



State of  
New Hampshire

# HOUSE RECORD

## Second Year of the 168<sup>th</sup> General Court Calendar and Journal of the 2024 Session

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

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Vol. 46

Concord, N.H.

Thursday, January 4, 2024

No. 2

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## HOUSE JOURNAL NO. 1 (Cont'd)

Wednesday, January 3, 2024

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

## HOUSE JOURNAL NO. 2

Thursday, January 4, 2024

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 the member from Exeter, Representative Alexis Simpson.

Good morning. Let us be in a spirit of prayer. Source of our eternal hope, be present in this moment. As we come together to work for the good of the people of New Hampshire, keep us mindful of our own humanity. Keep us mindful of the deep connection that joins us all together as our feet all walk on the same ground. May we remain mindful of all those who are sick, hungry, or suffering. Be a comfort and a healing presence to all those who need that today. May we bring our thoughts to a peace that passes all understanding as we begin our day this morning. Amen.

Representative Riche Colcombe, member from Hillsborough, led the Pledge of Allegiance.

The National Anthem was sung by Addyson Cutter of Antrim.

### LEAVES OF ABSENCE

Reps. Booras, Ellison, Gibbons, Ryan, Tatro and Tenczar, the day, illness.

Reps. Bucu, Khan, Sanborn, Trottier and Varney, the day, important business.

### INTRODUCTION OF GUESTS

Erica, Jacob, Jameson, and Alice Cutter. Dawn and David Pothier, Jerry Gardiliccia and Lindsay Giovino, family and friends of the singer, guests of Rep. Colcombe. Karen Liot-Hill, guest of Rep. Almy. Sam Far-  
rington, guest of Rep. Doucette.

### REGULAR CALENDAR CONT'D

**SB 263-FN**, extending the New Hampshire granite advantage health care program and reestablishing the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Maureen Mooney for the Majority of Finance. Medicaid Expansion is already law. This bill would now eliminate the seven-year sunset provision of the Granite Advantage Health Care Program (a/k/a Medicaid) and make it permanent. After negotiation and debate, a settlement was adopted by the New Hampshire House on a voice vote in April to renew the Granite Advantage Health Care Program for seven years as part of HB 2 (2023) in section 79:405. HB 2 (2023) was signed into law by the Governor on June 20, 2023. The majority of the committee believes that seven years is sufficient for a renewal period of a state contract of this magnitude. Renewing indefinitely is not the fiscally responsible action considering the unpredictable changes in policies and rates that may occur by the federal government over time. Therefore, the majority of the committee agrees that the issue of renewal was sufficiently resolved in the state budget, and therefore this bill should be Inexpedient to Legislate. Vote 13-12.

Rep. Mary Jane Wallner for the Minority of Finance. The minority believes that SB 263, which permanently extends the Granite Advantage Health Care Program, ought to pass. For the past eight years, Medicaid Expan-

sion has provided primary care, preventive services, and specialty care to low-income residents, contributing to a healthier workforce while reducing uncompensated care costs and insurance rates in the individual market. SB 263 received strong support from the business and medical community upon its introduction in the Senate and passed that body on a unanimous bipartisan vote. The House voted 193-166 to pass this legislation on May 18 and it was subsequently referred to the Finance Committee and retained. Following its retention in House Finance, a seven-year extension of Granite Advantage was enacted as part of HB 2. Therefore, the fiscal impact of this legislation is already accounted for in the state budget. The minority believes that SB 263 is sound policy and should again pass the House. While the seven-year extension enacted in HB 2 provides short-term stability by enabling the state to negotiate five-year contracts with managed care organizations, it does not provide the long-term stability required to meet the medical needs of Granite Staters. Removing the sunset would allow providers to build the infrastructure and attract the workforce necessary to meet our state's needs, improving quality of care for everyone. SB 263 ought to pass.

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

Rep. Stringham spoke against.

Rep. Erf spoke in favor

Rep. Granger requested a roll call; sufficiently seconded.

### YEAS 191 - NAYS 183

#### YEAS - 191

##### BELKNAP

Bean, Harry  
Comtois, Barbara  
Nagel, David  
Terry, Paul

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom

Bordes, Mike  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Coker, Matthew  
McCarter, Nikki  
Smart, Lisa

##### CARROLL

Avellani, Lino  
Crawford, Karel  
Peternel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

##### CHESHIRE

Filiault, Shaun  
Santonastaso, Matthew

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

##### COOS

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

##### GRAFTON

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rocheffort, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

##### HILLSBOROUGH

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Hynes, Dan  
Kofalt, Jim  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Renzullo, Andrew  
Lekas, Tony

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  
Lascelles, Richard  
McLean, Mark  
Panek, Sandra  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, Jordan

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Healey, Robert  
Kenny, Catherine  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Reid, Karen  
Sirois, Shane  
Wherry, Robert

##### 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

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy

Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sytek, John  
True, Chris  
Vose, Michael  
Yokela, Josh

Guthrie, Joseph  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Cahill, Tim  
Tudor, Paul  
MacDonald, Wayne

Harb, Robert  
Janigian, John  
Kuttab, Katelyn  
Lundgren, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Wallace, Scott

Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Sweeney, Joe  
Tripp, Richard  
Verville, Kevin  
Weyler, Kenneth

### STRAFFORD

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

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

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

### SULLIVAN

Aron, Judy  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Rollins, Skip  
Stone, Jonathan

Smith, Steven

### NAYS - 183

### BELKNAP

Huot, David

St. Clair, Charlie

### CARROLL

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Monteil, Renee  
Toll, Amanda

Ames, Richard  
Faulkner, Barry  
Newell, Jodi  
Weber, Lucy

Harvey, Cathryn  
Germana, Nicholas  
Parshall, Lucius

Fox, Dru  
Jones, Philip  
Schapiro, Joe

### COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

### GRAFTON

Almy, Susan  
Fellows, Sallie  
Murphy, James  
Morse, Corinne  
Sykes, George

Baldwin, Heather  
Fracht, David  
Sullivan, Jared  
Muirhead, Russell

Bolton, Bill  
Hakken-Phillips, Mary  
Lovett, Peter  
Stavis, Laurel

Cormen, Thomas  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

### HILLSBOROUGH

Murray, Alissandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
McGhee, Kat  
Nutter-Upham, Frances  
Plamondon, Marc  
Rombeau, Catherine  
Sofikitis, Catherine  
Tellez, Trinidad  
Thomas, Wendy

Nutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Foxx, Loren  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
O'Brien, Michael  
Preece, David  
Rung, Rosemarie  
Spier, Carry  
Vail, Suzanne  
Wheeler, Jonah

Beauchemin, Paige  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Judy, Jean  
Lanza, Judi  
Lloyd, Christal  
MacKenzie, Mark  
Morton, Jennifer  
Pedersen, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel  
Wilhelm, Matthew

Beaulieu, Jane  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
Mangipudi, Latha  
Murphy, Nancy  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Telerski, Laura  
Dolan, William

### MERRIMACK

Turcotte, Alisson  
Ebel, Karen  
Hicks, Matthew  
McWilliams, Rebecca

Brennan, Angela  
Gallager, Eric  
Lane, Connie  
Myler, Mel

Caplan, Tony  
Gibbs, Merryl  
Luneau, David  
Payeur, Stephanie

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

Roesener, James  
Schultz, Kristina  
Wolf, Dan

Gould, Sherry  
Shurtleff, Steve

Schamberg, Thomas  
Soucy, Timothy

Schuett, Dianne  
Wallner, Mary Jane

### ROCKINGHAM

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Meuse, David  
Raynolds, Ned  
Ward, Gerald

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

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

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
McBeath, Rebecca  
Rafter, Hal  
Vallone, Mark

### STRAFFORD

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

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

Cannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Schmidt, Peter  
Vincent, Kenneth

Conlin, Bill  
Howard, Heath  
LaMontagne, Jessica  
Pare, Gail  
Wall, Janet

### SULLIVAN

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the majority committee report was adopted.

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sweeney moved that the House reconsider its action whereby, on a roll call vote of 191-183, the House adopted the majority committee report of Inexpedient to Legislate on **SB 263-FN**, extending the New Hampshire granite advantage health care program and reestablishing the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

Rep. Sweeney spoke against.

On a division vote, with 183 members having voted in the affirmative, and 193 in the negative, the motion failed.

### REGULAR CALENDAR CONT'D

**SB 267-FN**, requiring the commissioner of the department of environmental services to consider "cumulative impacts analysis" in rules and statutes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Sweeney for the Majority of Finance. This bill would require the Department of Environmental Services (DES) to hire a dedicated staffer to review and plan for the development of appropriate definitions and standards as it relates to cumulative impact and prepare a report to the legislature on this "cumulative impacts analysis." This was a Senate Bill that our colleagues on the other side of the wall did not see fit to include in the budget once they had the budget in their chamber that was open to amendment and revision. The majority of House Finance felt that the additional hiring of a state employee after the budget process and while vacancies have yet to be filled in DES constitutes a misuse of taxpayer funds and supports Inexpedient to Legislate. Vote 13-12.

Rep. Karen Ebel for the Minority of Finance. This bill would create a Department of Environmental Services (DES) position to review the issue of cumulative impacts in permitting and to provide necessary guidance on developing related statutes, rules, scheduling and costs to the legislature. It does not authorize DES to take any independent action, but only to make recommendations based on research to the legislature. DES does not now have the necessary expertise or available personnel to take on this vital analysis. SB 267 was unanimously recommended for passage by the House Environment and Agriculture Committee and passed the House with a strong bipartisan vote of 302 to 77. The cost for the new position over the next biennium is estimated by the department to be approximately \$250,000. This is a modest amount to protect the public health and is affordable given the current budgetary surplus. Under current DES rules, entities generating the polluting emissions or effluents are licensed individually. This siloed approach to permitting ignores harmful health and environmental effects of multiple pollutants released into the same area. For instance, and surprisingly, an area already suffering from air pollution can be subject even more from a permitted entity because the existing situation is not taken into account in permitting. Our state would benefit greatly from understanding better how to support public health in the face of ever-increasing environmental toxins.

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

Rep. Ebel spoke against.

Rep. Sweeney spoke in favor.

On a division vote, with 189 members having voted in the affirmative, and 188 in the negative, the majority committee report was adopted.

**CLERK'S NOTE**

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

**REGULAR CALENDAR CONT'D**

**HB 264-FN**, relative to amendments and corrections to birth records. **WITHOUT RECOMMENDATION**  
Statement in support of Ought to Pass: Currently, RSA 5-C:87, V allows transgender individuals to change the gender designation on their birth certificate by obtaining a court order. This is necessary, because the birth certificate is the document needed for all other documentation. The current process is burdensome, and some New Hampshire judges are applying this statute inconsistently. This bill will simplify the process, by allowing the gender designation on the birth certificate to be changed upon receipt of a notarized statement from a licensed and qualified health care provider stating the gender of the individual going forward. Any subsequent changes to a birth certificate would require the current court order process.

Rep. Gerri Cannon

Statement in support of Inexpedient to Legislate: Birth certificates serve as documents of the facts of the conditions at birth. They are historical documents that generally should not be subject to change. In rare and extenuating circumstances, they can be changed, but this requires a review of the circumstances by a judge and a court order. This bill would allow a simple form to be filled out for a vital, historical document to be changed. It is already possible to change one's gender on a license with a simple form. Accuracy is important in vital records. Lowering the requirements so that it is easier to change one's gender than it is to change the parents on a birth certificate in adoptions is not the answer. If there are issues with the statutes that guide judges in making decisions as to whether to grant a change of gender on a birth certificate, those should indeed be addressed. Therefore, these members of the committee recommend this bill be found Inexpedient to Legislate.

Rep. Leah Cushman

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

Rep. Cushman spoke against.

On a division vote, with 186 members having voted in the affirmative, and 190 in the negative, the motion of Ought to Pass failed.

Rep. Cushman moved Inexpedient to Legislate.

**MOTION TO LAY ON THE TABLE**

Rep. Weber moved that **HB 264-FN**, relative to amendments and corrections to birth records, be laid on the table.

On a division vote, with 185 members having voted in the affirmative, and 191 in the negative, the motion failed.

The question now being adoption of the motion of Inexpedient to Legislate.

On a division vote, with 191 members having voted in the affirmative, and 185 in the negative, the motion was adopted.

**HB 368-FN**, relative to protections related to receiving gender-affirming health care or gender-affirming mental health care. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill protects families who are seeking transgender medical care and services currently provided in New Hampshire by protecting the privacy and confidentiality of their medical records from subpoena if these records could be the basis for civil or criminal suits in another state. The bill also protects our medical professionals from civil or criminal prosecution by another state when the medical professional is providing, in New Hampshire, treatment which is currently lawful under the laws of New Hampshire.

Rep. Gerri Cannon

Statement in support of Inexpedient to Legislate: During subcommittee meetings for this bill, concerns arose over the constitutionality of it, specifically referencing article 4, section 2 of the New Hampshire Constitution. The subcommittee initially voted 3-1 to send this bill to interim study for more research and work to be done, which then failed in executive session. There are many complex, legal issues that could arise if this bill is passed that haven't been investigated with fine detail. For example, consider if parental rights are terminated for one parent in another state, or if the parents are in the middle of a custody court case, and one parent decides to take the child to another state like ours for transition surgery (if this bill passed). What's going to be the legal follow up for that? If either one of the parents ends up suing in order to gain access to their child's medical information, then this bill would place in statute that they have no right to get any of that. Another concern was that New Hampshire is not currently a mecca for gender-affirming health care, which includes transition surgery. Down the road, what is New Hampshire's liability for minors who come here for transition surgery, then down the road, feel they made an error? Could they come back and sue our hospitals,

providers, and the state for treatment they received as a minor? They could possibly be subpoenaed from out of state. If passed, this bill would make New Hampshire a sanctuary state for transitioners. We don't agree with making laws that would stop another state from enforcing their own laws, which this bill would do as well.

Rep. Lisa Mazur

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

Rep. Mazur spoke against.

Rep. Belcher requested a roll call; sufficiently seconded.

## YEAS 186 - NAYS 188

### YEAS - 186

#### BELKNAP

|              |             |                    |
|--------------|-------------|--------------------|
| Bordes, Mike | Huot, David | St. Clair, Charlie |
|--------------|-------------|--------------------|

#### CARROLL

|                  |              |                |                   |
|------------------|--------------|----------------|-------------------|
| Burroughs, Anita | Paige, David | McAleer, Chris | Woodcock, Stephen |
|------------------|--------------|----------------|-------------------|

#### CHESHIRE

|                 |                 |                 |                   |
|-----------------|-----------------|-----------------|-------------------|
| Abbott, Michael | 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

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

#### HILLSBOROUGH

|                      |                       |                           |                   |
|----------------------|-----------------------|---------------------------|-------------------|
| Murray, Aissandra    | Nutting-Wong, Allison | Beauchemin, Paige         | Beaulieu, Jane    |
| Bouchard, Donald     | Bouldin, Amanda       | 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          | Harriott-Gathright, Linda | Heath, Mary       |
| Herbert, Christopher | Hynes, Dan            | Jack, Martin              | Judy, Jean        |
| Smith, Juliet        | Juris, Louis          | Foxx, Loren               | Lanza, Judi       |
| Leapley, Nicole      | LeClerc, Daniel       | Leishman, Peter           | Lloyd, Christal   |
| Long, Patrick        | Howard, Molly         | Murray, Megan             | MacKenzie, Mark   |
| Mangipudi, Latha     | McGhee, Kat           | Ming, Ben                 | Morton, Jennifer  |
| Murphy, Nancy        | Nutter-Upham, Frances | O'Brien, Michael          | Pedersen, Michael |
| Petrigno, Peter      | Plamondon, Marc       | Preece, David             | Newman, Ray       |
| Raymond, Heather     | Rombeau, Catherine    | Rung, Rosemarie           | Newman, Sue       |
| Seibert, Christine   | Sofikitis, Catherine  | Spier, Carry              | Staub, Kathy      |
| Telerski, Laura      | Tellez, Trinidad      | Vail, Suzanne             | Veilleux, Daniel  |
| Dolan, William       | Thomas, Wendy         | Wheeler, Jonah            | Wilhelm, Matthew  |

#### MERRIMACK

|                     |                  |                   |                   |
|---------------------|------------------|-------------------|-------------------|
| Turcotte, Alisson   | Brennan, Angela  | Caplan, Tony      | Carey, Lorrie     |
| Ebel, Karen         | Gallager, Eric   | Gibbs, Merryl     | Hall, Muriel      |
| Hicks, Matthew      | Lane, Connie     | Luneau, David     | MacKay, James     |
| McWilliams, Rebecca | Myler, Mel       | Payeur, Stephanie | Richards, Beth    |
| Roesener, James     | Gould, Sherry    | Schamberg, Thomas | Schuetz, Dianne   |
| Schultz, Kristina   | Shurtleff, Steve | Soucy, Timothy    | Waller, Mary Jane |
| Wolf, Dan           |                  |                   |                   |

#### ROCKINGHAM

|                |                      |                 |                  |
|----------------|----------------------|-----------------|------------------|
| Balboni, Peggy | DiLorenzo, Charlotte | Edgar, Michael  | Gilman, Julie    |
| Grossman, Gaby | Grote, Jaci          | Hamblet, Joan   | Haskins, Linda   |
| Murray, Kate   | Knab, Allison        | Cahill, Michael | Paige, Mark      |
| Maggiore, Jim  | Malloy, Dennis       | Manos, Zoe      | McBeath, Rebecca |
| Meuse, David   | Muns, Chris          | O'Neil, Candice | Rafter, Hal      |
| Raynolds, Ned  | Read, Ellen          | Simpson, Alexis | Turer, Eric      |
| Ward, Gerald   |                      |                 |                  |

**STRAFFORD**

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

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

Cannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Schmidt, Peter  
Vincent, Kenneth

Conlin, Bill  
Howard, Heath  
LaMontagne, Jessica  
Pare, Gail  
Wall, Janet

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

**NAYS - 188****BELKNAP**

Bean, Harry  
Dumais, Russell  
Ploszaj, Tom

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Coker, Matthew  
McCarter, Nikki  
Smart, Lisa

Comtois, Barbara  
Nagel, David  
Terry, Paul

**CARROLL**

Avellani, Lino  
Crawford, Karel  
Peternel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

**GRAFTON**

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rocheport, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

**HILLSBOROUGH**

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

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Lascelles, Richard  
McLean, Mark  
Panek, Sandra  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, Jordan

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Gorski, Ted  
Kenny, Catherine  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Reid, Karen  
Sirois, Shane  
Wherry, Robert

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

**MERRIMACK**

Andrus, Louise  
Cambrils, Jose  
Hoell, J.R.  
Polozov, Yuri  
Testerman, Dave

Aures, Cyril  
McGuire, Dan  
Leavitt, John  
Boyd, Stephen  
Wood, Clayton

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

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

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Verville, Kevin  
Weyler, Kenneth

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Guthrie, Joseph  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
Vose, Michael  
Yokela, Josh

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harb, Robert  
Janigian, John  
Kuttub, Katelyn  
Lundgren, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
MacDonald, Wayne

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Wallace, Scott

**STRAFFORD**

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

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

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

**SULLIVAN**

Aron, Judy  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Rollins, Skip  
Stone, Jonathan

Smith, Steven

and the motion of Ought to Pass failed.

