hoyt, Tommy
Muirhead, Russell
Sykes, George

HILLSBOROUGH

Nutting-Wong, Allison
Bouldin, Amanda
Devine, Shelley
Gregg, Alicia
Heath, Mary
Foxx, Loren
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Newman, Ray
Newman, Sue
Staub, Kathy
Thomas, Wendy

Beaulieu, Jane
Calabro, Karen
Elberger, Susan
Grill, Jessica
Judy, Jean
Lanza, Judi
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Raymond, Heather
Seibert, Christine
Tellerski, Laura
Wilhelm, Matthew

Booras, Efstathia
Chretien, Jacqueline
Davis, Fred
Hamer, Heidi
Smith, Juliet
Leapley, Nicole
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Rombeau, Catherine
Sofikitis, Catherine
Vail, Suzanne

Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Juris, Louis
LeClerc, Daniel
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Preece, David
Rung, Rosemarie
Spier, Carry
Veilleux, Daniel

MERRIMACK

Brennan, Angela
Ellison, Arthur
Lane, Connie
Myler, Mel
Schultz, Kristina
Wolf, Dan

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Shurtleff, Steve

Carey, Lorrie
Gibbs, Merryl
MacKay, James
Richards, Beth
Soucy, Timothy

Ebel, Karen
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Simpson, Alexis

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

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
Ford, Oliver
Vogt, Robin

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Raynolds, Ned
Ward, Gerald

STRAFFORD

Bay, Luz
Conlin, Bill
Howland, Allan
Levesque, Cassandra
Selig, Loren

Bixby, Peter
Fitzpatrick, Daniel
Rich, Jeffrey
Smith, Marjorie
Southworth, Thomas

Rich, Cecilia
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Treleaven, Susan

Cannon, Gerri
Howard, Heath
LaMontagne, Jessica
Pare, Gail
Wall, Janet

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

Damon, Hope

Drye, Margaret

and the majority committee report was adopted.

RESOLUTION

Rep. Osborne offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Wednesday, March 22, 2023 at 9:00 a.m.

Motion was adopted.

LATE SESSION**Third Reading and Final Passage**

HB 421, requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

HB 377-FN, relative to screening and intervention in public schools and public charter schools for dyslexia and related disorders, and establishing an addition to adequate education grants for certain pupils screened for dyslexia and related disorders.

HB 517, relative to background checks for surrogate parents.

HB 536, relative to the chartered public school joint legislative oversight committee.

HB 286, relative to the removal of political advertising.

HB 336, relative to the format of election ballots.

HB 119-FN, relative to homestead food operation licensure.

HB 221, relative to the acquisition of agricultural land development rights.

HB 253, establishing a committee to study extended producer responsibility.

HB 258, relative to animal chiropractors.

HB 284, relative to financial information regarding requests for bids and proposals and to raise the minimum value of county purchases of equipment or materials which are subject to competitive bidding.

HB 358, relative to the filing and adoption of proposed administrative rules.

HB 594-FN, relative to the licensure of out-of-state applicants to boards or commissions organized under the office of professional licensure and certification.

HB 655-FN, relative to the office of professional licensure and certification.

HB 296, relative to local authority for granting driveway permits.

HB 137, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees.

HB 497-FN, relative to the confidentiality of records within the division of children, youth, and families.

HB 89, relative to posthumous exonerations.

HB 360-FN, an act legalizing cannabis for persons 21 years of age or older.

HB 596-FN, prohibiting the use of racial profiling in law enforcement activities and in sentencing.

HB 71, repealing a department of education report on chartered public school funding.

HB 170, requiring the teaching of cursive handwriting and multiplication tables.

HB 231-FN, prohibiting the removal of claws from cats.

HB 54-FN, relative to antique car inspections.

HB 198-FN, modifying the new resident drivers' license transfer requirement.

UNANIMOUS CONSENT

Rep. Vose requested Unanimous Consent of the House regarding a welcome back for Representative McGhee and addressed the House.

UNANIMOUS CONSENT

Rep. Adjutant requested Unanimous Consent of the House regarding the 20th anniversary of the War in Iraq and addressed the House.