Rep. Mazur moved Inexpedient to Legislate.

On a division vote, with 190 members having voted in the affirmative, and 185 in the negative, the motion of Inexpedient to Legislate was adopted.

**HB 619-FN**, prohibiting gender transition procedures for minors, relative to sex and gender in public schools, and relative to the definition of conversion therapy. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: As amended, this bill would require a person to reach the age of majority (18) before undergoing genital gender reassignment surgery for reasons other than injury, malignancy or other physical disease, or physical disorders of sexual development. Despite claims from providers that these procedures are well-researched, no evidence was presented to support this claim and a search of published data also failed to show that genital gender reassignment surgery before the age of 18 led to improved outcomes. In the absence of data to support this procedure for minors, some members of the committee recommend adoption of this amendment which dramatically narrows the scope of the original bill.

Rep. Erica Layon

Statement in support of Inexpedient to Legislate: As originally drafted, this bill is a very broad provision prohibiting virtually all gender affirming medical treatment for minors, restricting medical services for youth under the age of 18, including the use of puberty blocking hormones. In addition, it bans the use of public funds for gender transition care and prohibits private insurers from reimbursing any gender transition services for minors. These provisions interfere arbitrarily with a parent's right to seek appropriate medical care for their child, unreasonably restrict the practice of medicine by prohibiting medical practices which have been in use for years with respect to the treatment of transgender youth, and conflict with provisions of the Affordable Care Act. Secondly, this bill requires public schools to refer to all students by the gender and the name with which they were originally enrolled. It prohibits teaching about the use of pronouns other than the original ones, and places restrictions on teaching content related to gender fluidity or dysphoria. It restricts participation in school activities separated by gender strictly to the gender assigned at birth. The bill redefines conversion therapy, which is currently illegal for minors in New Hampshire, by lessening restrictions on this practice which is disfavored by the professional associations of most of the licensed medical or therapeutic professions. Those who oppose this bill disagree with many assertions in the statements of purpose and recognize that lack of acceptance and lack of access to treatment for youth with gender dysphoria can lead to severe consequences, including depression and suicide and for that reason opposes adoption of this bill, as originally introduced. An amendment discussed in committee would limit the scope of the bill by restricting gender reassignment surgery to individuals over the age of 18. This amendment, though less intrusive than the original bill, still limits the treatment options available to transgender youth, interferes with the rights of parents and with the patient-physician relationship, and legislates limits on medical care options for youth with special health care needs.

Rep. Gerri Cannon

Rep. Layon moved Ought to Pass with Amendment.

**Amendment (2451h)**

Amend title to read as follows:

AN ACT to require a person to attain the age of majority for genital gender reassignment surgery.

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

1 New Chapter; Prohibiting Genital Gender Reassignment Surgery on Minors. Amend RSA by inserting after chapter 332-L the following new chapter:

**CHAPTER 332-M****PROHIBITING GENITAL GENDER REASSIGNMENT SURGERY ON MINORS**

332-M:1 Purpose.

I. The legislature finds that the following facts and circumstances exist, which make the enactment of this statute necessary for the protection of minors and the furtherance of the public interest:

(a) Physicians have an ethical and legal duty to obtain patients' informed consent before ordering testing and treatment.

(b) Older children and adolescents should be asked to provide their assent for treatment in addition to their parents' permission.

(c) A patient's informed consent requires adequate information, capacity to decide, and absence of coercion.

(d) Best practices urge shared decision making between parent(s) and child and, in general preferring alternatives that will not foreclose important future choices by the adolescent and the adult the patient will become.

(e) Multivariate analyses of published studies between 2015 and 2022 showed no decrease in suicidality after gender affirming surgery, with some studies showing a significant increase in psychiatric hospitalizations and suicide after surgical transition.

(f) There is a lack of high quality clinical trials which provide data on outcomes for adolescent genital gender reassignment surgeries or young adult genital gender reassignment surgeries, particularly after pubertal suppression and cross sex hormones.

II. Adolescent genital gender reassignment surgery generally lacks both adequate information for informed consent and involves a high risk of coercion for parental consent when parents believe that they are faced with a choice between their child committing suicide or consenting to their child's genital gender reassignment surgeries.

III. In the absence of high quality data to prove safety and efficacy, including long term outcomes, only people over the age of majority should receive genital gender reassignment surgery in the state of New Hampshire.

332-M:2 Definitions. In this chapter:

I. "Ambiguous genitalia" means a malformation in which a person is not born with clearly male or clearly female external genitalia.

II. "Disorders of sex development" includes:

- (a) Forty-six XX chromosomes with or without virilization,
- (b) Presence of both ovarian and testicular tissue,
- (c) Other abnormal sex chromosome structure,
- (d) Abnormal sex steroid hormone production or action, or
- (e) Ambiguous genitalia.

III. "Female genitalia" means

- (a) Internal female genitalia which are the ovaries, Fallopian tubes, uterus, cervix and vagina; and
- (b) External female genitalia which are the labia minora and majora, also known as the vulva, and the clitoris.

IV. "Genital" and "genitalia" means the male or female reproductive organs, in singular and plural form.

V. "Genital gender reassignment surgery" means surgical procedures in people born without disorders of sex development including but not limited to metoidioplasty, phalloplasty, or vaginoplasty which seek to change genitalia:

- (a) From male genitalia to female genitalia;
- (b) From female genitalia to male genitalia;
- (c) To form a combination of male and female genitalia or absence of genitalia in those born with exclusively male or exclusively female genitalia; or
- (d) By removing non-malignant genitalia.

VI. "Male circumcision" means surgery which removes all or a portion of the foreskin covering the glans of the penis, performed for religious, cultural or health reasons.

VII. "Male genitalia" means:

- (a) Internal male genitalia which are the testes, epididymis, and vas deferens; and
- (b) External male genitalia which are the penis and scrotum.

VIII. "Malignant" means cancerous or otherwise dangerous to the physical health of the person including physiology compromised by infection, lack of blood flow, or physical injury.

IX. "Malformation" means a structural defect in the body due to abnormal embryonic or fetal development.

X. "Metoidioplasty" means a surgery to transform the clitoris into a penis.

XI. "Minor" means a person who has not reached the age of majority.

XII. "Phalloplasty" means the surgical construction of a penis from other parts of the body.

XIII. "Physician" means a person who is licensed to practice medicine in this state under RSA 329.

XIV. "Reconstructive surgery" means surgery to restore normal form and function of tissue after it has been compromised by malformation, infection, trauma, cancer or other physical pathologies.

XV. "Vaginoplasty" means the surgical creation of a vagina from other parts of the body and includes but is not limited to:

- (a) Penile inversion vaginoplasty, which is a first-line "gold standard" approach for those with sufficient penile tissue;

(b) Peritoneal vaginoplasty, which is an emerging surgical approach using the membrane that lines the abdominopelvic cavity and surrounds the abdominal organs, for people with insufficient penile tissue including those with a history of puberty blocking medications.

(c) Rectosigmoid vaginoplasty, which uses a section of the sigmoid colon to create the vaginal lining, providing an option for those without sufficient penile tissue or as a revision for failed vaginoplasty.

**332-M:3 Prohibition of Genital Gender Reassignment Surgery on Minors.**

I. A physician shall not perform genital gender reassignment surgery on minors in the state of New Hampshire.

II. Physicians are not prohibited from performing:

(a) Reconstructive surgeries on the genitalia of minors to correct malformation, malignancy, injury or physical disease;

(b) Removal of malignant, malformed, or otherwise damaged genitalia;

(c) Genital surgeries on minors with disorders of sex development; or

(d) Male circumcision.

**332-M:4 Enforcement.**

I. Any referral for or provision of genital gender reassignment surgery to an individual under 18 years of age is unprofessional conduct and is subject to discipline by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state.

II. A minor or the parent of such minor aggrieved by a violation of this chapter may bring an action in the superior court for damages and injunctive relief against any person who has committed or attempted or threatened to commit such violation or any person who has aided or abetted the same.

III.(a) A person shall bring a claim for a violation of this chapter no later than 2 years after the day the cause of action accrues.

(b) An individual under 18 years of age may bring an action during their minority through a parent or next friend, and may bring an action in their own name upon reaching majority at any time from that point until 20 years after reaching the age of majority.

IV. Notwithstanding any other provision of law, an action under this chapter may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

V. In any action or proceeding to enforce a provision of this chapter, a prevailing party who establishes a violation of this chapter shall recover reasonable attorneys' fees.

VI.(a) The attorney general shall have authority to bring suit to enforce compliance with this chapter.

(b) This chapter shall not be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the State of New Hampshire, or any agency, officer, or employee of the state, acting under any law other than this chapter, to institute or intervene in any proceeding.

**332-M:4 Severability.** Should any part of this chapter be declared invalid the remaining portions shall continue in full force and effect.

**2 Effective Date.** This act shall take effect January 1, 2025.

**AMENDED ANALYSIS**

The bill prohibits gender reassignment surgery for minors under 18 years of age.

The question being adoption of amendment (2451h).

Reps. Wheeler and Layon spoke in favor.

Rep. Cannon spoke against.

Rep. Layon requested a roll call; sufficiently seconded.

**YEAS 209 - NAYS 167**

**YEAS - 209**

**BELKNAP**

Bean, Harry  
Comtois, Barbara  
Nagel, David  
Terry, Paul

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom

Bordes, Mike  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Coker, Matthew  
McCarter, Nikki  
Smart, Lisa

**CARROLL**

Avellani, Lino  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

Crawford, Karel  
Peternel, Katy

**CHESHIRE**

Abbott, Michael  
Santonastaso, Matthew

Filault, Shaun  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

**GRAFTON**Baldwin, Heather  
Fellows, Sallie  
Massimilla, LindaBerezhny, Lex  
Fracht, David  
Rochefort, DavidBrown, Carroll  
Greeson, Jeffrey  
Sellers, JohnCoulon, Matthew  
Ladd, Rick  
Simon, Matthew**HILLSBOROUGH**Lekas, Alicia  
Boyd, Bill  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Harriott-Gathright, Linda  
Kenny, Catherine  
Leishman, Peter  
McGough, Tim  
Notter, Jeanine  
Plett, Fred  
Renzullo, Andrew  
Lekas, Tony  
Wherry, RobertAbare, Kimberly  
King, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Healey, Robert  
Kofalt, Jim  
Lewicke, John  
McLean, Mark  
Panek, Sandra  
Post, Lisa  
Seidel, Sheila  
Mannion, TomAlexander, Joe  
Beauchemin, Paige  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Infantine, William  
Gould, Linda  
Perez, Maria  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, JordanAmmon, Keith  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Gorski, Ted  
Kennedy, Stephen  
Lascelles, Richard  
Mazur, Lisa  
Noble, Kristin  
Plamondon, Marc  
Reid, Karen  
Sirois, Shane  
Wheeler, Jonah**MERRIMACK**Andrus, Louise  
Cambriels, Jose  
Hicks, Matthew  
Mason, James  
Seaworth, Brian  
Wood, ClaytonAures, Cyril  
Carey, Lorrie  
Hill, Gregory  
Moffett, Michael  
See, AlvinAylward, Deborah  
McGuire, Dan  
Hoell, J.R.  
Polozov, Yury  
Walsh, ThomasMcGuire, Carol  
Gerhard, Jason  
Leavitt, John  
Boyd, Stephen  
Testerman, Dave**ROCKINGHAM**Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Emerick, Tracy  
Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
McMahon, Charles  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vandecasteele, Susan  
Wallace, ScottBernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Pearson, Mark  
Melvin, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Soti, Julius  
Sytek, John  
True, Chris  
Verville, Kevin  
Weyler, KennethBrouillard, Jacob  
Donnelly, Tanya  
Edgar, Michael  
Guthrie, Joseph  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
Maggiore, Jim  
Milz, David  
Phillips, Emily  
Potucek, John  
Read, Ellen  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Vose, Michael  
Yokela, JoshMannion, Dennis  
Doucette, Fred  
Edwards, Jess  
Harb, Robert  
Janigian, John  
Kuttab, Katelyn  
Lundgren, David  
McDonnell, Valerie  
Muns, Chris  
Piemonte, Tony  
Pratt, Kevin  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vallone, Mark  
MacDonald, Wayne**STRAFFORD**Ankarberg, Aidan  
Granger, Michael  
Turcotte, Len  
Phinney, BrandonBailey, Glenn  
Harrington, Michael  
LaMontagne, Jessica  
Pitre, JosephBurnham, Claudine  
Horgan, James  
Newton, Clifford  
Potenza, KelleyConnor, James  
Kaczynski, Thomas  
Schmidt, Peter  
Vincent, Kenneth**SULLIVAN**Aron, Judy  
Spilsbury, WalterDrye, Margaret  
Stapleton, WalterRollins, Skip  
Stone, Jonathan

Smith, Steven

**NAYS - 167****BELKNAP**

Huot, David

St. Clair, Charlie

**CARROLL**Belcher, Mike  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

**CHESHIRE**

Ames, Richard  
Faulkner, Barry  
Newell, Jodi  
Weber, Lucy

Harvey, Cathryn  
Germana, Nicholas  
Parshall, Lucius

Fox, Dru  
Jones, Philip  
Schapiro, Joe

Eaton, Daniel  
Monteil, Renee  
Toll, Amanda

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

Almy, Susan  
Hoyt, Tommy  
Morse, Corinne  
Sykes, George

Bolton, Bill  
Murphy, James  
Muirhead, Russell

Cormen, Thomas  
Sullivan, Jared  
Stavis, Laurel

Hakken-Phillips, Mary  
Lovett, Peter  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alissandra  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Foxx, Loren  
Lloyd, Christal  
MacKenzie, Mark  
Morton, Jennifer  
Pedersen, Michael  
Raymond, Heather  
Seibert, Christine  
Telerski, Laura  
Dolan, William

Nutting-Wong, Allison  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Heath, Mary  
Judy, Jean  
Lanza, Judi  
Long, Patrick  
Mangipudi, Latha  
Murphy, Nancy  
Petrigno, Peter  
Rombeau, Catherine  
Sofikitis, Catherine  
Tellez, Trinidad  
Thomas, Wendy

Beaulieu, Jane  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Herbert, Christopher  
Smith, Juliet  
Leapley, Nicole  
Howard, Molly  
McGhee, Kat  
Nutter-Upham, Frances  
Preece, David  
Rung, Rosemarie  
Spier, Carry  
Vail, Suzanne  
Wilhelm, Matthew

Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Hynes, Dan  
Juris, Louis  
LeClerc, Daniel  
Murray, Megan  
Ming, Ben  
O'Brien, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel

**MERRIMACK**

Turcotte, Alisson  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Soucy, Timothy

Brennan, Angela  
Gibbs, Merry  
MacKay, James  
Richards, Beth  
Schuett, Dianne  
Wallner, Mary Jane

Caplan, Tony  
Hall, Muriel  
McWilliams, Rebecca  
Roesener, James  
Schultz, Kristina  
Wolf, Dan

Ebel, Karen  
Lane, Connie  
Myler, Mel  
Gould, Sherry  
Shurtleff, Steve

**ROCKINGHAM**

Balboni, Peggy  
Grote, Jaci  
Knab, Allison  
Manos, Zoe  
Rafter, Hal  
Ward, Gerald

DiLorenzo, Charlotte  
Hamblet, Joan  
Cahill, Michael  
McBeath, Rebecca  
Raynolds, Ned

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
Meuse, David  
Simpson, Alexis

Grossman, Gaby  
Murray, Kate  
Malloy, Dennis  
O'Neil, Candice  
Turer, Eric

**STRAFFORD**

Bickford, David  
Conlin, Bill  
Howard, Heath  
Levesque, Cassandra  
Southworth, Thomas

Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
Smith, Marjorie  
Wall, Janet

Rich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Pare, Gail

Cannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Selig, Loren

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and amendment (2451h) was adopted.

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

Rep. Cannon spoke against.

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

**YEAS 199 - NAYS 175**

**YEAS - 199****BELKNAP**

Bean, Harry  
Dumais, Russell  
Ploszaj, Tom

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Coker, Matthew  
McCarter, Nikki  
Smart, Lisa

Comtois, Barbara  
Nagel, David  
Terry, Paul

**CARROLL**

Avellani, Lino  
Crawford, Karel  
Pernel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

**CHESHIRE**

Abbott, Michael  
Santonastaso, Matthew

Filiault, Shaun  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

**GRAFTON**

Berezhny, Lex  
Ladd, Rick  
Simon, Matthew

Brown, Carroll  
Massimilla, Linda

Coulon, Matthew  
Rocheport, David

Greeson, Jeffrey  
Sellers, John

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Infantine, William  
Gould, Linda  
Perez, Maria  
Mooney, Maureen  
Pauer, Diane  
Reid, Karen  
Sirois, Shane  
Wheeler, Jonah

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Lascelles, Richard  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Renzullo, Andrew  
Lekas, Tony  
Wherry, Robert

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Gorski, Ted  
Kenny, Catherine  
Leishman, Peter  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Seidel, Sheila  
Mannion, Tom

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolli, Jim  
Healey, Robert  
Kofalt, Jim  
Lewicke, John  
McLean, Mark  
Panek, Sandra  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, Jordan

**MERRIMACK**

Andrus, Louise  
Cambrils, Jose  
Hicks, Matthew  
Mason, James  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
Carey, Lorrie  
Hill, Gregory  
Moffett, Michael  
See, Alvin

Aylward, Deborah  
McGuire, Dan  
Hoell, J.R.  
Polozov, Yury  
Walsh, Thomas

McGuire, Carol  
Gerhard, Jason  
Leavitt, John  
Boyd, Stephen  
Testerman, Dave

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Pearson, Mark  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vallone, Mark  
MacDonald, Wayne

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Guthrie, Joseph  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
Maggiore, Jim  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vandecasteele, Susan  
Wallace, Scott

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harb, Robert  
Janigian, John  
Kuttat, Katelyn  
Lundgren, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
Verville, Kevin  
Weyler, Kenneth

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Vose, Michael  
Yokela, Josh

**STRAFFORD**

Ankarberg, Aidan  
Granger, Michael  
Turcotte, Len  
Phinney, Brandon

Bailey, Glenn  
Harrington, Michael  
Newton, Clifford  
Pitre, Joseph

Burnham, Claudine  
Horgan, James  
Schmidt, Peter  
Potenza, Kelley

Connor, James  
Kaczynski, Thomas  
Pare, Gail  
Vincent, Kenneth

**SULLIVAN**

Aron, Judy  
Stapleton, Walter

Drye, Margaret  
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

**NAYS - 175  
BELKNAP**

Huot, David

St. Clair, Charlie

**CARROLL**

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

**CHESHIRE**Ames, Richard  
Faulkner, Barry  
Newell, Jodi  
Weber, LucyHarvey, Cathryn  
Germana, Nicholas  
Parshall, LuciusFox, Dru  
Jones, Philip  
Schapiro, JoeEaton, Daniel  
Monteil, Renee  
Toll, Amanda**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**Almy, Susan  
Fellows, Sallie  
Murphy, James  
Muirhead, RussellBaldwin, Heather  
Fracht, David  
Sullivan, Jared  
Stavis, LaurelBolton, Bill  
Hakken-Phillips, Mary  
Lovett, Peter  
Stringham, JerryCormen, Thomas  
Hoyt, Tommy  
Morse, Corinne  
Sykes, George**HILLSBOROUGH**Murray, Aissandra  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Smith, Juliet  
Leapley, Nicole  
Howard, Molly  
McGhee, Kat  
Nutter-Upham, Frances  
Plamondon, Marc  
Rombeau, Catherine  
Sofikitis, Catherine  
Tellez, Trinidad  
Thomas, WendyNutting-Wong, Allison  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Hynes, Dan  
Juris, Louis  
LeClerc, Daniel  
Murray, Megan  
Ming, Ben  
O'Brien, Michael  
Preece, David  
Rung, Rosemarie  
Spier, Carry  
Vail, Suzanne  
Wilhelm, MatthewBeauchemin, Paige  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Jack, Martin  
Foxy, Loren  
Lloyd, Christal  
MacKenzie, Mark  
Morton, Jennifer  
Pedersen, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, DanielBeaulieu, Jane  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Jeudy, Jean  
Lanza, Judi  
Long, Patrick  
Mangipudi, Latha  
Murphy, Nancy  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Telerski, Laura  
Dolan, William**MERRIMACK**Turcotte, Alisson  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Soucy, TimothyBrennan, Angela  
Gibbs, Merryl  
MacKay, James  
Richards, Beth  
Schuett, Dianne  
Wallner, Mary JaneCaplan, Tony  
Hall, Muriel  
McWilliams, Rebecca  
Roesener, James  
Schultz, Kristina  
Wolf, DanEbel, Karen  
Lane, Connie  
Myler, Mel  
Gould, Sherry  
Shurtleff, Steve**ROCKINGHAM**Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Malloy, Dennis  
Muns, Chris  
Read, EllenDiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Manos, Zoe  
O'Neil, Candice  
Simpson, AlexisEdgar, Michael  
Hamblet, Joan  
Cahill, Michael  
McBeath, Rebecca  
Rafter, Hal  
Turer, EricGilman, Julie  
Haskins, Linda  
Paige, Mark  
Meuse, David  
Raynolds, Ned  
Ward, Gerald**STRAFFORD**Bickford, David  
Conlin, Bill  
Howard, Heath  
LaMontagne, Jessica  
Southworth, ThomasBixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
Levesque, Cassandra  
Wall, JanetRich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Smith, MarjorieCannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Selig, Loren**SULLIVAN**Sullivan, Brian  
Palmer, WilliamCloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the motion of Ought to Pass with Amendment was adopted.

**MOTION TO PRINT DEBATE**

Rep. Beaulieu moved that the debate on **HB 619-FN**, to require a person to attain the age of majority for genital gender reassignment surgery, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

**DEBATE ON HB 619-FN**

**Speaker Packard:** Rep. Layon moves Ought to Pass and offers amendment (2451h). The debate will be on the amendment. The Chair recognizes Rep. Wheeler. I would just like to remind anybody that is speaking on this, that this is a very sensitive and touchy issue and please make sure your remarks are appropriate. Rep. Wheeler.

**Representative Wheeler:** Thank you, Mister Speaker. Thank you for that reminder. I rise today despite the uncomfortability of this vote because for me it comes down to whether or not kids should be able to get these surgeries, despite the fact that I am a liberal, despite the fact that I believe in nondiscrimination for trans people, for gay people, for queer people and that I will fight until my very last day until they are recognized as human beings. The question before us is whether or not children under the age of 18 should be able to get these surgeries. I, despite being a liberal who believes in those human rights, do not think that is the case. When the question is put before me, and I spoke to people until 11:30 last night, lobbyists, different stakeholders, people with firsthand experience, lived experience and I've been speaking to people for the last four weeks about this bill, the only argument against it being that this amendment, specifically, opens the door to other bad trans bills. But, folks, the slippery slope fallacy applies here. We are talking about whether or not kids should get these surgeries and they should not. These are irreversible surgeries, despite the fact that there are medical exceptions, which are included in this amendment. When people have problems with their genitals that need to be addressed, that should be addressed. But when we are talking about whether or not kids should get these surgeries, I think that goes a bridge too far and I will not be signing on to that. So, I will be supporting this amendment and I appreciate the work done in the Health and Human Services Committee. They worked very diligently and if you want to watch legislating being done in real time and in a really good way, I recommend that you watch the committee hearings on this bill, the work session on this legislation. They diligently took all people into account. They took all experiences into account, and they came up with legislation that protects children under the age of 18. This is not a question of whether or not you are with the trans community. This is a question on whether or not you believe children should be able to get these irreversible surgeries. So again, despite being a Democrat, despite being a liberal who believes in human rights, I don't think that children should be able to get these irreversible surgeries. So, I will take all the heat that comes from this. I will be voting for this amendment and for OTP/A if it passes. The bill in its original form, I think is too broad and I won't be voting for OTP, but I will be voting for OTP/A if the amendment passes and I hope all of you on this side of the aisle who definitely believe in human rights, who believe in protecting nondiscrimination would consider the irreversible surgeries that kids are going to be getting if this bill does not pass. Thank you very much, Mister Speaker and I urge you to support this amendment.

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

**Representative Cannon:** Thank you, Mister Speaker, and fellow colleagues. The question that we raise is not about surgery and not about who this applies to. It's about why are we considering putting medical procedures into New Hampshire law? Medical science is constantly changing. New procedures, drugs and treatments are introduced all the time. The medical community is constantly learning new ways to care for patients. Medical professionals are expected to attend conferences and even spend time learning new techniques in institutions other than their own. That's their job. What's our job? Our job is to protect the people we serve. Statutes are written to protect us now and long term into the future. When we consider putting legislation into law, we should be asking ourselves, will this legislation stand the test of time? The problem with this amendment is that it's a Band-Aid. It's not something this legislature is capable of monitoring or changing as medical science continues to change. If we had heard testimony about consistent problems with medical services offered to New Hampshire residents by New Hampshire medical care organizations and professionals, it might be a different problem for us to address. But this is not the case. We have many excellent care providers in New Hampshire providing their services utilizing the best knowledge, skills, and tools available to them. Could they do better? Sure! But that's their job. Not ours. By the way, any youth reaching the age of 18 typically won't be approved for genital surgery until they've started hormone treatments for the gender they identify as, as well as implement their future plans as living as the gender they are. Young people are encouraged to wait until the age of 18 to start them. Their medical professionals and parents need to sign off on the use of these powerful drugs any earlier than 18. Insurance approvals may also play a part in their decisions. They also need to start living their life as the gender they identify for at least a year or more. During this time, they will attend many therapeutic counseling and psychotherapy sessions to prove to a licensed medical professional that they are capable of living their life safely without considering harm to themselves or to others. This is no small task given the social pressures they will have to live through. It is much more likely that a young transgender person won't receive genital surgery until they reach the age of 20 or older. Also, a major part we haven't even discussed that controls when these might happen are the costs of the surgical procedures and the willingness of surgeons and hospitals to take the risks associated with these procedures. On a personal note, I had to submit letters from my therapist and psychotherapist indicating that I was ready for this next step,

even at the age of 69. I'm 71 now. Each of the three surgeons that interviewed me wanted to make sure that I knew what the procedure was and what it would entail so that they were comfortable that I was ready. The same thing is true with everyone, even 18-year-olds. The insurance company also needed to make sure I had the right letters in place so they would agree to their portion of the bill. My surgery cost over \$95,000. It wasn't a complex or expensive female to male procedure, which the cost is considerably higher. Amendment 2451h is a temporary solution to a problem this legislature can't solve in the long term. Vote no on amendment 2023-2451h. Thank you.

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

**Representative Layon:** Thank you, Mister Speaker. I want to start off by thanking my colleague from Somersworth for how hard and passionately she fights for this issue. I would say that it's been challenging to debate this with somebody that you like and respect so much, but it makes sure that we keep things to the issues. If the medical societies and guidelines were still practicing the way that they have up until 16 months ago, we wouldn't be having this discussion. It used to be that a minor would need to wait until they were 18 for surgery. It used to be in the WPATH guidelines that parental consent was required for treatment, and it also used to be in the WPATH guidelines that you needed to have hormonal treatment before surgery. Sadly, in September of 2022 that changed. None of those protections are in guidelines anymore. So, this amendment significantly narrows the bill. It lays out the reasons why a person should turn 18 before having genital gender reassignment surgery. If you turn to page 93 in your calendar, you'll find the amendment which explicitly protects reconstruction and removal due to malformation, malignancy, injury or physical disease, surgeries for disorders of sexual development and male circumcision. This amendment laser focuses the bill on the fact that informed consent requires an understanding of the risks and benefits of the procedure. If a parent is told that this procedure is safe and effective, will they believe the doctor and sign on or will they ask for that evidence? In committee, the experts told us that it was safe and effective, but they could not give us the evidence. They gave us data on other procedures that were in the underlying bill, but nothing on genital gender reassignment surgeries. I looked at PubMed where all the clinical trials are published to see why. There is not a single study on children having genital gender reassignment surgery anywhere in the world. Without data we are experimenting on our children while telling their parents that it's safe and effective. I just can't square that circle. So, the question you all face here today is very important. Is it okay to tell parents that this surgery is safe and effective in children even though there are no data, and you would be leading them to have their child unknowingly participating in cutting edge surgery? Kids are not small adults and children who have undergone aggressive hormone therapy from a young age, which is what would be needed to have undergone cross-sex hormones for a while before the age of 18, have a very, very different medical history than adults who have undergone this procedure. It's apples and oranges. It's not the same thing. Our amendment language actually highlights the current lack of data specifically so that if there are published data that show that this is safe and effective in children, you will have the wind at your backs to change the law, but we need that data first. Otherwise, we are misleading parents. Should we tell parents it's well studied when it's not? Or should we put this pause into law and say wait until 18? If you agree with me that we need to wait until 18, at least until the data is available, please push the green button for this amendment. Mister Speaker, I ask for a roll call.

**Speaker Packard:** The motion before us is Ought to Pass on Amendment (2451h). Rep. Layon has asked for a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will take their seats. The motion before us is on amendment (2451h). This is a roll call vote. The Chair recognizes Rep. Hynes for a parliamentary inquiry.

**Representative Hynes:** Thank you, Mister Speaker. If I know this amendment goes against parental rights and goes against medical freedom, particularly where patients should be able to decide whether they get that treatment, which could prevent their suicide, which is also irreversible. Even if that treatment is experimental, like many of us might have wanted to try during the early stages of COVID, some experimental treatment. And if I agree with the prior speaker yesterday, we should not substitute the government for parents, would I press red to vote against this anti liberty bill? Thank you.

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

**Representative Layon:** Thank you, Mister Speaker. If I know that until 16 months ago, no clinical guidelines even permitted genital gender reassignment surgery in minors anywhere in the world. And if I know that the experts told us and parents that this was safe and effective, yet they were unable to provide data because there are no data. And if I know that informed consent requires knowledge and understanding of the risks and benefits, which are in truth unknown, yet presented differently to parents. And if I know that until recently these kids were already waiting until 18 for this lifechanging, hopefully for the good, but potentially for the bad surgery, would I then press the green button to continue to first do no harm and wait until 18?

**Speaker Packard:** The motion before us is amendment (2451h). 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. 209 voting Yea, 167 voting Nay, amendment (2451h) was adopted. Now we are on to Ought to Pass as Amended. The Chair recognizes Rep. Cannon.

**Representative Cannon:** Thank you, Mister Speaker, and fellow colleagues. Adopting this bill is different than anything else we have done in this House. It's going to be a statute that needs to be continually monitored for changes by the medical field. That's pretty hard to do when we put laws into place with this current group of august individuals because the future of this body is going to have to revisit this as changes are made in the medical field. We may also have to visit other areas too because there are changes of who can get what surgeries and how young and so we may need to revisit that area as well. It isn't just genital surgery that young people get. I encourage you to vote no on this bill. It's not right for New Hampshire. It's not right for the transgender community and I hope that our young people don't take this message badly because I'm concerned about the health of many young transgender people. Thank you.

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

**Representative Layon:** Thank you, Mister Speaker and thank you, Representatives for passing this amendment to this bill. As I highlighted before, until 16 months ago, these procedures were prohibited by guidelines so not only is there no data, there are no anecdotes. We have not yet seen how the new WPATH guidelines will trickle down into practice of medicine, especially here in New Hampshire. Traditionally, it takes years, sometimes decades for new guidelines to see clinical adoption, especially for surgical procedures. If that's the case here, this pause does no harm. However, the natural course of transgender health care has taken a very different path than other medical specialties. Instead of slowly and cautiously adopting guidelines, the great desire to do something, anything to help these kids has overwhelmed the medical mindset of slow and cautious adoption. I appreciate the concern and can commiserate with these kids and their families. It's hard. Nobody denies that, but being told something is safe and effective when there is no data and they're just trying to figure out how it works on you is not compassionate. It's not kind. We need to wait. We need to pause. Earlier this morning, on the first bill we debated, we heard from my friends on the other side of the aisle how we could revisit that bill in the future should the data change. Our job is continually looking at the RSAs and continually updating them as necessary. It's no additional burden to do this and to wait and see. Do these help or do these harm? Until then I ask you to again join with me in pressing the green button in passing this bill as amended so we can wait for data and wait until 18. Thank you. I request a roll call vote, Mister Speaker.

**Speaker Packard:** Rep. Layon has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. Members will take their seats. The motion before us is Ought to Pass as Amended. This is a roll call vote. The Chair recognizes Rep. Weber for a parliamentary inquiry.

**Representative Weber:** Thank you, Mister Speaker. If I know that medical knowledge evolves and with that evolution comes changing guidelines. It happens all the time. If I know that there will be no data to review if there is a specific prohibition put in place by all of us nonmedical people. And if I trust parents and medical providers to provide appropriate evidence-based care, would I now press red to defeat this bill so another motion may be made? Thank you.

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

**Representative Layon:** Thank you, Mister Speaker. If I know that telling parents, kids and the whole community that a procedure with no data is safe and effective is negligent, harmful and could cost children their lives or their future capacity. And if know that we adapt our laws all the time and this issue is not going away. If I know all of that, would I press the green button so we can wait until 18, wait for the data, and stop misleading the public and our kids? Thank you.

**Speaker Packard:** The motion before us is Ought to Pass as Amended on HB 619. 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. 199 voting Yea; 175 voting Nay, the committee report of Ought to Pass as Amended is adopted.