MOTION TO PRINT REMARKS

Rep. Sweeney moved that the remarks made by Rep. Adjutant during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Representative Adjutant: Thank you, Mister Speaker. There's this meme online that takes many different forms but the basic setup is you see a picture from years back and a picture from now, and the title says something along the lines of "Feel old yet?" and today I would like to share with the House some phrases that will likely have the same effect on you as they do on me whenever I hear them. Weapons of Mass Destruction. Axis of Evil. Operation Iraqi Freedom. Next week, March 19th and 20th, marks the 20th anniversary of the beginning of the war in Iraq. I remember clearly being 7 years old and watching President Bush on television give Saddam Hussein, Uday, and Qusay Hussein 48 hours to leave Iraq. For the youngest millennials and oldest Gen Z'rs, the Global War on Terror shaped many of our formative years whether it was being picked up early on the morning of September 11th, or hearing your president on television every day saying there was an evil doer with WMD somewhere who needed to be dealt with. Having grown up in that time, I know full well that conflict is a divisive topic, and I want to avoid that just for today, because the fact of the matter is that 4491 American service members lost their lives in Iraq, as well as hundreds of thousands of Iraqis, and I would ask that you stand with me as I read into the record, the names the 23 American servicemembers from New Hampshire who lost their lives in Iraq from March 2003 to December 2011. Edmund Lo, Staff Sergeant, United States Army, from Salem. David Stelmat, Specialist, Army National Guard, from Littleton. Nathan Hardy, Chief Petty Officer, United States Navy, from Durham. Justin McDaniel, Private First Class, United States Army, from Andover. Jonathan Gassbaugh, Captain, United States Army, from East Hampstead. Justin Rollins, Specialist, United States Army, from Newport. Toby Olsen, Specialist, United States

Army, from Manchester. Matthew Stanley, Specialist, United States Army, from Wolfeboro Falls. Ryan McCaughn, Lance Corporal, United States Marine Corps, from Manchester. Nicolas Arvanitis, Corporal, United States Army, from Salem. Matthew Schnieder, Specialist, United States Army, from Gorham. Daniel Gionet, Sergeant, United States Army, from Pelham. Douglas DiCenzo, Captain, United States Army, from Plymouth. Nicholas Cournoyer, Private First Class, United States Army, from Gilmanton. Robert Moscillo, Lance Corporal, United States Marine Corps, from Salem. George Roehl, Private First Class, United States Army, from Manchester. Timothy Gibson, Corporal, United States Marine Corps, from Merrimack. Adam Brooks, Lance Corporal, United States Marine Corps, from Manchester. Alan Burgess, Specialist, United States Army, from Landaff. Jeremy Regnier, Specialist, United States Army, from Littleton. Richard Feurgeson, Master Sergeant, United States Army, from Conway. Randy Rosenberg, Sergeant, United States Army, from Berlin. Robert Rooney, Sergeant First class, National Guard, from Nashua. I ask that you keep these folks in your thoughts and prayers on this solemn occasional and anniversary, thank you Mr. Speaker.

UNANIMOUS CONSENT

Rep. Ming requested Unanimous Consent of the House regarding the anniversary of the shooting in Atlanta and addressed the House.

MOTION TO PRINT REMARKS

Rep. Weber moved that the remarks made by Rep. Ming during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Representative Ming: Thank you, Mister Speaker. Two years to the day, 8 people died across 3 spas in Atlanta. Of the 8 killed, 6 were Asian women. Violence against Asians and Asian Americans had both preceded and followed that day, but it marked an important time in history because it appeared that the country was finally acknowledging what had been so clear to Asian Americans from Washington state to Washington D.C. Here in New Hampshire, our small constellation of Asian communities rallied in support of the victims and their families days later. Not because we make up a large portion of the state's population, but because we don't. We knew that so many would rather suffer in silence than share their pain. A difficult truth was that there are no impediments to how far hate can reach. No barriers to the feeling of loss. No walls to shield us from grief. But the same can be said about love, compassion and empathy. It is for that reason that I stand before you today to commemorate those lives lost in a city 1,000 miles from Concord. I don't know if any remarks were made to this legislative body back in 2021, but I'm hoping that now, as my colleagues, you will join me in a moment of silence for those victims and their families.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the victims and their families of the Atlanta spa shootings.