#### REGULAR CALENDAR CONT'D

**HB 283, to limit application fees charged to prospective residential tenants. OUGHT TO PASS WITH AMENDMENT.**

Rep. Katelyn Kuttub for Judiciary. This bill, as amended, requires landlords who collect a rental application fee to refund all but the landlord's actual out-of-pocket costs, including for credit reports, criminal background checks, and reasonable administrative costs, to applicants whose applications have been denied. While this bill won't have any effect on the majority of landlords, there has been an increase in people listing units, some of which they don't even own, for rent and collecting fees and never actually renting out the unit. This bill seeks to help stop this deceptive practice. The bill also provides that a landlord who violates this law is required to refund all monies collected from the applicant (without deduction for the landlord's costs) for application fees and also is responsible for court costs if the applicant must go to court to get his/her money back. Vote 16-4.

**Amendment (2441h)**

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

AN ACT relative to rental application fees charged to prospective tenants.

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

1 New Paragraph; Prohibited Practices and Security Deposits; Rental Application Fees. Amend RSA 540-A:3 by inserting after paragraph VII the following new paragraph:

VIII. Prior to collecting any fee as part of the rental application or renewal process, the landlord shall clearly disclose, in writing to prospective tenants, the amount of the fee and the requirement for a satisfactory criminal background and credit check, if any. If such fee is collected from an applicant, but the unit is not rented to that applicant, the landlord shall return any amount beyond the actual cost of the documented background check, credit check, and/or reasonable administrative costs to the applicant within 30 days of receipt. Nothing in this paragraph shall require the landlord to conduct a criminal background or credit check or prohibit the landlord from renting to an applicant who does not pass the criminal background or credit check.

2 New Subparagraph; Prohibited Practices and Security Deposits; Remedies. Amend RSA 540-A:4, IX by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding the provisions of subparagraph (a), a landlord who violates RSA 540-A:3, VIII shall be subject only to returning to the applicant all monies provided by the applicant as part of their application, plus court costs.

3 Effective Date. This act shall take effect January 1, 2025.

Committee amendment was adopted.

The question 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 314-FN, relative to the expectation of privacy in the collection and use of personal information. OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for Judiciary. This bill applies to what the bill defines as “third-party providers of information and services.” The definition is limited to providers of telephone and other utility services, Internet service providers, cable television, streaming services, social media services, email services, banks and financial institutions, insurance companies, and credit card companies. The bill provides that individuals have a reasonable expectation of privacy in “personal information” (i.e., name, address, date of birth, social security number, telephone numbers, Internet addresses, location information, biographic identifiers, DNA/RNA data, and other unique personal identifiers); and it prohibits covered companies from disclosing such information to anyone, except in limited circumstances. Unless disclosure is specifically authorized by other law, disclosure is permitted only when (1) the individual consents; (2) the provider has reason to believe disclosure is necessary to detect or prevent a crime, fraud, or other malicious activity; (3) an emergency exists in which there is an immediate danger of death or serious injury, or substantial property damage if the information is not disclosed; or (4) the information is disclosed in response to a properly authorized request from a governmental body or pursuant to a court order. The bill establishes specific procedures that covered companies must utilize in order to obtain consent, which includes the requirement of an “opt in” system. When disclosure is made in response to a government request or demand for the private information, the bill calls for notice to be provided to the individual whose information is to be disclosed unless the government agency demands that notice not be provided and has authority to make such demand. The bill does not allow private individuals to sue for violation of its provisions but does allow the attorney general to bring suit for violations, and to collect the greater of actual damages or \$1,000 for each violation. The committee believes this bill reflects a balanced compromise of competing interests that will enhance the privacy rights of all New Hampshire citizens. Vote 17-1.

**Amendment (2463h)**

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

1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-G the following new chapter:

**CHAPTER 507-H**

**EXPECTATION OF PRIVACY**

507-H:1 Definitions. In this chapter:

I. “Available to the public” means personal information legally obtained directly or indirectly from either a third party provider of information and services or the individual to whom it relates, directly or through social media, whether or not offered for sale or obtainable without charge, by an individual or organization.

II. “Government entity” means municipal, county state or federal department, agency, board, commission, or employee, elected official, or contractor. “Government entity” shall not apply to a federal government agency to the extent that federal statute or the United States Constitution preempts such application.

III. "Personal information" means an individual's name, date or place of birth; social security number; address; employment history; credit history; financial and other account numbers; cellular telephone numbers; voice over Internet protocol or landline telephone numbers; location information; biometric identifiers including fingerprints, facial photographs or images, retinal scans, genetic profiles, and DNA/RNA data; or other identifying data unique to that individual.

IV. "Third party providers of information and services" means individuals or organizations that collect personal information about an individual in connection with providing the following kinds of services to that individual: cellular and land-line telephone, electric, water, or other utilities; Internet service providers; cable television; streaming services; social media services; email service providers; banks and financial institutions; insurance companies; and credit card companies.

#### 507-H:2 Expectation of Privacy in Personal Information; Consent.

I. An individual shall have a reasonable expectation of privacy in personal information, including content and usage, given to or held by third party providers of information and services, and not available to the public. Unless specifically authorized by law, third party providers of information and services shall not disclose personal information of an individual to anyone unless:

- (a) Such individual has given explicit consent for the disclosure of such information to one or more others;
- (b) The third-party provider of information and services has reason to believe that such disclosure is necessary to prevent, detect, protect against, or respond to past, present, or expected criminal or fraudulent conduct, identity theft, harassment, or deceptive or malicious activity;
- (c) An emergency exists where there is an immediate danger of death or serious physical injury to an individual or substantial loss or destruction of property if the information is not disclosed; or
- (d) The information is disclosed in accordance with RSA 507-H:3.

II. If a third party provider of information and services seeks to obtain consent from an individual to disclose to others personal information given to or held by such provider, the procedure by which it does so shall meet the following requirements:

- (a) The communication to the individual by which consent is sought shall be simple, clear, and unambiguous; and shall state the purpose or purposes for which the information is to be disclosed;
- (b) The communication shall be separate from any other communication sent to the individual by the third party provider of information and services; and
- (c) The communication shall be structured so that the individual is required to respond by performing an affirmative act to "opt in" in order to grant consent.

#### 507-H:3 Disclosure of Personal Information to Government Entities.

I. A third party provider of information and services may disclose to a government entity personal information of an individual without the consent of the individual in the following circumstances:

- (a) When requested to do so by a government investigative, regulatory, administrative, or adjudicative body or agency acting within the scope of its authority.
- (b) When required to do so by a subpoena duly issued by a government investigative, regulatory, administrative, or adjudicative body or agency acting within the scope of its authority, by a duly empaneled grand jury, or by a court.
- (c) When compelled to do so pursuant to a duly issued search warrant or pursuant to a judicially recognized exception to the requirement for a search warrant.
- (d) When requested by the division of emergency services and communications for purposes of responding or assisting with emergency 911 telecommunications.
- (e) In an emergency, where the immediate danger of death or serious physical injury to an individual or substantial loss or destruction of property requires the disclosure, without delay, of personal information concerning a specific individual, telephone number, username, or other unique identifier, and where judicial process cannot be obtained in time to prevent the identified danger.

II. When a government entity seeks the disclosure of personal information from a provider of information and services pursuant to RSA 507-H:3, I(a) or I(b), the request or demand for such information shall not require production of the information sooner than 10 days from the date the request or demand is made. Within 5 days of receiving such request or demand, the provider shall notify the individual to whom the information pertains that the request or demand has been made so that such individual has an opportunity to pursue judicial remedies to prevent compliance with the request or demand if there are valid grounds to do so; provided, however, that no such notice shall be given if (i) the government entity seeking the information demands that such notice not be provided and furnishes the provider with the basis of its authority to make such demand; or (ii) a court has issued an order that such notice not be given.

III. When a provider of information and services discloses personal information of an individual in an emergency situation covered by RSA 507-H:2, I(c), or when a government entity seeks disclosure of personal information from a provider of information and services pursuant to RSA 507-H:3, I(c), I(d), or I(e), the provider shall contemporaneously with such disclosure provide notice that it has made the disclosure to the individual to whom the information pertains; provided, however, that no such notice shall be given if

(i) the government entity seeking the information demands that such notice not be provided and furnishes the provider with the basis of its authority to make such demand; or (ii) a court has issued an order that such notice not be given.

507-H:4 Waivers. No third party provider of information and services may require a waiver from the provisions of this chapter as a condition for any individual to do business with it.

507-H:5 Remedies.

I. Any person who knowingly violates the provisions of this chapter shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

II. The attorney general shall have exclusive authority to bring a civil action against any third party provider of information and services who violates this chapter to recover on behalf of the public or any individual or entity aggrieved by such violation. In any such action, the attorney general shall be entitled to recover the greater of actual damages or \$1,000 for each violation of this chapter.

III. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations under this chapter.

507-H:6 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

2 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend RSA 359-N:2, I(c) to read as follows:

(c) Obtain, retain, or provide any individual's biometric data except as set forth in this chapter ***or in RSA 507-H.***

3 Effective Date. This act shall take effect on January 1, 2025.

Committee amendment was adopted.

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

Rep. Read offered Floor Amendment (0039h).

#### **Floor Amendment (0039h)**

Amend RSA 507-H:3, I as inserted by section 1 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) When specifically authorized by other law.

The question being adoption of Floor Amendment (0039h).

Rep. Read spoke in favor.

Floor Amendment (0039h) 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 396**, relative to state recognition of biological sex. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: As amended, this bill acknowledges New Hampshire's fundamental commitment to treat all persons without discrimination and with equal respect and dignity. It also acknowledges the fact that there are certain circumstances in which recognition of biological sex may be necessary for the physical safety and privacy rights of an individual, especially when, but not limited to, minors. There are specific and limited situations where this may be the best practice. The three circumstances in which the bill permits biological sex to be utilized as a basis for classification are limited to (1) multiple use bathrooms, (2) athletic/sporting events of a kind where an advantage to biological males is recognized to exist, and (3) facilities where an individual is committed involuntarily. Even in these limited situations, the bill does not require classification based on biological sex; it merely allows for this to occur if the institution in question determines the same is necessary.

Rep. Kristine Perez

Statement in support of Inexpedient to Legislate: The bill proposes to amend state law regarding vital records to state that, regardless of what sex appears on an individual's official birth record, any public entity in the state of New Hampshire shall have the ability to treat individuals differently based on their "biological sex," noted as being either male or female. The bill, however, notably omits any practical definition of "biological sex" or how it shall be determined. There are several ways that one's sex is commonly described biologically, including one's gonadic features, chromosomal characteristics, hormonal levels, or based on a range of secondary sexual characteristics. While not even limiting the definition to these common options, the bill further ignores the fact that objectively ambiguous states exist within each of these noted potential definitions, and that these definitions can conflict with each other for a given individual at a given point. It also does not state at what point in life one's "biological sex" is determined, ignoring the fact that these factors can be altered over the course of a person's life, often through legal medical interventions. The lack of any clear definition of "biological gender" in the bill makes it unworkable in practice, leading to likely legal disputes, and inviting vastly different approaches and discrimination by public entities in its application.

Rep. Eric Turer

Rep. Kristine Perez moved Ought to Pass with Amendment.

**Amendment (0441h)**

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

AN ACT permitting classification of individuals based on biological sex under certain limited circumstances.

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

1 State Commission for Human Rights; Law Against Discrimination; Purpose and Scope. Amend RSA 354-A:1 to read as follows:

354-A:1 Title and Purposes of Chapter.

*I. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants, but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation and in housing accommodations because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes. In addition, the agencies and councils so created shall exercise their authority to assure that no person be discriminated against on account of sexual orientation.*

*II. The general court also finds that, notwithstanding New Hampshire's fundamental commitment to treat all persons without discrimination and with equal dignity and respect, which commitment the legislature fully accepts and strongly endorses, there are certain limited circumstances in which classification of persons based on biological sex is proper because such classification serves the compelling state interests of protecting the privacy rights and physical safety of such persons and others. The legislature finds that permitting classification of persons based upon biological sex serves this compelling state interest in the 3 circumstances described in RSA 354-A:25-a.*

2 New Section; Law Against Discrimination; Classification of Persons Based Upon Biological Sex. Amend RSA 354-A by adding after section 25 the following new section:

354-A:25-a Classification of Persons Based Upon Biological Sex. Notwithstanding RSA 354-A:2, XIV-e or any other provision of this chapter or any other law or regulation, it shall not constitute unlawful discrimination based on sexual or gender identity for any person or organization, public or private, to classify based on biological sex with respect to the following matters:

I. In the construction, maintenance, operation, and use of lavatory facilities or locker rooms designed for usage by multiple persons at the same time, even if such facilities have individual urinals, stalls, or similar apparatus.

II. In athletic or sporting events or competitions in a sport or similar activity in which physical strength, speed, or endurance is generally recognized to give an advantage to biological males.

III. In the operation, maintenance, and use of facilities designed for usage as prisons, houses of correction, juvenile detention or commitment centers, mental health hospitals or treatment centers and like facilities to which persons may be committed involuntarily.

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

**AMENDED ANALYSIS**

This bill permits classification of individuals based on biological sex in lavatory facilities and locker rooms, sporting competitions, and detention facilities.

The question being adoption of amendment (0441h).

Rep. Devine spoke against.

Rep. Lynn spoke in favor and yielded to questions.

Rep. Seth King requested a roll call; sufficiently seconded.

**YEAS 194 - NAYS 182**

**YEAS - 194**

**BELKNAP**

Bean, Harry  
Dumais, Russell  
Ploszaj, Tom

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Coker, Matthew  
McCarter, Nikki  
Smart, Lisa

Comtois, Barbara  
Nagel, David  
Terry, Paul

**CARROLL**

Avellani, Lino  
Crawford, Karel  
Pernel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

**CHESHIRE**

Abbott, Michael  
Santonastaso, Matthew

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

**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  
Infantine, William  
Gould, Linda  
McGough, Tim  
Notter, Jeanine  
Plett, Fred  
Renzullo, Andrew  
Lekas, Tony

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Lascelles, Richard  
McLean, Mark  
Panek, Sandra  
Post, Lisa  
Seidel, Sheila  
Mannion, Tom

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Gorski, Ted  
Kenny, Catherine  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, Jordan

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Healey, Robert  
Kofalt, Jim  
Mazur, Lisa  
Noble, Kristin  
Plamondon, Marc  
Reid, Karen  
Sirois, Shane  
Wherry, Robert

**MERRIMACK**

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

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

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Cahill, Michael  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
MacDonald, Wayne

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Guthrie, Joseph  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
Pearson, Mark  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Wallace, Scott

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harb, Robert  
Janigian, John  
Kuttab, Katelyn  
Lundgren, David  
Maggiore, Jim  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Verville, Kevin  
Weyler, Kenneth

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
Vose, Michael  
Yokela, Josh

**STRAFFORD**

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

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

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

**SULLIVAN**

Aron, Judy  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Rollins, Skip  
Stone, Jonathan

Smith, Steven

**NAYS - 182****BELKNAP**

Bordes, Mike

Huot, David

St. Clair, Charlie

**CARROLL**

|                  |              |                |                   |
|------------------|--------------|----------------|-------------------|
| 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**

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

**HILLSBOROUGH**

|                    |                       |                       |                           |
|--------------------|-----------------------|-----------------------|---------------------------|
| Murray, Aissandra  | Nutting-Wong, Allison | Baroody, Benjamin     | Beauchemin, Paige         |
| Beaulieu, Jane     | Bouchard, Donald      | Bouldin, Amanda       | 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          | Harriott-Gathright, Linda |
| Heath, Mary        | Herbert, Christopher  | Hynes, Dan            | Jack, Martin              |
| Judy, Jean         | Smith, Juliet         | Juris, Louis          | Foxx, Loren               |
| Lanza, Judi        | Leapley, Nicole       | LeClerc, Daniel       | Leishman, Peter           |
| Lloyd, Christal    | Long, Patrick         | Howard, Molly         | Murray, Megan             |
| MacKenzie, Mark    | Mangipudi, Latha      | McGhee, Kat           | Ming, Ben                 |
| Morton, Jennifer   | Murphy, Nancy         | Nutter-Upham, Frances | O'Brien, Michael          |
| Pedersen, Michael  | Petrigno, Peter       | Preece, David         | Newman, Ray               |
| Raymond, Heather   | Rombeau, Catherine    | Rung, Rosemarie       | Newman, Sue               |
| Seibert, Christine | Sofikitis, Catherine  | Spier, Carry          | Staub, Kathy              |
| Telerski, Laura    | Tellez, Trinidad      | Vail, Suzanne         | Veilleux, Daniel          |
| Dolan, William     | Thomas, Wendy         | Wheeler, Jonah        | Wilhelm, Matthew          |

**MERRIMACK**

|                   |                   |                    |                     |
|-------------------|-------------------|--------------------|---------------------|
| Turcotte, Alisson | Brennan, Angela   | Caplan, Tony       | Ebel, Karen         |
| Gallager, Eric    | Gibbs, Meryl      | Hall, Muriel       | Hicks, Matthew      |
| Lane, Connie      | Luneau, David     | MacKay, James      | McWilliams, Rebecca |
| Myler, Mel        | Payeur, Stephanie | Richards, Beth     | Roesener, James     |
| Gould, Sherry     | Schamberg, Thomas | Schuett, Dianne    | Schultz, Kristina   |
| Shurtleff, Steve  | Soucy, Timothy    | Wallner, Mary Jane | Wolf, Dan           |

**ROCKINGHAM**

|                 |                      |                |                |
|-----------------|----------------------|----------------|----------------|
| Balboni, Peggy  | DiLorenzo, Charlotte | Edgar, Michael | Gilman, Julie  |
| Grossman, Gaby  | Grote, Jaci          | Hamblet, Joan  | Haskins, Linda |
| Murray, Kate    | Knab, Allison        | Paige, Mark    | Malloy, Dennis |
| Manos, Zoe      | McBeath, Rebecca     | Meuse, David   | Muns, Chris    |
| O'Neil, Candice | Rafter, Hal          | Raynolds, Ned  | Read, Ellen    |
| Simpson, Alexis | Turer, Eric          | Ward, Gerald   |                |

**STRAFFORD**

|                     |                    |                  |                     |
|---------------------|--------------------|------------------|---------------------|
| Bixby, Peter        | Rich, Cecilia      | Cannon, Gerri    | Conlin, Bill        |
| Fitzpatrick, Daniel | Smith, Geoffrey    | Grassie, Chuck   | Howard, Heath       |
| Horrihan, Timothy   | Howland, Allan     | Kenney, Cam      | LaMontagne, Jessica |
| Levesque, Cassandra | Smith, Marjorie    | Schmidt, Peter   | Pare, Gail          |
| Selig, Loren        | Southworth, Thomas | Vincent, Kenneth | Wall, Janet         |

**SULLIVAN**

|                 |                |             |                |
|-----------------|----------------|-------------|----------------|
| Sullivan, Brian | Cloutier, John | Damon, Hope | Merchant, Gary |
| Palmer, William | Tanner, Linda  |             |                |

and amendment (0441h) was adopted.

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

Rep. Turer spoke against.

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

**YEAS 192 - NAYS 184****YEAS - 192****BELKNAP**

Bean, Harry  
Dumais, Russell  
Ploszaj, Tom

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Coker, Matthew  
McCarter, Nikki  
Smart, Lisa

Comtois, Barbara  
Nagel, David  
Terry, Paul

**CARROLL**

Avellani, Lino  
Crawford, Karel  
Pernel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

**CHESHIRE**

Abbott, Michael  
Rhodes, Jennifer

Filialt, Shaun  
Santonastaso, Matthew

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

**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  
Infantine, William  
Gould, Linda  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Seidel, Sheila  
Mannion, Tom

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

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Gorski, Ted  
Kenny, Catherine  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Reid, Karen  
Sirois, Shane  
Wherry, Robert

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

**MERRIMACK**

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  
Wood, Clayton

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

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Cahill, Michael  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Wallace, Scott

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Guthrie, Joseph  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Verville, Kevin  
Weyler, Kenneth

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harb, Robert  
Janigian, John  
Kuttab, Katelyn  
Lundgren, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
Vose, Michael  
Yokela, Josh

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
MacDonald, Wayne

**STRAFFORD**

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

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

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

**SULLIVAN**

Aron, Judy  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Rollins, Skip  
Stone, Jonathan

Smith, Steven

**NAYS - 184****BELKNAP**

Bordes, Mike

Huot, David

St. Clair, Charlie

**CARROLL**

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

**CHESHIRE**

Ames, Richard  
Faulkner, Barry  
Newell, Jodi  
Weber, Lucy

Harvey, Cathryn  
Germana, Nicholas  
Parshall, Lucius

Fox, Dru  
Jones, Philip  
Schapiro, Joe

Eaton, Daniel  
Monteil, Renee  
Toll, Amanda

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

Almy, Susan  
Fellows, Sallie  
Murphy, James  
Morse, Corinne  
Sykes, George

Baldwin, Heather  
Fracht, David  
Sullivan, Jared  
Muirhead, Russell

Bolton, Bill  
Hakken-Phillips, Mary  
Lovett, Peter  
Stavis, Laurel

Cormen, Thomas  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Aissandra  
Beaulieu, Jane  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Jeudy, Jean  
Lanza, Judi  
Lloyd, Christal  
MacKenzie, Mark  
Morton, Jennifer  
Pedersen, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel  
Wilhelm, Matthew

Nutting-Wong, Allison  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
Mangipudi, Latha  
Murphy, Nancy  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Tellerski, Laura  
Dolan, William

Baroody, Benjamin  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Hynes, Dan  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
McGhee, Kat  
Nutter-Upham, Frances  
Plamondon, Marc  
Rombeau, Catherine  
Sofikitis, Catherine  
Tellez, Trinidad  
Thomas, Wendy

Beauchemin, Paige  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Jack, Martin  
Foxy, Loren  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
O'Brien, Michael  
Preece, David  
Rung, Rosemarie  
Spier, Carry  
Vail, Suzanne  
Wheeler, Jonah

**MERRIMACK**

Turcotte, Alisson  
Ebel, Karen  
Hicks, Matthew  
McWilliams, Rebecca  
Roesener, James  
Schultz, Kristina  
Wolf, Dan

Brennan, Angela  
Gallager, Eric  
Lane, Connie  
Myler, Mel  
Gould, Sherry  
Shurtleff, Steve

Caplan, Tony  
Gibbs, Merry  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Soucy, Timothy

Carey, Lorrie  
Hall, Muriel  
MacKay, James  
Richards, Beth  
Schuett, Dianne  
Wallner, Mary Jane

**ROCKINGHAM**

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Malloy, Dennis  
Muns, Chris  
Read, Ellen

DiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Manos, Zoe  
O'Neil, Candice  
Simpson, Alexis

Edgar, Michael  
Hamblet, Joan  
Paige, Mark  
McBeath, Rebecca  
Rafter, Hal  
Turer, Eric

Gilman, Julie  
Haskins, Linda  
Maggiore, Jim  
Meuse, David  
Raynolds, Ned  
Ward, Gerald

**STRAFFORD**

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

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

Cannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Schmidt, Peter  
Vincent, Kenneth

Conlin, Bill  
Howard, Heath  
LaMontagne, Jessica  
Pare, Gail  
Wall, Janet

## SULLIVAN

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

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

**(Representative Steven Smith in the Chair)**

**REGULAR CALENDAR CONT'D**

**HB 652-FN**, relative to nonpublic sessions under the right to know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for the Majority of Judiciary. This bill would amend one of the sections of the right to know law, RSA 91-A:3, II(c), that permits public bodies to go into non-public session if matters to be discussed would likely affect adversely the reputation of any person other than a member of the public body, unless such person requests an open meeting. The change would give the person who may be discussed in an adverse manner the right to 48 hours advance notice of the meeting, as well as the right to be present at the meeting, have counsel or a representative on hand, and be able to speak in his or her own behalf. The majority of the committee believes that there are many circumstances in which it is not only appropriate, but also may be urgently necessary, for public bodies to have discussions which may reflect adversely on someone without that person being notified that such discussion is to occur. An obvious example of this is the situation in which information is brought to the attention of a public body that someone with whom it interacts may have engaged in wrongdoing. In this situation, it may be essential that the public body have the authority to discuss the matter privately and undertake an investigation or make a referral to police without potentially frustrating the investigation by tipping its hand to the subject prematurely. A proposed amendment would limit the exception so as to require notice only when the public body was to take some action based on what was discussed in non-public session. But this amendment was offered at the last minute, lacked specificity as to the circumstances under which it would apply, and posed serious concerns of having significant unintended consequences. Vote 16-4.

Rep. Kristine Perez for the Minority of Judiciary. This bill, as amended, with very specific limitations as to which individuals or groups might be eligible, will protect an individual's reputation from being adversely impacted by possible false accusations. It will allow an individual, if they wish, the right to be heard, speak on their behalf, and be part of a discussion of the claims made against them in a non-public session prior to any vote/action being taken. The purpose is to protect individual rights and reputation.

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

Rep. Hoell spoke in favor.

Rep. Kristine Perez spoke against.

Rep. Lynn spoke in favor and yielded to questions.

Majority committee report was adopted.

**SB 255-FN**, relative to the expectation of privacy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie Smith for Judiciary. While waiting for Congress to develop a national policy to address consumer rights and business obligations, 12 states have adopted bills that address these issues. This bill is one of two bills that the House Judiciary Committee developed, adhering where possible to approaches that parallel the work of other states, trying to ease the burden of compliance while protecting consumers. Consumer rights issues include rights to access, to correct, to delete, to opt out, to portability, to opt out of sales to third parties, to opt in for sensitive data processing, and against automated decision making. Business obligations include opt-in default, notice/transparency requirement, risk assessments, prohibitions on discrimination if one exercises a right to privacy and prohibiting collection of personal information except for a specific purpose. This bill provides information privacy protections for New Hampshire customers of most, but not all, larger companies selling goods and/or services and doing business in this state by allowing them to opt out of the companies' use of their personal information for marketing purposes, and by allowing them to look at, obtain a copy of, correct, and delete personal information held by the companies. The significant changes the committee adopted in the committee amendment to this bill include providing privacy protections to more individuals by expanding the number of companies covered by the act. We did this by reducing the threshold of coverage from a company having 100,000 unique consumers in New Hampshire to 35,000 per year; and by reducing the threshold for data brokers from 25,000 to 10,000. We require procedural uniformity to make it easier for consumers to exercise their rights under the bill rather than allowing each company to establish its own procedures. This includes notifying individuals of their rights, permitting opting out of marketing programs, and requesting access to, changes in, or deletion of their personal data. Vote 17-3.

**Amendment (2420h)**

Amend RSA 507-H:2 and 507-H:3 as inserted by section 1 of the bill by replacing them with the following:

507-H:2 Application. This chapter applies to persons that conduct business in this state or persons that produce products or services that are targeted to residents of this state that during a one year period:

(a) Controlled or processed the personal data of not less than 35,000 unique consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or

(b) Controlled or processed the personal data of not less than 10,000 unique consumers and derived more than 25 percent of their gross revenue from the sale of personal data.

507-H:3 Exclusions.

I. This chapter shall not apply to any:

(a) Body, authority, board, bureau, commission, district or agency of this state or of any political subdivision of this state;

(b) Nonprofit organization;

(c) Institution of higher education;

(d) National securities association that is registered under 15 U.S.C. section 78o-3 of the Securities Exchange Act of 1934, as amended;

(e) Financial institution or data subject to Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. 6801 et seq.; or,

(f) A covered entity or business associate, as defined in 45 C.F.R. 160.103.(b).

II. The following information and data shall be exempt from this chapter:

(a) Protected health information under HIPAA;

(b) Patient-identifying information for purposes of 42 U.S.C. section 290dd-2;

(c) Identifiable private information for purposes of the federal policy for the protection of human subjects under 45 C.F.R. 46;

(d) Identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the International Council for Harmonization of Technical Requirements for Pharmaceuticals for Human Use;

(e) The protection of human subjects under 21 C.F.R. Parts 6, 50, and 56, or personal data used or shared in research, as defined in 45 C.F.R. 164.501, that is conducted in accordance with the standards set forth in this chapter, or other research conducted in accordance with applicable law;

(f) Information and documents created for purposes of the Health Care Quality Improvement Act of 1986, 42 U.S.C. 11101 et seq.

(g) Patient safety work product for purposes of the Patient Safety and Quality Improvement Act, 42 U.S.C. 299b-21 et seq., as amended;

(h) Information derived from any of the health care related information listed in this subsection that is de-identified in accordance with the requirements for de-identification pursuant to HIPAA;

(i) Information originating from and intermingled to be indistinguishable with, or information treated in the same manner as, information exempt under this section that is maintained by a covered entity or business associate, program or qualified service organization, as specified in 42 U.S.C. 290dd-2, as amended;

(j) Information used for public health activities and purposes as authorized by HIPAA, community health activities and population health activities;

(k) The collection, maintenance, disclosure, sale, communication or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living by a consumer reporting agency, furnisher or user that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the Fair Credit Reporting Act, 15 U.S.C. 1681 et seq.

(l) Personal data collected, processed, sold or disclosed in compliance with the Driver's Privacy Protection Act of 1994, 18 U.S.C. 2721 et seq., as amended;

(m) Personal data regulated by the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g et seq., as amended;

(n) Personal data collected, processed, sold or disclosed in compliance with the Farm Credit Act, 12 U.S.C. 2001 et seq., as amended;

(o) Data processed or maintained in the course of an individual applying to, employed by or acting as an agent or independent contractor of a controller, processor or third party, to the extent that the data is collected and used within the context of that role; as the emergency contact information of an individual under this chapter used for emergency contact purposes; or, that is necessary to retain to administer benefits for another individual relating to the individual who is the subject of the information under HIPAA and used for the purposes of administering such benefits; and,

(p) Personal data collected, processed, sold or disclosed in relation to price, route or service, as such terms are used in the Airline Deregulation Act, 49 U.S.C. 40101 et seq., as amended, by an air carrier subject to the act, to the extent this chapter is preempted by the Airline Deregulation Act, 49 U.S.C. 41713, as amended;

(q) Personal information maintained or used for purposes of compliance with the regulation of listed chemicals under the federal Controlled Substances Act, 21 U.S.C. section 830.

(r) Information included in a limited data set as described at 45 C.F.R. 164.514(e), to the extent that the information is used, disclosed, and maintained in the manner specified at 45 C.F.R. 164.514(e).

III. Controllers and processors that comply with the verifiable parental consent requirements of COPPA shall be compliant with any obligation to obtain parental consent pursuant to this chapter.

Amend RSA 507-H:4, II as inserted by section 1 of the bill by replacing it with the following:

II. A consumer may exercise rights under this section by a secure and reliable means established by the secretary of state and described to the consumer in the controller's privacy notice. A consumer may designate an authorized agent in accordance with RSA 507-H:5 to exercise the rights of such consumer to opt-out of the processing of such consumer's personal data for purposes of RSA 507-H:4, III(e) on behalf of the consumer. In the case of processing personal data of a known child, the parent or legal guardian may exercise such consumer rights on the child's behalf. In the case of processing personal data concerning a consumer subject to a guardianship, conservatorship, or other protective arrangement, the guardian or the conservator of the consumer may exercise such rights on the consumer's behalf.

Amend the introductory paragraph of RSA 507-H:6, III as inserted by section 1 of the bill by replacing it with the following:

III. A controller shall provide consumers with a reasonably accessible, clear and meaningful privacy notice meeting standards established by the secretary of state that includes:

Amend the introductory paragraph of RSA 507-H:6, V(a) as inserted by section 1 of the bill by replacing it with the following:

V.(a) A controller shall establish, and shall describe in a privacy notice, consistent with the requirements of the secretary of state, one or more secure and reliable means for consumers to submit a request to exercise their consumer rights pursuant to this chapter. Such means shall take into account the ways in which consumers normally interact with the controller, the need for secure and reliable communication of such requests and the ability of the controller to verify the identity of the consumer making the request. A controller shall not require a consumer to create a new account in order to exercise consumer rights, but may require a consumer to use an existing account. Any such means shall include:

Amend the bill by replacing all after RSA 507-H:10 as inserted by section 1 of the bill with the following:

507-H:11 Notice; Enforcement.

I. The attorney general shall have exclusive authority to enforce violations under this chapter.

II. During the period beginning January 1, 2025 and ending December 31, 2025, the attorney general shall, and following said period the attorney general may, prior to initiating any action for a violation under this chapter, issue a notice of violation to the controller if the attorney general determines that a cure is possible. If the controller fails to cure such violation within 60 days of receipt of the notice of violation, the attorney general may bring an action pursuant to this section.

III. Beginning January 1, 2026, in determining whether to grant a controller or processor the opportunity to cure an alleged violation described under this chapter, the attorney general may consider:

- (1) The number of violations;
- (2) The size and complexity of the controller or processor;
- (3) The nature and extent of the controller's or processor's processing activities;
- (4) The substantial likelihood of injury to the public;
- (5) The safety of persons or property; and
- (6) Whether such alleged violation was likely caused by human or technical error.

IV. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations under this chapter or any other law.

V. A violation under this chapter shall constitute an unfair method of competition or any unfair or deceptive act or practice in the conduct of any trade or commerce within this state under RSA 358-A:2 and shall be enforced by the attorney general.

507-H:12 Compliance with Other Law. An individual or entity covered by this chapter and other law regarding third party providers of information and services is required to comply with both chapters, provided, however, that to the extent there is a direct conflict between the two chapters which precludes compliance with both statutes, the individual or entity shall comply with the statute that provides the greater measure of privacy protection to individuals. For purposes of this section, an "opt in" procedure for an individual to grant consent for the disclosure of personal information shall be deemed to provide a greater measure of protection of privacy than the "opt out" procedure established under this chapter.

2 Effective Date. This act shall take effect January 1, 2025.

Committee amendment was adopted.

The question 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 190-FN**, relative to the duration of unemployment benefits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William Infantine for the Majority of Labor, Industrial and Rehabilitative Services. This bill would amend the duration of unemployment compensation benefits based on the New Hampshire unemployment rate. Similar laws were implemented in other states and resulted in a drop in the number of weeks a recipient stayed on unemployment. The committee thoroughly reviewed the bill and discussed its potential impact with current New Hampshire unemployment laws with New Hampshire Employment Security. There was a concern that this law would require a significant number of recalculations of the number of benefit weeks allowed for each recipient and that the time delay would not necessarily match the current economic conditions because of the lag time between calculations and a changing economy. New Hampshire has the lowest average duration of time where recipients remain on unemployment because of other requirements put upon recipients by New Hampshire law. For this reason, a majority of the committee felt the bill should be found Inexpedient to Legislate. Vote 19-1.

Rep. Michael Granger for the Minority of Labor, Industrial and Rehabilitative Services. This legislation would serve as a fantastic means to test the efficiency of the existing unemployment insurance system by allocating funds based on the overall demand of the economy for workers. It would decrease the payout in times when unemployment is incredibly low, but increase the payout if unemployment is high. This is a more equitable and less exploitable way to provide unemployment insurance benefits, and solves problems related to what the minority believes are perverse incentives in the job market while also likely reducing the number of those who take advantage of the unemployment system when they should be working.