UNANIMOUS CONSENT

Rep. Read requested Unanimous Consent of the House regarding an apology and addressed the House.

MOTION TO PRINT REMARKS

Rep. Spillane moved that the remarks made by Rep. Read during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Representative Read: I'm standing on this side of the Chamber because this is the side most deserving and need of my apology. Three weeks ago, when through a series of motions it appeared that we were about to reverse the fate on a bill, and the acting speaker unexpectedly called a recess, ostensibly in order to affect the outcome, amongst much consternation in the chamber, I expressed my displeasure by loudly exclaiming a profanity. That was disrespectful, and not rising to the standard I would hope for this body. Despite my personal fondness of colorful language, I do believe in civility. And therefore I genuinely apologize for my language and lack of civility on that day. This has been an interesting learning moment for me, because I had only just the previous week testified in two separate committees on this very topic, the issue of civility and good governance, and if you would humor me, I would like to invite you into that learning moment with me. In both of these committees I spoke about the importance of small-d democratic consensus to good governance, the idea that we all agree to the same set of rules, and so we are ok even with outcomes that we don't like, because we believe that those rules are fair. We bemoan how divided and polarized and uncivil we have become. But that polarization is not actually because we disagree on things like taxes and abortion, and

guns. It is because we don't trust each other not to cheat. Because as long as people believe that the process is fair, people tend to accept outcomes. But it turns out that when we stop engaging in good faith, civility becomes forfeit. The problem is that we do not trust each other in this room. And worse, we have every reason to not trust each other. More than anything in my 6 plus years in this chamber, I have been apoplectic at the games we play, all, both sides. Bills die not because they are bad bills, but because of what party or what personality sponsors them, and we use insincere arguments to do so. We spend our time strategizing on how to make the other party look bad, rather than working to find good language to solve problems. We're more concerned on how to ingratiate ourselves with chairs or party leaders, and angling for leadership positions or how to score points on our opponents whenever someone experiences a personal failure in their lives. But we look the other way when one of our own team engages in unethical behavior. We come up with titles to make us feel superior and then we fight over who gets those titles and use those titles as leverage over others. We twist rules designed to uphold the will of the majority while protecting the rights of the minority, in order to subvert those very concepts. We find ways to suppress testimony, or suppress reports, or schedule hearings or execs strategically, or structure activity on session days, all to win. To win, no matter what, no matter the principles of fairness we have to sacrifice on the altar of winning. This is why the people hate their government. And the thing is, I am not telling any of you what you don't already know, or even what the entire state doesn't know. The emperor wears no clothes. Civility is good. But civility alone is meaningless. It is not enough to curtsy to each other while we burn down principles of good governance. Civility must be backed up with good faith engagement. So I can and I truly do sincerely apologize for my lack of civility and I hope one day we will all be sorry whenever we see these games played and the rules of good governance perverted, because I know the people of New Hampshire already are.

UNANIMOUS CONSENT

Rep. Harvey requested Unanimous Consent of the House regarding Passover and addressed the House.

RECESS MOTION

Rep. Osborne moved that the House stand in recess for the purposes of the introduction of bills, enrolled bill amendments, enrolled bill reports and receiving messages.

Motion was adopted.

The House recessed at 4:30 p.m.

RECESS

(Speaker Packard in the Chair)

RESOLUTION

Rep. Osborne offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 11 through 21, 23, 24, 25, 27 through 32, 34, 35, 37 through 40, 42 through 47, 49, 50, 51, 53, 56, 59, 61, 64 through 71, 76, 77, 81, 83, 87, 88, 92, 94, 98, 99, 102, 103, 106, 107, 109, 110, 112, 113, 118, 119, 123, 126, 128, 129, 135, 136, 139, 142, 146, 150, 156, 157, 158, 160, 161, 162, 164, 167, 171, 172, 174, 179, 180, 187, 188, 190, 191, 192, 198, 204, 206, 207, 208, 209, 211, 215, 225, 228, 229, 236, 240, 243, 244, 245, 251, 258 and 266 and Senate Concurrent Resolution numbered 1 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Motion was adopted.

INTRODUCTION OF SENATE BILLS AND SCR

First, second reading and referral

SB 11, relative to African American burial grounds. (Resources, Recreation and Development)

SB 12, relative to the leasing of seasonal camp lots by the fish and game department. (Fish and Game and Marine Resources)

SB 13-FN, relative to recovery of search and rescue expenses. (Transportation)

SB 14-FN, relative to the use of game cameras. (Fish and Game and Marine Resources)

SB 15-FN, relative to the use of tree stands and observation blinds. (Fish and Game and Marine Resources)

SB 16, establishing a stakeholders' group to address utility poles and attachments in New Hampshire. (Science, Technology and Energy)

SB 17, establishing a gifts and donations account within the fish and game fund. (Ways and Means)

SB 18, relative to the purchase of duck stamps and the suspension or revocation of a license issued by the fish and game commission. (Fish and Game and Marine Resources)

SB 19-FN, relative to bingo dates. (Ways and Means)

SB 20-FN, relative to keno license applications and fees. (Ways and Means)

SB 21, relative to the due date and delivery of monthly reports and fees to the liquor commission. (Commerce and Consumer Affairs)

SB 23, establishing a study committee on meat processing. (Environment and Agriculture)

SB 24, relative to conferring degree-granting authority to the New England Aeronautical Institute. (Education)
SB 25, repealing a requirement for a report on chartered public school payments. (Education)
SB 27, relative to financial disclosure forms filed by judges. (Judiciary)
SB 28, relative to a portrait in the likeness of Rogers Johnson at the state house. (Legislative Administration)
SB 29, relative to repealing the statute relating to police matrons. (Criminal Justice and Public Safety)
SB 30, relative to membership of the New Hampshire council on developmental disabilities. (Health, Human Services and Elderly Affairs)
SB 31, relative to technical changes to the laws administered by the insurance department. (Commerce and Consumer Affairs)
SB 32-FN, relative to the opioid abatement trust fund. (Health, Human Services and Elderly Affairs)
SB 34-FN, relative to the controlled drug prescription health and safety program. (Health, Human Services and Elderly Affairs)
SB 35, relative to RSV vaccine administration. (Health, Human Services and Elderly Affairs)
SB 37, establishing a commission to study hospitality and tourism education in New Hampshire. (Commerce and Consumer Affairs)
SB 38-FN, amending the procedure for issuing a summons instead of an arrest. (Criminal Justice and Public Safety)
SB 39-FN, relative to criminal history checks for school transportation monitors. (Education)
SB 40, relative to participation in net energy metering by small hydroelectric generators. (Science, Technology and Energy)
SB 42-FN, relative to overpayment of unemployment compensation. (Labor, Industrial and Rehabilitative Services)
SB 43, relative to a needs assessment for juvenile minors who are residents of New Hampshire. (Children and Family Law)
SB 44-FN, relative to license requirements for certain alcohol and other drug use professionals. (Executive Departments and Administration)
SB 45, relative to national guard educational benefits. (Executive Departments and Administration)
SB 46, relative to electronic payments to employee debit cards. (Labor, Industrial and Rehabilitative Services)
SB 47, establishing a commission to study barriers to increased density of residential development in New Hampshire. (Municipal and County Government)
SB 49-FN, relative to creating a dedicated, non-lapsing fund, and a biennial report of such fund, for OPLC. (Executive Departments and Administration)
SB 50, relative to pharmaceutical drug take-back programs. (Health, Human Services and Elderly Affairs)
SB 51-FN, creating a commission to study charitable gaming and historical horse races and relative to the moratorium on licensed historical horse racing facilities. (Ways and Means)
SB 53-FN, permitting the use of certain refrigerants that are in compliance with the Clean Air Act. (Executive Departments and Administration)
SB 56-FN, relative to payments for restoration of certain jurisdictional resource losses. (Resources, Recreation and Development)
SB 59, relative to the director of charitable trusts. (Judiciary)
SB 61, relative to surface water setbacks for landfills. (Environment and Agriculture)
SB 64, establishing a study committee on resident-owned manufactured housing park disputes and oversight of resident-owned manufactured housing parks. (Commerce and Consumer Affairs)
SB 65, relative to screening panels for medical injury claims. (Health, Human Services and Elderly Affairs)
SB 66, relative to financial transactions involving the liquidation or rehabilitation of an insurer in which the Federal Home Loan Bank is a party. (Commerce and Consumer Affairs)
SB 67, relative to changes to certain weights and measures statutes. (Commerce and Consumer Affairs)
SB 68-FN, relative to municipal host for purposes of limited electrical energy producers. (Science, Technology and Energy)
SB 69-FN, relative to allowing certain nonprofits to participate as a customer-generator group hosts under net energy metering. (Science, Technology and Energy)
SB 70-FN, relative to the establishment of an election information portal. (Election Law)
SB 71-FN, relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings. (Executive Departments and Administration)
SB 76-FN, relative to reporting of medico-legal deaths. (Criminal Justice and Public Safety)
SB 77, relative to changes in school placement for students. (Education)
SB 81, relative to ignition interlock device preset levels. (Criminal Justice and Public Safety)
SB 83, relative to the signature authority of an advanced practice registered nurse or a certified midwife. (Health, Human Services and Elderly Affairs)
SB 87, relative to nurses for youth camps, organized recreation, and community-sponsored recreation. (Health, Human Services and Elderly Affairs)