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

**HB 232-FN**, adopting section 1910 OSHA standards for public sector employees in New Hampshire. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill addresses the Department of Labor's safety rules for public employers (the state and its subdivisions), which are due for an update. Public sector safety is, in New Hampshire, regulated at the state rather than the federal level. The subcommittee's proposed solution, to adopt a substantial section of the Occupational Safety and Health Administration (OSHA) regulations, has left some stakeholders concerned about the cost implications for cities, counties, and towns and the impact on property tax rates. Half of the committee members supported an alternative amendment 2023-2409h that would remove the explicit tie to OSHA and could limit the unfunded expense to our cities and towns. The amendment funds adequate staff to do a thorough updating of existing rules under the existing authority granted to the Department of Labor by this legislature.

Rep. Brian Seaworth

Statement in support of Ought to Pass with Amendment: Amendment 2023-2429h is a full replacement for the original bill. This amendment was developed in collaboration with the New Hampshire Department of Labor (NH DOL) and was passed in a 20 to 0 vote of committee. As amended, the bill will, over the course of the next three years, require that the NH DOL update its safety standards through the rulemaking process to be at least as effective as the Occupational Safety and Health Administration's (OSHA) standards found in 29 C.F.R. 1910 for public sector employers and employees. A side-by-side comparison of the OSHA standards with the NH DOL standards completed by the NH DOL staff indicates that our current NH DOL standards have many gaps and have not been updated in over 10 years. By updating the standards through rulemaking, the NH DOL will be able to simplify some of the language of the OSHA standards while making them as complete and as effective as the OSHA standards. In implementing the new standards, the NH DOL will be allowed to make common sense judgements in determining if public employers are engaging in safety practices that are at least as effective as the updated standards. The commissioner will also have the authority to determine if some OSHA standards are inapplicable to New Hampshire public employers and not necessary to include in the updated DOL standards. The commissioner will further conduct an annual review of the standards and make recommendations to the legislature of any statutory amendments that might be necessary. Finally, the commissioner is authorized to establish up to six full-time labor inspector positions and one full-time support position to provide support and assistance to public employers as they navigate the implementation of the updated standards.

Rep. Brian Sullivan

Rep. Seaworth moved Ought to Pass with Amendment.

**Amendment (2409h)**

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

AN ACT making an appropriation to the department of labor for the purpose of reviewing workers' occupational safety requirements.

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

1 Appropriation; Department of Labor; Occupational Safety Regulations; Additional Staffing Requirement. Pursuant to RSA 277, the labor commissioner is required to adopt rules to regulate worker safety for

employees of the state and its political subdivisions. These rules are due to expire in 2025, and changes in safety requirements and enforcement are likely to require extensive reevaluation of the existing rules, which will require additional staff and resources. To meet this responsibility, the labor commissioner may establish up to 3 additional full-time positions for the purpose of conducting a full and timely review of administrative rules Lab 1400, relative to safety and health of employees. The salary and benefits for such positions shall not exceed \$400,000 and shall be a charge against the department of labor administration fund under RSA 281-A:59 or the restricted fund under RSA 273:1-b, in proportions and amounts proposed by the labor commissioner and approved by the legislative fiscal committee.

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

#### AMENDED ANALYSIS

This bill authorizes the labor commissioner to establish up to 3 additional positions for the purpose of conducting a review and update of administrative rules related to worker occupational safety. The positions shall be funded through the department of labor administration fund and restricted fund.

The question being adoption of amendment (2409h).

Rep. Brian Sullivan spoke against.

Rep. Infantine spoke in favor.

On a division vote, with 184 members having voted in the affirmative, and 186 in the negative, amendment (2409h) failed.

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

Rep. Brian Sullivan offered Floor Amendment (2429h).

#### Floor Amendment (2429h)

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

1 Health and Safety of Employees; Incorporation of OSHA Standards. Amend RSA 277:1 to read as follows:

277:1 Application. This chapter shall apply to all places of employment in which one or more persons are regularly employed. ***Employers shall provide employees a level of protection that is at least as effective as the level of protection set forth in rules adopted pursuant to RSA 277:16.***

2 New Paragraph; Rulemaking; OSHA Standards. Amend RSA 277:16 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt such rules, under RSA 541-A, as the commissioner deems reasonable and necessary in order to implement standards that are at least as effective as the level of protection provided under the federal Occupation Safety and Health Administration standards found in 29 C.F.R. part 1910 D through Z, with the exception of subparts U, V, W, and X.

(a) The commissioner shall have authority to determine if standards are inapplicable to employers and are unnecessary to implement. The commissioner shall also have authority to determine the timing and priority of implementation of standards through rulemaking. However, the standards implemented shall be at least as effective as those applicable standards contained within 29 C.F.R. part 1910 D through Z, with the exception of subparts U, V, W, and X, within 3 years from the effective date of this paragraph.

(b) The commissioner shall, on an annual basis, review implemented standards and the need for implementation of additional standards and, through rulemaking, shall update such standards as necessary. The commissioner shall maintain record of annual reviews, inclusive of rational relative to standards reviewed. The commissioner shall make available such record of annual review to any interested party on request.

(c) The commissioner shall make recommendation to the legislature for statutory amendment to RSA 277 when such amendment is identified as necessary following annual review of standards.

3 Additional Staffing Requirement. The labor commissioner may establish up to 6 additional full-time, classified labor inspector positions, at labor grade 22, as well as one full-time classified support position, at labor grade 19. The salary and benefits costs for the positions, in addition to equipment, current expenses, rent, or contract costs necessary to implement this act, shall be a charge against the department of labor administration fund under RSA 281-A:59 or the restricted fund under RSA 273:1-b, in proportions and amounts proposed by the commissioner and approved by the legislative fiscal committee.

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

#### AMENDED ANALYSIS

This bill incorporates, by reference, certain OSHA standards applicable to public employees in New Hampshire and directs the labor commissioner to adopt rules regarding application of such standards. The bill also authorizes the labor commissioner to establish certain additional classified positions.

#### MOTION TO LAY ON THE TABLE

Rep. Len Turcotte moved that **HB 232-FN**, adopting section 1910 OSHA standards for public sector employees in New Hampshire, be laid on the table.

Rep. Len Turcotte requested a roll call; sufficiently seconded.

**YEAS 190 - NAYS 182****YEAS - 190****BELKNAP**

Bean, Harry  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Bogert, Steven  
McCarter, Nikki  
Smart, Lisa

Comtois, Barbara  
Nagel, David  
Terry, Paul

Dumais, Russell  
Ploszaj, Tom

**CARROLL**

Avellani, Lino  
Crawford, Karel  
Peternel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

**GRAFTON**

Berezhny, Lex  
Greeson, Jeffrey  
Simon, Matthew

Brown, Carroll  
Ladd, Rick

Coulon, Matthew  
Rochefort, David

Fracht, David  
Sellers, John

**HILLSBOROUGH**

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

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Lascelles, Richard  
McLean, Mark  
Panek, Sandra  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, Jordan

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

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

**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  
Wolf, Dan

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

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Pearson, Mark  
Milz, David  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Verville, Kevin  
Weyler, Kenneth

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Guthrie, Joseph  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vose, Michael  
Yokela, Josh

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

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Packard, Sherman  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Wallace, Scott

**STRAFFORD**

Ankarberg, Aidan  
Burnham, Claudine  
Horgan, James  
Phinney, Brandon

Bailey, Glenn  
Connor, James  
Kaczynski, Thomas  
Pitre, Joseph

Bickford, David  
Granger, Michael  
Turcotte, Len  
Potenza, Kelley

Bixby, Peter  
Harrington, Michael  
Newton, Clifford

**SULLIVAN**

Aron, Judy  
Stapleton, Walter

Drye, Margaret  
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

**NAYS - 182****BELKNAP**

Bordes, Mike

Coker, Matthew

Huot, David

St. Clair, Charlie

**CARROLL**

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Monteil, Renee  
Toll, Amanda

Ames, Richard  
Faulkner, Barry  
Newell, Jodi  
Weber, Lucy

Harvey, Cathryn  
Germana, Nicholas  
Parshall, Lucius

Fox, Dru  
Jones, Philip  
Schapiro, Joe

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

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

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

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

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

**HILLSBOROUGH**

Murray, Aissandra  
Bouchard, Donald  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Foxy, Loren  
Leishman, Peter  
Murray, Megan  
McGhee, Kat  
Nutter-Upham, Frances  
Plamondon, Marc  
Rombeau, Catherine  
Sofikitis, Catherine  
Tellez, Trinidad  
Thomas, Wendy

Baroody, Benjamin  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Judy, Jean  
Lanza, Judi  
Lloyd, Christal  
Perez, Maria  
Ming, Ben  
O'Brien, Michael  
Preece, David  
Rung, Rosemarie  
Spier, Carry  
Vail, Suzanne  
Wheeler, Jonah

Beauchemin, Paige  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Morton, Jennifer  
Pedersen, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel  
Wilhelm, Matthew

Beaulieu, Jane  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
Mangipudi, Latha  
Murphy, Nancy  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Telerski, Laura  
Dolan, William

**MERRIMACK**

Turcotte, Alisson  
Ebel, Karen  
Hicks, Matthew  
McWilliams, Rebecca  
Roesener, James  
Schultz, Kristina

Brennan, Angela  
Gallager, Eric  
Lane, Connie  
Myler, Mel  
Gould, Sherry  
Shurtleff, Steve

Caplan, Tony  
Gibbs, Merryl  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Soucy, Timothy

Carey, Lorrie  
Hall, Muriel  
MacKay, James  
Richards, Beth  
Schuett, Dianne  
Wallner, Mary Jane

**ROCKINGHAM**

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Meuse, David  
Read, Ellen  
Ward, Gerald

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

Edgar, Michael  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
Rafter, Hal  
Turer, Eric

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

**STRAFFORD**

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

Cannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Schmidt, Peter  
Vincent, Kenneth

Conlin, Bill  
Howard, Heath  
LaMontagne, Jessica  
Pare, Gail  
Wall, Janet

Fitzpatrick, Daniel  
Horrigan, Timothy  
Levesque, Cassandra  
Selig, Loren

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the motion was adopted

**HB 301**, relative to recusal by members of the general court for conflicts of interest. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. A bill similar to this one, HB 1368, came to Legislative Administration in 2022 with the prime sponsor being the chairman of the Legislative Ethics Committee. Legislative Administration interim studied that bill and recommended the concept for future legislation. This bill was retained and amended slightly by the committee principally to simplify the language therein describing the circumstances when recusal was appropriate. Testimony and research confirmed that New Hampshire is one of the few states that does not require recusal for financial conflicts of interest despite the fact that our Constitution (Part 2, Article 7) states “No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature.” In addition, the General Court has consistently adopted principles of public service (RSA 14-C:1) requiring “independent objective judgment in performing [a legislator’s] duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.” Under current law, the only option discussed in our ethics guidelines is disclosure when a legislator has a conflict. The prime sponsor testified that, as a citizen legislature, there will be times when a legislator has a financial or non-financial conflict and yet also has valuable inside information to share with fellow legislators and the amendment allows that through the procedure of disclosure; the legislator may testify and debate while being prohibited to vote in committee and on the House floor. The committee unanimously supported amending the legislation to raise the standard of integrity and the faith New Hampshire voters have in their elected officials. The legislation removes the safe harbor of voting when the benefit the conflicted legislator enjoys is shared by others outside the legislature. The amendment provides for recusal exceptions when the subject matter “concerns broad-based taxes or fees or is a construct of the state budget where the conflict might be a very small part of the overall scope of the work document.” The amendment removes a term called “special interest” which the committee felt was not needed and only served to add language. Vote 13-0.

**Amendment (2326h)**

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

1 Findings; Purpose. The general court hereby finds:

I. That part II, article 7 of the New Hampshire constitution states: “No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature.”

II. That the general court has adopted principles of public service including the principle requiring “independent, objective judgment in performing a legislator’s duties and deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.”

III. That the New Hampshire general court, consistent with RSA 14-B:3, has adopted guidelines prohibiting legislators from engaging in certain activities.

IV. That in order to comply with New Hampshire’s constitutional requirements, to satisfy statutory requirements, and to maintain the confidence of the New Hampshire citizenry in official legislative activities, recusal from voting on any legislation when there is a conflict of interest is sometimes required.

2 Conflicts of Interest. Amend the chapter title of RSA 14-C to read as follows:

**GIFTS, HONORARIUMS, AND EXPENSE REIMBURSEMENTS REQUIREMENTS FOR LEGISLATORS  
AND LEGISLATIVE EMPLOYEES**

**AND CONFLICTS OF INTEREST FOR LEGISLATORS**

3 New Sections; Recusal for Conflicts of Interest. Amend RSA 14-C by inserting after section 4 the following new sections:

14-C:4-a Recusal for Conflicts of Interest. A legislator shall recuse himself or herself from voting during any official legislative activity when the legislator, or the legislator’s household member:

I. Has a conflict of interest in the official legislative activity due to:

(a) A financial interest exists where a legislator, or the legislator’s household member, could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator, or the legislator’s household member, has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

II. Is receiving remuneration from an employer which has a conflict of interest in the official legislative activity.

III. Is acting as counsel or serving as an attorney for any party which has a conflict of interest in the official legislative activity.

IV. Serves in any official capacity with fiduciary limitations in an organization whether nonprofit or for profit which is the subject of the official legislative activity.

14-C:4-b Disclosure for Conflicts of Interest. A legislator shall verbally disclose on the record before participating in testimony in committee or debate on the House floor or Senate floor when the legislator, or the legislator's household member:

I. Has a conflict of interest in the official legislative activity due to:

(a) A financial interest exists where a legislator, or the legislator's household member, could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator, or the legislator's household member, has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

II. Is receiving remuneration from an employer which has a conflict of interest in the official legislative activity.

III. Is acting as counsel or serving as an attorney for any party which has a conflict of interest in the official legislative activity.

IV. Serves in any official capacity with fiduciary limitations in an organization whether nonprofit or for profit which is the subject of the official legislative activity.

14-C:4-c Exclusions to Recusal for Conflicts of Interest. A legislator shall not recuse himself or herself from participation in any official legislative activity when the subject matter concerns broad-based taxes or fees or is a construct of the state budget where the conflict might be a very small part of the overall scope of the work document.

4 Legislative Ethics; Definition; Conflict of Interest. Amend RSA 14-B:1, I to read as follows:

I. "Conflict of interest" means the condition in which a legislator has a ~~[special]~~ **financial** interest **or a non-financial personal interest** in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities. ***In this paragraph:***

***(a) A financial interest exists where a legislator, or the legislator's household member, could stand to gain or lose anything of material value as a result of the official activity.***

***(b) A non-financial personal interest exists where a legislator, or the legislator's household member, has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.***

5 Repeal. RSA 14-B:1, V, relative to the definition of special interest relative to legislative ethics, is repealed.

6 Effective Date. This act shall take effect 30 days after its passage.

#### MOTION TO LAY ON THE TABLE

Rep. Hill moved that **HB 301**, relative to recusal by members of the general court for conflicts of interest, be laid on the table.

On a division vote, with 359 members having voted in the affirmative, and 13 in the negative, the motion was adopted.

The House recessed at 12:05 p.m.

#### RECESS

The House reconvened at 1:20 p.m.

(Speaker Packard in the Chair)

#### REGULAR CALENDAR CONT'D

**HB 313**, relative to the reductions from the default budget for official ballot town meetings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Maggiore for the Majority of Municipal and County Government. The majority of the committee opposes this bill as it would place new parameters around the calculation of the default budget based on a desire to have the default budget reflect spending, rather than base the default calculation on appropriations voters approve at the prior annual meeting. The default budget basically freezes the voter approved budget with adjustments made for voter approved bond issues, legal requirements, removing one-time appropriations and retaining contractual obligations, including salaries for current and posted positions. The proposed budget takes into account actual salary amounts needed in the ensuing budget. This is a self-correcting action that takes place when the new budget is created. Salaries and benefits for employee positions that are eliminated are no longer incurred and must be excluded from calculation of default. Any delta in unused salaries can lapse into fund balance to reduce taxes or to be spent at a future town meeting. Vote 11-9.

Rep. Josh Yokela for the Minority of Municipal and County Government. Currently, a default budget can be higher if a new staff member accepts less pay than the placeholder or outgoing staff member cost, causing

an artificially high default budget to keep the town running at the current staffing. The minority of the committee believes that default budgets should reflect the current municipal employee's pay at the time the budget is finalized. This is what voters who choose to vote down a proposed budget expect. As amended, HB 313 would close this loophole which pads default budgets, along with removing any confusion that mid-year raises could be a "commitment" requiring the raise to be part of a default budget.

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

Rep. Yokela spoke against and yielded to questions.

Rep. Howland spoke in favor.

On a division vote, with 188 members having voted in the affirmative, and 184 in the negative, the majority committee report was adopted.

**HB 194-FN**, requiring the director of the division of archives and records management to compile and maintain a list of public monuments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rosemarie Rung for the Majority of Resources, Recreation and Development. The intent of this bill is to compile and maintain a list of monuments in the state, make this list available to the public through a website, and ensure that the list is updated at least every ten years. However, the original bill directed this responsibility to be within the Division of Archives and Records Management, requiring them to fund additional staff. As amended, the responsibility falls appropriately with the Division of Historical Resources, who already have the necessary staff and expertise to manage historical content and work with local and regional historical organizations. This list is regarded by school and university faculty to be an important resource for social studies and history curricula. Vote 13-7.

Rep. Robert Harb for the Minority of Resources, Recreation and Development. While the minority is not opposed to keeping a record of all monuments in the state, this bill is unnecessary and flawed. Basic definitions are missing. For instance, the bill requires a survey of all "monuments" but fails to define what a "monument" is. This can result in significant confusion and different interpretations. Testimony was received that without this bill a list of monuments can be collected from the cities and towns and that list posted on the website. The Director of Division of Historical Resources said, via email, that he could do it without additional funding. The minority believes HB 194-FN, as presented to the House, is not ready for passage. Again, the minority is supportive of the idea of the bill, but the text and content of the bill still needs work. Based upon the foregoing, the minority recommends ITL.