SB 88, relative to the annual dues paid by towns and cities to town officers' associations. (Municipal and County Government)

SB 92-FN, relative to the authority of registers of probate. (Judiciary)

SB 94, relative to residential child care licensing of child care institutions and agencies. (Special Committee on Childcare)

SB 98-FN, relative to delinquent payment of accounts by on premises and off premises licensees. (Commerce and Consumer Affairs)

SB 99, relative to the responsibilities of insurers in conducting reviews of the operations of administrators. (Commerce and Consumer Affairs)

SB 102, relative to the Jones Act's effect on New Hampshire's heating and energy fuel market. (Commerce and Consumer Affairs)

SB 103, including the raid on Fort William and Mary in Portsmouth in the planning of the American revolution sescentennial commission. (State-Federal Relations and Veterans Affairs)

SB 106-FN, establishing an emerging professional certificate for child care programs. (Executive Departments and Administration)

SB 107, relative to the general administration of regulatory boards and commissions. (Executive Departments and Administration)

SB 109, relative to school safety and coordination with law enforcement. (Education)

SB 110-FN-L, relative to residency status. (Health, Human Services and Elderly Affairs)

SB 112-FN, relative to pari-mutuel pools and historic horse racing. (Ways and Means)

SB 113-FN, relative to cost effectiveness review of the joint utility energy efficiency plan. (Science, Technology and Energy)

SB 118-FN, requiring children under the age of 2 years to be restrained in a motor vehicle. (Transportation)

SB 119-FN, relative to criminal background checks for charitable games of chance license applicants. (Ways and Means)

SB 123-FN, relative to the adoption of ambient groundwater quality standards by the department of environmental services. (Resources, Recreation and Development)

SB 126-FN, relative to licensure requirements for telehealth services and relative to licensure of physicians and physicians assistants treating patients incarcerated with the department of corrections. (Executive Departments and Administration)

SB 128-FN, relative to payment for legal services for persons involuntarily admitted for mental health services. (Judiciary)

SB 129-FN, relative to the payment of costs for indigent persons involved in mediation services. (Judiciary)

SB 135, relative to alternative dispute resolution in special education. (Education)

SB 136, prohibiting the employment or volunteering of a revoked or suspended educator. (Education)

SB 139, relative to the price of Lucky 7 tickets. (Ways and Means)