#### **Majority Amendment (0037h)**

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

AN ACT requiring the director of the division of historical resources to compile and maintain a list of public monuments.

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

1 Division of Historical Resources; Duties of Director. Amend RSA 12-A:10-1 to read as follows:

12-A:10-1 Division of Historical Resources; Director.

(a) There is hereby established within the department the division of historical resources, which shall also be known as the state historic preservation office, under the supervision of an unclassified director of historical resources. The director of historical resources shall be responsible for administering the state historic preservation program in accordance with RSA 227-C.

(b) *Once every 10 years, the director of the division of historical resources shall work with local communities throughout the state to compile a survey of all monuments in the state maintained by local or state authorities, including physical markers of a historical event, individual, group of individuals, or geographical sites of historical or cultural significance, maintain such list, and make such survey available to the public through the division's Internet site or web page, as well as to the department of education to be made available to educational institutions in the state.*

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

#### **AMENDED ANALYSIS**

This bill requires the director of the division of historical resources to compile and maintain a list of public monuments.

Majority committee amendment was adopted.

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

Rep. Harb spoke against.

Rep. Germana spoke in favor.

Rep. Renzullo requested a roll call; sufficiently seconded.

**YEAS 194 - NAYS 179****YEAS - 194  
BELKNAP**

Coker, Matthew

Huot, David

St. Clair, Charlie

**CARROLL**

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

**CHESHIRE**Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Schapiro, JoeAmes, Richard  
Faulkner, Barry  
Monteil, Renee  
Thackston, DickHarvey, Cathryn  
Germana, Nicholas  
Newell, Jodi  
Toll, AmandaFox, Dru  
Hunt, John  
Parshall, Lucius  
Weber, Lucy**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

Tierney, James

**GRAFTON**Almy, Susan  
Fellows, Sallie  
Murphy, James  
Muirhead, Russell  
Sykes, GeorgeBaldwin, Heather  
Fracht, David  
Lovett, Peter  
Rochefort, DavidBolton, Bill  
Hakken-Phillips, Mary  
Massimilla, Linda  
Stavis, LaurelCormen, Thomas  
Hoyt, Tommy  
Morse, Corinne  
Stringham, Jerry**HILLSBOROUGH**Murray, Aissandra  
Beaulieu, Jane  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Judy, Jean  
Lanza, Judi  
Lloyd, Christal  
MacKenzie, Mark  
Nutter-Upham, Frances  
Plamondon, Marc  
Rombeau, Catherine  
Sofikitis, Catherine  
Tellez, Trinidad  
Thomas, WendyNutting-Wong, Allison  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Gregg, Alicia  
Heath, Mary  
Smith, Juliet  
Leapley, Nicole  
Howard, Molly  
Mangipudi, Latha  
O'Brien, Michael  
Preece, David  
Rung, Rosemarie  
Spier, Carry  
Vail, Suzanne  
Wheeler, JonahBaroody, Benjamin  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Fedolfi, Jim  
Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
LeClerc, Daniel  
Murray, Megan  
Ming, Ben  
Pedersen, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel  
Wilhelm, MatthewBeauchemin, Paige  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Foxy, Loren  
Leishman, Peter  
Perez, Maria  
Murphy, Nancy  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Telerski, Laura  
Dolan, William**MERRIMACK**Turcotte, Alisson  
Ebel, Karen  
Hall, Muriel  
MacKay, James  
Polozov, Yury  
Schamberg, Thomas  
Soucy, TimothyBrennan, Angela  
Gallager, Eric  
Hicks, Matthew  
McWilliams, Rebecca  
Richards, Beth  
Schuett, Dianne  
Testerman, DaveCaplan, Tony  
Gerhard, Jason  
Lane, Connie  
Myler, Mel  
Roesener, James  
Schultz, Kristina  
Wallner, Mary JaneCarey, Lorrie  
Gibbs, Merryll  
Luneau, David  
Payeur, Stephanie  
Gould, Sherry  
Shurtleff, Steve  
Wolf, Dan**ROCKINGHAM**Balboni, Peggy  
Gilman, Julie  
Haskins, Linda  
Cahill, Michael  
Manos, Zoe  
O'Neil, Candice  
Simpson, AlexisDiLorenzo, Charlotte  
Grossman, Gaby  
Murray, Kate  
Paige, Mark  
McDonnell, Valerie  
Rafter, Hal  
Turer, EricEdgar, Michael  
Grote, Jaci  
Katsakiores, Phyllis  
Maggiore, Jim  
Meuse, David  
Raynolds, Ned  
Vallone, MarkFoote, Charles  
Hamblet, Joan  
Knab, Allison  
Malloy, Dennis  
Muns, Chris  
Read, Ellen  
Ward, Gerald**STRAFFORD**Bixby, Peter  
Fitzpatrick, Daniel  
Horrigan, Timothy  
Levesque, Cassandra  
Potenza, Kelley  
Wall, JanetRich, Cecilia  
Smith, Geoffrey  
Howland, Allan  
Smith, Marjorie  
Selig, LorenCannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Schmidt, Peter  
Southworth, ThomasConlin, Bill  
Howard, Heath  
LaMontagne, Jessica  
Pare, Gail  
Vincent, Kenneth**SULLIVAN**Sullivan, Brian  
Spilsbury, WalterCloutier, John  
Tanner, Linda

Damon, Hope

Palmer, William

**NAYS - 179****BELKNAP**

Bean, Harry  
Dumais, Russell  
Ploszaj, Tom

Bogert, Steven  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Bordes, Mike  
McCarter, Nikki  
Smart, Lisa

Comtois, Barbara  
Nagel, David  
Terry, Paul

**CARROLL**

Avellani, Lino  
Crawford, Karel  
Peternel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

**CHESHIRE**

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

Nutting, Zachary

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

**GRAFTON**

Berezhny, Lex  
Sullivan, Jared

Brown, Carroll  
Ladd, Rick

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Gagne, Larry  
Kennedy, Stephen  
Lascelles, Richard  
McLean, Mark  
Panek, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Healey, Robert  
Kenny, Catherine  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, Jordan

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Hynes, Dan  
Kofalt, Jim  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Wherry, Robert

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Griffin, Gerald  
Infantine, William  
Gould, Linda  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony

**MERRIMACK**

Andrus, Louise  
Cambrils, Jose  
Leavitt, John  
Seaworth, Brian

Aures, Cyril  
McGuire, Dan  
Mason, James  
See, Alvin

Aylward, Deborah  
Hill, Gregory  
Moffett, Michael  
Walsh, Thomas

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

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Guthrie, Joseph  
Nelson, Jodi  
Kuttab, Katelyn  
Lundgren, David  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Wallace, Scott

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Harb, Robert  
Janigian, John  
Walsh, Lilli  
Lynn, Bob  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Verville, Kevin  
Weyler, Kenneth

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harley, Tina  
Janvrin, Jason  
Layon, Erica  
Pearson, Mark  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
Vose, Michael  
Yokela, Josh

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Hobson, Deb  
Perez, Kristine  
Love, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
MacDonald, Wayne

**STRAFFORD**

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

Bailey, Glenn  
Granger, Michael  
Turcotte, Len

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

**SULLIVAN**

Aron, Judy  
Smith, Steven

Drye, Margaret  
Stapleton, Walter

Merchant, Gary  
Stone, Jonathan

Rollins, Skip

and the majority committee report was adopted.

The Speaker referred the bill to the committee on Finance.

**HB 434-FN**, relative to flying drones in state parks. **INEXPEDIENT TO LEGISLATE.**

Rep. Will Darby for Resources, Recreation and Development. This bill seeks to allow drones (unmanned aerial systems - UAS) to take-off and land from New Hampshire State Parks, with a \$25 daily fee for commercial use, which is currently restricted by rule. Following the public hearing, the majority of the committee recommends this bill be found Inexpedient to Legislate. There are numerous concerns with this bill. The director of the division of parks and recreation testified about concerns for the general public's enjoyment of the parks, and described an existing process of special use permits that allow commercial take-offs and landings of UAS in state parks. The Audubon Society also expressed concerns about the impact to wildlife due to disturbances by recreational UAS pilots, including abandonment of nests. And the Department of Transportation, Aeronautics listed several issues with the bill and expressed opposition due to technicalities, including the undefined use of the term drone, conflicts with FAA authority for airspace regulation and concern about charging for emergency landings. Overall, numerous problems exist with the bill which cannot be readily resolved with an amendment. Vote 17-3.

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

Committee report was adopted.

**HB 166**, relative to the elimination of useful thermal energy from renewable energy classes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the Majority of Science, Technology and Energy. This bill would have eliminated biomass (wood) from receiving renewable energy certificates. The wood industry remains extremely important to the state for many jobs and for the health of our forests. Elimination of this class would only further damage an already struggling industry, not only in the North Country, but statewide. For these reasons, the majority of the committee felt this bill was not ready to be enacted and recommends Inexpedient to Legislate. Vote 19-1.

Rep. Michael Harrington for the Minority of Science, Technology and Energy. This bill eliminates useful thermal energy from the state's renewable energy classes. As the law now stands, electric ratepayers are forced to subsidize the heating costs of some facilities that use biomass as fuel. Using biomass for heating does not reduce the use of electricity and by requiring this subsidy, it raises electric rates for all. If subsidizing heat from biomass is desired, a new tax should be imposed and not have the subsidy hidden in electric rates. As these costs are not listed on electric bills, the overwhelming number of ratepayers have no idea that they are being forced to pay this subsidy.

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

Rep. Harrington spoke against.

Rep. Vose spoke in favor.

On a division vote, with 319 members having voted in the affirmative, and 53 in the negative, the majority committee report was adopted.

**HB 381**, relative to the system benefits charge. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill would have inadvertently undone the progress made by 2022's HB 549 that enabled control by the legislature of the Systems Benefits Charge. All sides agreed that this bill was not needed because its intent was already better covered by the enactment of HB 549 and recommended Inexpedient to Legislate. Vote 19-1.

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

Committee report was adopted.

**HB 458**, relative to participation in net energy metering by small hydroelectric generators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Ploszaj for Science, Technology and Energy. This bill uses a non-germane amendment to reestablish the Commission to Study the Assessing of Power Generation, RSA 72:8-f, replacing two members of the House Science, Technology & Energy committee with two from the House Municipal and County Government committee. The amendment requires the reestablished commission to report its findings by November 1, 2024. Vote 20-0.

**Amendment (2347h)**

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

AN ACT reestablishing the commission to study the assessing of power generation.

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

1 Commission to Study the Assessing of Power Generation. RSA 72:8-f is repealed and reenacted to read as follows:

72:8-f Study Commission on the Assessing of Power Generation. There is established a commission to study the assessing of power generation.

I. The commission shall:

- (a) Determine the most accurate methodology for assessing power generation assets.
- (b) Compare the efficacy of the department of revenue administration approach to assessing the assets of the 59 power generation facilities with the approaches utilized by the municipalities.
- (c) Understand how other states handle the assessing of power generation facilities for property tax purposes.
- (d) Recommend a unified approach to be utilized by both the department of revenue administration and municipalities, which should include confidential data reporting requirements by the power generation companies for the methodology chosen.

II. The commission shall consist of the following members:

- (a) Six members of the house of representatives, 2 of whom shall be from the science, technology and energy committee, 2 of whom shall be from the ways and means committee, and 2 of whom shall be from the municipal and county government committee, with at least one member of the minority party to be included among the 6 members, to be appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the senate president.
- (c) The chairperson of the assessing standards board, or designee.
- (d) The commissioner of the department of revenue administration, or designee.
- (e) One member appointed by the New Hampshire Municipal Association.
- (f) One member appointed by the New England Power Generators Association (NEPGA).
- (g) One member appointed by the New Hampshire Association of Assessing Officials (NHAAO).
- (h) One member appointed by the Granite State Hydropower Association (GSHA).
- (i) One member of the public, appointed by governor.

III. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A majority of the appointed members of the commission shall constitute a quorum.

IV. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

2 Repeal. RSA 72:8-f, relative to the study commission on the assessing of power generation, is repealed  
3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2024.

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

#### AMENDED ANALYSIS

This bill reestablishes the commission to study the assessing of power generation.  
Committee amendment was adopted.

The question 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 609-FN, relative to energy facility siting. OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. HB 281 passed in 2023 made several important reforms to the site evaluation committee (SEC), including moving certificate monitoring and enforcement to the Department of Energy. As amended by the committee, HB 609 makes several additional changes to the SEC, including: reduces the number of SEC members from 9 to 5; establishes a quorum of three members provided that one member of the three must be a non-public utilities commission member; allows the SEC chair to appoint a presiding officer for a proceeding; makes the SEC administrator a float employee of the Public Utilities Commission (PUC), with SEC duties taking preference over PUC duties (this change addresses funding concerns); modifies the public member appointment process; adds language about chairperson vs presiding officer; repeals and removes references to subcommittees; and deletes a no longer needed reference under the funding subparagraph. These changes will professionalize the SEC process and make it less time-consuming, less expensive, and less subject to the vagaries of member turnover. These reforms were vetted by a bipartisan subcommittee after three two-hour sessions and were recommended unanimously. Vote 20-0.

#### **Amendment (2368h)**

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

AN ACT relative to the site evaluation committee for energy facility siting.

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

1 Energy Facility Siting; Site Evaluation Committee. RSA 162-H:3 is repealed and reenacted to read as follows:

162-H:3 Site Evaluation Committee Established.

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee consisting of 5 members, as follows:

(a) The 3 commissioners of the public utilities commission, the chairperson of which shall be the chairperson of the committee;

(b) The commissioner of the department of environmental services; and

(c) One public member and, when required pursuant to paragraph VI, an alternate public member, both of whom shall be appointed as described in RSA 162-H:4-b.

II. All members, including those who sit for a member recused under paragraph VI, shall refrain from ex parte communications regarding any matter pending before the committee.

III. Three members of the committee shall constitute a quorum for the purpose of conducting the committee's business, except that the 3 public utilities commissioners alone shall not constitute a quorum.

IV. The committee shall be administratively attached to the department of energy pursuant to RSA 21-G:10.

V. The chairperson shall serve as the chief executive of the committee and may:

(a) Delegate to other members the duties of presiding officer, as appropriate.

(b) Perform administrative actions for the committee, as may a presiding officer.

(c) Establish, with the consent of the committee, the budgetary requirements of the committee.

(d) Engage personnel in accordance with this chapter.

VI. If at any time a member must recuse himself or herself on a matter or is not otherwise available for good reason, such person, if a state employee, may designate a senior administrative employee or a staff attorney from his or her agency to sit on the committee. The commissioner of the department of environmental services may, with the consent of the respective commissioner or director, and subject to the approval of the chairperson, designate a senior administrative employee from the department of transportation, the department of natural and cultural resources, the department of business and economic affairs, the division of historical resources, or the department of fish and game, to sit on the committee. In the case of the public member, the alternate public member shall serve as set forth in RSA 162-H:4-b.

2 Administrator and Support. Amend RSA 162-H:3-a to read as follows:

162-H:3-a Administrator and Other Committee Support. There is hereby established within the ~~[site evaluation committee]~~ **public utilities commission** the position of administrator who shall be an unclassified state employee. In the alternative, the position may be filled by an independent contractor. The administrator shall be hired by and under the supervision of the chairperson **of the public utilities commission and shall perform duties for the public utilities commission and the site evaluation committee as directed by the chairperson of the public utilities commission, with site evaluation duties having a higher priority. To the extent the administrator performs duties for the site evaluation committee, such duties shall be funded as set forth in RSA 162-H:21.** The administrator, or chairperson in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary. Any person to be hired by the administrator shall be approved by the chairperson.

3 Public Member. RSA 162-H:4-b is repealed and reenacted to read as follows:

162-H:4-b Public Members.

I. The governor, with the consent of the council, shall appoint a public member and an alternate public member to serve on the committee. The public member and alternate shall be residents of the state of New Hampshire with expertise or experience in one or more of the following areas: business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; community and regional planning or economic development; municipal or county government; or the governing of unincorporated places.

II. The public member and the alternate public member shall serve 4-year terms and until their successors are appointed and qualified. Any public member or alternate public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is succeeded.

III. If at any time the public member must recuse himself or herself from a matter before the committee or is not otherwise available for good reason, the alternate public member shall replace such member.

IV. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public member and alternate shall comply with RSA 15-A and RSA 15-B.

V. Any public member or alternate may be removed from office by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

4 Applications. Amend RSA 162-H:7, III through VI to read as follows:

III. Upon filing of an application, the ~~[committee]~~ **chairperson or designated presiding officer** shall expeditiously conduct a preliminary review to ascertain if the application contains sufficient information to carry out the purposes of this chapter. If the application does not contain such sufficient information, the ~~[committee]~~ **chairperson or designated presiding officer** shall, in writing, expeditiously notify the applicant of that fact and specify what information the applicant must supply.

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms, which shall be

contemporaneously filed with the state agency having jurisdiction. Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the [committee] **chairperson or designated presiding officer** and the applicant of that fact and specify what information the applicant must supply. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the [committee] **chairperson or designated presiding officer** or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

V. Each application shall also:

- (a) Describe in reasonable detail the type and size of each major part of the proposed facility.
- (b) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.
- (c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.
- (d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.
- (e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.
- (f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.
- (g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.
- (h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The [committee] **chairperson or designated presiding officer** shall decide whether or not to accept the application as administratively complete within 60 days of filing. Notice of acceptance of the application shall be simultaneously provided to the applicant and the applicable state agency. If the [committee] **chairperson or designated presiding officer** rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

5 Filing Fees; References to Subcommittees Removed. Amend RSA 162-H:8-a, II(d) to read as follows:

(d) Filing fees for administrative proceedings:

- (1) Petition for committee jurisdiction: \$12,600.
- (2) Petition for declaratory ruling: \$12,600[, or \$3,600 if heard by a 3-member subcommittee].
- (3) Certificate transfer of ownership: \$12,600[, or \$3,600 if heard by a 3-member subcommittee].
- (4) Request for exemption: \$12,600[, or \$3,600 if heard by a 3-member subcommittee].
- (5) Request to modify a certificate: \$12,600[, or \$3,600 if heard by a 3-member subcommittee].