SB 142, relative to the regulation of forms and rates for property and casualty insurance. (Commerce and Consumer Affairs)

SB 146, relative to the agricultural advisory board. (Executive Departments and Administration)

SB 150-FN, relative to the family mediator certification board. (Executive Departments and Administration)

SB 156-FN, relative to voter registration and verification of voter identity. (Election Law)

SB 157-FN, relative to election audits. (Election Law)

SB 158, relative to absentee ballot outer envelopes. (Election Law)

SB 160-FN, relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise to after sunset. (Resources, Recreation and Development)

SB 161, relative to low-moderate income community solar projects. (Science, Technology and Energy)

SB 162, relative to exemptions from rabies vaccinations for dogs, cats, and ferrets. (Environment and Agriculture)

SB 164-FN-L, relative to consideration of biodiversity in the land and community heritage investment program. (Resources, Recreation and Development)

SB 167-FN-L, relative to green hydrogen energy and infrastructure. (Science, Technology and Energy)

SB 171, relative to the definition of youth recreational programs. (Health, Human Services and Elderly Affairs)

SB 172-FN, allowing court-appointed guardians to receive Temporary Assistance to Needy Families benefits. (Children and Family Law)

SB 174, relative to veterans access to health care. (Health, Human Services and Elderly Affairs)

SB 179, relative to eliminating the use of seclusion as a form of punishment or discipline on children in schools and treatment facilities. (Children and Family Law)

SB 180-FN, relative to product labeling and information guide requirements for cannabis products and the prohibition of the sale of hemp products containing certain levels of THC. (Commerce and Consumer Affairs)

SB 187-FN, relative to driver's licenses for certain visa holders. (Transportation)

SB 188-FN, relative to catalytic converters. (Transportation)

- SB 190-FN**, relative to advanced deposit account wagering. (Ways and Means)
- SB 191-FN**, relative to road toll registration surcharges for electric vehicles. (Ways and Means)
- SB 192-FN**, relative to the hours that Lucky 7 tickets may be sold. (Ways and Means)
- SB 198**, directing the insurance department to conduct a cost study of providing coverage for certain reproductive health care. (Commerce and Consumer Affairs)
- SB 204-FN**, requiring trauma kits to be available in state-owned buildings. (Executive Departments and Administration)
- SB 206**, prohibiting corporal punishment in child day care agencies. (Children and Family Law)
- SB 207**, establishing a committee to study licensure of mental health professionals and relative to mental health critical incident intervention and management. (Executive Departments and Administration)
- SB 208**, relative to online access to state information on economic relief disbursements. (Executive Departments and Administration)
- SB 209**, relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities. (Criminal Justice and Public Safety)
- SB 211-FN**, relative to background investigations of solid waste and hazardous waste facility permit applicants. (Executive Departments and Administration)
- SB 215-FN**, relative to nursing certification requirements. (Education)
- SB 225**, establishing the commission to study the assessing of power generation. (Science, Technology and Energy)
- SB 228-FN**, relative to the Hilton Park boat ramp. (Public Works and Highways)
- SB 229-FN**, relative to administration of certain wetlands permits by the department of environmental services. (Resources, Recreation and Development)
- SB 236**, establishing a committee to study nonprofit organizations contracting with the department of health and human services for children's services. (Health, Human Services and Elderly Affairs)
- SB 240**, relative to conditions for genetic testing. (Health, Human Services and Elderly Affairs)
- SB 243**, establishing a committee to study implementing a state-based health insurance exchange. (Commerce and Consumer Affairs)
- SB 244-FN**, relative to false public alarms. (Criminal Justice and Public Safety)
- SB 245**, relative to the inspection of hotel guest records. (Criminal Justice and Public Safety)
- SB 251**, establishing a committee to study the long-term impact of the New Hampshire adult parole system. (Criminal Justice and Public Safety)
- SB 258**, relative to the disposal of highway or turnpike funded real estate. (Public Works and Highways)
- SB 266**, relative to the statewide education improvement and assessment program. (Education)
- SCR 1**, affirming the general court's support for New Hampshire's first in the nation primary. (Election Law)

RECESS

(Speaker Packard in the Chair)

RESOLUTION

Rep. Osborne offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 52, 60, 72, 78, 79, 84, 85, 89, 96, 108, 111, 127, 147, 149, 152, 155, 159, 166, 170, 182, 183, 189, 193, 195, 197, 200, 203, 213, 216, 235, 250, 255, 267, 268, 269, 272 and Constitutional Amendment Concurrent Resolution numbered 10 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Motion was adopted.

INTRODUCTION OF SENATE BILLS AND CACR

First, second reading and referral

- SB 52-FN**, relative to the regulation and operation of electric vehicle charging stations. (Transportation)
- SB 60**, relative to water quality. (Resources, Recreation and Development)
- SB 72-FN**, relative to provider credentialing procedures. (Executive Departments and Administration)
- SB 78**, relative to subdivision regulations on the completion of improvements. (Municipal and County Government)
- SB 79**, relative to the participation of customer generators in net energy metering. (Science, Technology and Energy)
- SB 84**, relative to legislative study committees and commissions. (Legislative Administration)
- SB 85-FN-A**, relative to emergency behavioral health services and behavioral health crisis programs. (Health, Human Services and Elderly Affairs)
- SB 89**, relative to accommodation for medical reasons in issuing marriage licenses. (Judiciary)
- SB 96**, relative to state energy performance contracting. (Executive Departments and Administration)
- SB 108-FN**, relative to participation of the New Hampshire public defender program in the state employee health insurance plan. (Executive Departments and Administration)

SB 111-L, relative to the town council-town manager form of local government. (Municipal and County Government)

SB 127-FN, relative to certain programs administered by the department of health and human services. (Health, Human Services and Elderly Affairs)

SB 147, relative to the board of dental examiners. (Executive Departments and Administration)

SB 149-FN, relative to nurse agencies. (Executive Departments and Administration)

SB 152-FN, relative to New Hampshire workforce training programs. (Education)

SB 155-FN-L, relative to the adoption of school administrative unit budgets. (Education)

SB 159-FN-L, establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire. (Environment and Agriculture)

SB 166-FN, relative to electric grid modernization. (Science, Technology and Energy)

SB 170-FN, relative to small group child day care centers. (Special Committee on Childcare)

SB 182, relative to the definition of “way” in driving or operating under the influence of drugs or liquor. (Criminal Justice and Public Safety)

SB 183, exempting certain phone calls from the right to know law. (Judiciary)

SB 189-FN, relative to the definition of gross business profits in determining taxable business profits. (Ways and Means)

SB 193, relative to the obligation of collective bargaining units to negotiate in good faith. (Labor, Industrial and Rehabilitative Services)

SB 195-FN, relative to the purchase of steel products with the Buy America certification. (Executive Departments and Administration)

SB 197-FN, relative to the operation and regulation of certain business entities within the state. (Commerce and Consumer Affairs)

SB 200, relative to optometrists. (Health, Human Services and Elderly Affairs)

SB 203, relative to the composition and jurisdiction of the manufactured housing board. (Executive Departments and Administration)

SB 213, relative to educational institution policies on social media. (Education)

SB 216, making changes to the requirements for civics education in schools. (Education)

SB 235-FN, relative to services provided through a primary care behavioral health model. (Health, Human Services and Elderly Affairs)

SB 250, relative to remote participation in government meetings. (Judiciary)

SB 255-FN, relative to the expectation of privacy. (Judiciary)

SB 267-FN, requiring the commissioner of the department of environmental services to consider “cumulative impacts analysis” in rules and statutes. (Resources, Recreation and Development)

SB 268, allowing for pre-hospital treatment and transportation for operational canines. (Criminal Justice and Public Safety)

SB 269, relative to tip pooling and sharing. (Labor, Industrial and Rehabilitative Services)

SB 272-FN, establishing a parents’ bill of rights in education. (Education)

CACR10, relating to the general court. Providing that the general court convene on the same day as the governor’s inauguration. (Legislative Administration)

RECESS