6 Funding Plan; Reference Deleted. Amend RSA 162-H:21 to read as follows:

162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All application and other filing fees received by the committee under RSA 162-H:8-a shall be deposited in the fund. All moneys in the fund shall be continually appropriated to the site evaluation committee and shall only be used to pay for operating costs of the committee, including, but not limited to, compensation and reimbursements made under RSA 162-H:22 for energy facility proceeding time and expenses, and administrator and other committee support costs under RSA 162-H:3[, VH] and RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10, and all monitoring and enforcement costs of the department, except those costs charged directly to applicants or owners. In the event lawful expenditures of the committee and department in a fiscal year are greater than the total fees and charges held in the site evaluation committee fund, the chair of the site evaluation committee may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding from general funds not otherwise appropriated. Notwithstanding any other provision of law, the department may engage additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or energy facility owner.

7 Repeal. RSA 162-H:4-a, relative to subcommittees of the site evaluation committee, is repealed.

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

#### AMENDED ANALYSIS

This bill revises the member of the site evaluation committee for energy facility siting and eliminates subcommittees.

Committee amendment was adopted.

The question 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 631-FN**, relative to electric utility smart meter gateway devices. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill would have required electric utilities to provide customers with the option to purchase smart meter gateway devices. The overriding question was why? Smart meters and gateway devices are separate devices. Of larger concern, the state's largest electric utility does not provide any support for such devices and has no direction to do so. To provide such support would require additional resources that would be borne by all ratepayers. Proponents admitted they were attempting to encourage the adoption of "demand response" into the electric billing cycle. While the purchase of these devices would be at the customer's choice and expense, the analogy that buying one would be like buying a computer with no software support made a good case against passage. For these reasons, the majority of the committee felt this bill was not ready and recommends Inexpedient to Legislate. Vote 11-9.

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

Rep. Doug Thomas spoke in favor.

Rep. Muns spoke against and requested a roll call; sufficiently seconded.

**YEAS 192 - NAYS 180**

**YEAS - 192**

**BELKNAP**

Bean, Harry  
Comtois, Barbara  
Nagel, David  
Terry, Paul

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom

Bordes, Mike  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Coker, Matthew  
McCarter, Nikki  
Smart, Lisa

**CARROLL**

Avellani, Lino  
Crawford, Karel  
Peternel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

**GRAFTON**

Berezhny, Lex  
Ladd, Rick

Brown, Carroll  
Rocheport, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Griffin, Gerald  
Infantine, William  
Gould, Linda  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Wherry, Robert

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Gagne, Larry  
Kennedy, Stephen  
Lascelles, Richard  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Erf, Keith  
Healey, Robert  
Kenny, Catherine  
Lewicke, John  
McLean, Mark  
Panek, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Fedolfi, Jim  
Hynes, Dan  
Kofalt, Jim  
Perez, Maria  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, Jordan

**MERRIMACK**

Andrus, Louise  
Cambriis, Jose  
Leavitt, John  
Boyd, Stephen  
Testerman, Dave

Aures, Cyril  
McGuire, Dan  
Mason, James  
Seaworth, Brian  
Wood, Clayton

Aylward, Deborah  
Gerhard, Jason  
Moffett, Michael  
See, Alvin

McGuire, Carol  
Hill, Gregory  
Polozov, Yuri  
Walsh, Thomas

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy

Foote, Charles  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Verville, Kevin  
Weyler, Kenneth

Guthrie, Joseph  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
Vose, Michael  
Yokela, Josh

Harb, Robert  
Janigian, John  
Kuttab, Katelyn  
Lundgren, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
MacDonald, Wayne

Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Vandecasteele, Susan  
Wallace, Scott

### STRAFFORD

Ankarberg, Aidan  
Connor, James  
Horgan, James  
Phinney, Brandon

Bailey, Glenn  
Smith, Geoffrey  
Kaczynski, Thomas  
Pitre, Joseph

Bickford, David  
Granger, Michael  
Turcotte, Len  
Potenza, Kelley

Burnham, Claudine  
Harrington, Michael  
Newton, Clifford

### SULLIVAN

Aron, Judy  
Spilsbury, Walter

Drye, Margaret  
Stapleton, Walter

Rollins, Skip  
Stone, Jonathan

Smith, Steven

### NAYS - 180

### BELKNAP

Huot, David

St. Clair, Charlie

### CARROLL

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Monteil, Renee  
Weber, Lucy

Ames, Richard  
Faulkner, Barry  
Parshall, Lucius

Harvey, Cathryn  
Germana, Nicholas  
Schapiro, Joe

Fox, Dru  
Jones, Philip  
Toll, Amanda

### COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

### GRAFTON

Almy, Susan  
Fellows, Sallie  
Murphy, James  
Morse, Corinne  
Sykes, George

Baldwin, Heather  
Fracht, David  
Sullivan, Jared  
Muirhead, Russell

Bolton, Bill  
Hakken-Phillips, Mary  
Lovett, Peter  
Stavis, Laurel

Cormen, Thomas  
Hoyt, Tommy  
Massimilla, Linda  
Stringham, Jerry

### HILLSBOROUGH

Murray, Alissandra  
Beaulieu, Jane  
Calabro, Karen  
Darby, Will  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
McGhee, Kat  
O'Brien, Michael  
Preece, David  
Rung, Rosemarie  
Spier, Carry  
Vail, Suzanne  
Wheeler, Jonah

Nutting-Wong, Allison  
Bouchard, Donald  
Chretien, Jacqueline  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Foxy, Loren  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
Pedersen, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel  
Wilhelm, Matthew

Baroody, Benjamin  
Bouldin, Amanda  
Cornell, Patricia  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Jack, Martin  
Lanza, Judi  
Lloyd, Christal  
MacKenzie, Mark  
Murphy, Nancy  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Telerski, Laura  
Dolan, William

Beauchemin, Paige  
Bradley, Amy  
Ford, Damond  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
Mangipudi, Latha  
Nutter-Upham, Frances  
Plamondon, Marc  
Rombeau, Catherine  
Sofikitis, Catherine  
Tellez, Trinidad  
Thomas, Wendy

### MERRIMACK

Turcotte, Alisson  
Ebel, Karen  
Hicks, Matthew  
McWilliams, Rebecca

Brennan, Angela  
Gallager, Eric  
Lane, Connie  
Myler, Mel

Caplan, Tony  
Gibbs, Merryl  
Luneau, David  
Payeur, Stephanie

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

Roesener, James  
Schultz, Kristina  
Wolf, Dan

Gould, Sherry  
Shurtleff, Steve

Schamberg, Thomas  
Soucy, Timothy

Schuett, Dianne  
Wallner, Mary Jane

### ROCKINGHAM

Balboni, Peggy  
Grossman, Gaby  
Murray, Kate  
Maggiore, Jim  
Muns, Chris  
Read, Ellen  
Ward, Gerald

DiLorenzo, Charlotte  
Grote, Jaci  
Knab, Allison  
Malloy, Dennis  
O'Neil, Candice  
Simpson, Alexis

Edgar, Michael  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
Rafter, Hal  
Turer, Eric

Gilman, Julie  
Haskins, Linda  
Paige, Mark  
Meuse, David  
Raynolds, Ned  
Vallone, Mark

### STRAFFORD

Bixby, Peter  
Fitzpatrick, Daniel  
Howland, Allan  
Smith, Marjorie  
Southworth, Thomas

Rich, Cecilia  
Grassie, Chuck  
Kenney, Cam  
Schmidt, Peter  
Vincent, Kenneth

Cannon, Gerri  
Howard, Heath  
LaMontagne, Jessica  
Pare, Gail  
Wall, Janet

Conlin, Bill  
Horrigan, Timothy  
Levesque, Cassandra  
Selig, Loren

### SULLIVAN

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the committee report was adopted.

**HB 229-FN**, relative to requiring an official declaration of war for the activation of the New Hampshire national guard. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The Defend the Guard Act requires Congress to formally declare war, pursuant to Art. I, Sec. 8 of the U.S. Constitution, before the New Hampshire National Guard is sent to a combat zone. The bill does not limit training deployments, nor does it conflict with the duty of the guard to repel invasion, quell insurrection, or support the execution of the laws of the land here at home. It solely prevents the Department of Defense from sending our neighbors and family members into armed conflict without Congress first doing its constitutionally delegated duty--a duty which it has abdicated to the Executive Branch since the War Powers Resolution of 1973. The fiscal note mentions federal funding being at risk. However, this is not a real threat, as the usage of the uncertain phrase "at risk" versus a concrete statement such as "will lose" would indicate. We believe no member of Congress will sign their name to any appropriations bill that strips funding from the National Guard. This measure prompted an outpouring of supportive messages from countless veterans and non-veterans alike, along with numerous individuals who testified in support during both the public hearing and the subsequent work session. Many of those who testified were veterans of undeclared wars. Half the committee voted "ought to pass" in a bipartisan fashion.

Rep. Tom Mannion

Statement in support of Inexpedient to Legislate: This legislation could have a negative impact on our N.H. National Guard and the State of New Hampshire as well as on our active activity duty military. Under Title X of the U.S. Code, the Department of Defense provides the New Hampshire Air and Army National Guards with as much as two billion dollars a year in funding and material. This loss of funding could have an extremely detrimental effect on our National Guard, and indirectly, on the people of our state. This funding is used by the National Guard for the salaries of full-time staff, as well as for personnel assigned to active duty. It also provides funding for military equipment that could be used in times of war. However, some of this equipment is also used for the benefit of our citizens locally, i.e., during natural disasters, such as with floods. The guard also assists with emergency transportation of injured individuals in need of medical treatment, among other things. The federal government also pays for annual humanitarian training that our guard takes part in on the island of Cabo Verde, as well as in Central America. This legislation could abolish this type of "people to people" training. Our National Guard also continually cross-trains with our active-duty Army and Air Force units which makes the Guard an important component of our national security and defense strategy teams. These important functions, and more, could be jeopardized by the passage of this bill. The New Hampshire State Veterans Advisory Committee (SVAC), a state agency made of twenty citizens representing twenty difference veterans' organizations, voted unanimously to oppose this legislation.

Rep. Steve Shurtleff

Rep. Tom Mannion moved Ought to Pass.

Rep. Pauer offered Floor Amendment (0045h).

### Floor Amendment (0045h)

Amend RSA 110-B:5-a as inserted by section 2 of the bill by replacing it with the following:

110-B:5-a Deploying National Guard Into Active National Service.

I. This section shall be known as the “Defend the Guard Act”.

II. For the purposes of this section:

(a) “Active duty combat” means performing the following services in the active federal military service of the United States:

(1) Participation in an armed conflict under Title 10 of the United States Code; or

(2) Performance of a hazardous service through an instrumentality of war relating to an armed conflict in a foreign state under Title 10 of the United States Code.

(b) “Official declaration of war” means an official declaration of war made by the United States Congress pursuant to Article I, Section 8, Clause 11 of the United States Constitution.

III. Notwithstanding any other provisions of New Hampshire law, the New Hampshire national guard and any member thereof shall not be released from the state into active duty combat unless the United States Congress has passed an official declaration of war or has taken an official action pursuant to Article I, Section 8, Clause 15 of the United States Constitution to explicitly call forth the New Hampshire national guard and any member thereof for the enumerated purposes to expressly execute the laws of the union, repel an invasion, or suppress an insurrection. The governor shall take all actions necessary to comply with the requirements of this section.

IV. Nothing in this section shall limit or prohibit the governor from consenting to the deployment of any New Hampshire national guard member under Title 32 of the United States Code.

V. Nothing in this section shall limit nor prohibit the participation of the New Hampshire national guard in training exercises outside of the continental United States under Title 10 of the United States Code or in training with friendly foreign countries as part of the State Partnership program under 10 U.S.C. section 321.

VI. Nothing in this section shall limit or prohibit the participation of the New Hampshire national guard in the capacity of humanitarian and civic assistance provided in conjunction with military operations pursuant to 10 U.S.C. section 401.

The question being adoption of Floor Amendment (0045h).

Rep. Pauer spoke in favor.

Floor Amendment (0045h) was adopted.

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

Rep. Santonastaso spoke in favor.

Rep. Shurtleff spoke against.

Rep. Tom Mannion spoke in favor and yielded to questions.

Rep. Granger requested a roll call; sufficiently seconded.

## YEAS 187 - NAYS 182

### YEAS - 187

#### BELKNAP

Bean, Harry  
Dumais, Russell  
Beaudoin, Richard

Bogert, Steven  
Harvey-Bolia, Juliet  
Smart, Lisa

Bordes, Mike  
McCarter, Nikki  
Terry, Paul

Comtois, Barbara  
Ploszaj, Tom

#### CARROLL

Avellani, Lino  
McAleer, Chris

Belcher, Mike  
McConkey, Mark

Costable, Michael  
Peternel, Katy

Smith, Jonathan  
Brown, Richard

#### CHESHIRE

Germana, Nicholas  
Santonastaso, Matthew

Hunt, John  
Schapiro, Joe

Newell, Jodi  
Thackston, Dick

Qualey, James  
Nutting, Zachary

#### COOS

Davis, Arnold

Kelley, Eamon

Ouellet, Mike

King, Seth

#### GRAFTON

Berezhny, Lex  
Rochefort, David

Coulon, Matthew  
Sellers, John

Greeson, Jeffrey  
Simon, Matthew

Sullivan, Jared

#### HILLSBOROUGH

Lekas, Alicia  
Ammon, Keith  
Boehm, Ralph  
Corcoran, Travis  
Erf, Keith  
Hynes, Dan  
Foxx, Loren

Murray, Alissandra  
Boyd, Bill  
Chretien, Jacqueline  
Cushman, Leah  
Griffin, Gerald  
Kennedy, Stephen  
Gould, Linda

Abare, Kimberly  
King, Bill  
Colcombe, Riché  
Ford, Damond  
Gagne, Larry  
Kenny, Catherine  
Lascelles, Richard

Alexander, Joe  
Berry, Ross  
Cole, Brian  
Kelley, Diane  
Healey, Robert  
Kofalt, Jim  
Lewicke, John

Perez, Maria  
Noble, Kristin  
Plett, Fred  
Renzullo, Andrew  
Sofikitis, Catherine  
Thomas, Wendy

Mazur, Lisa  
Notter, Jeanine  
Post, Lisa  
Seidel, Sheila  
Lekas, Tony  
Wheeler, Jonah

McGough, Tim  
Panek, Sandra  
Prout, Andrew  
Sheehan, Vanessa  
Mannion, Tom  
Wherry, Robert

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

### MERRIMACK

Andrus, Louise  
Cambrils, Jose  
Gerhard, Jason  
Moffett, Michael  
Gould, Sherry  
Wood, Clayton

Aures, Cyril  
Caplan, Tony  
Hill, Gregory  
Polozov, Yury  
Seaworth, Brian

Aylward, Deborah  
McGuire, Dan  
Leavitt, John  
Roesener, James  
See, Alvin

McGuire, Carol  
Gallager, Eric  
Mason, James  
Boyd, Stephen  
Walsh, Thomas

### ROCKINGHAM

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Hobson, Deb  
Katsakiores, Phyllis  
Love, David  
Melvin, Charles  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Verville, Kevin  
Yokela, Josh

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Guthrie, Joseph  
Nelson, Jodi  
Kuttab, Katelyn  
Lynn, Bob  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Dolan, Tom  
Vose, Michael

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harb, Robert  
Janigian, John  
Walsh, Lilli  
Pearson, Mark  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
True, Chris  
Wallace, Scott

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Harley, Tina  
Perez, Kristine  
Layon, Erica  
McMahon, Charles  
Phillips, Emily  
Potucek, John  
Read, Ellen  
Summers, James  
Vandecasteele, Susan  
Weyler, Kenneth

### STRAFFORD

Ankarberg, Aidan  
Burnham, Claudine  
Howard, Heath  
Turcotte, Len  
Potenza, Kelley

Bailey, Glenn  
Connor, James  
Harrington, Michael  
Newton, Clifford

Bickford, David  
Smith, Geoffrey  
Horgan, James  
Phinney, Brandon

Bixby, Peter  
Granger, Michael  
Kaczynski, Thomas  
Pitre, Joseph

### SULLIVAN

Aron, Judy  
Smith, Steven

Drye, Margaret  
Stapleton, Walter

Merchant, Gary  
Stone, Jonathan

Rollins, Skip

### NAYS - 182 BELKNAP

Coker, Matthew

Huot, David

Nagel, David

St. Clair, Charlie

### CARROLL

Burroughs, Anita  
MacDonald, John

Cordelli, Glenn  
Woodcock, Stephen

Crawford, Karel

Paige, David

### CHESHIRE

Abbott, Michael  
Eaton, Daniel  
Parshall, Lucius

Ames, Richard  
Faulkner, Barry  
Rhodes, Jennifer

Harvey, Cathryn  
Jones, Philip  
Toll, Amanda

Fox, Dru  
Monteil, Renee  
Weber, Lucy

### COOS

Cascadden, Corinne

Noël, Henry

Tierney, James

### GRAFTON

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

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

Bolton, Bill  
Fracht, David  
Ladd, Rick  
Muirhead, Russell

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

### HILLSBOROUGH

Nutting-Wong, Allison  
Bouchard, Donald  
Cornell, Patricia  
DiSilvestro, Linda  
Fedolfi, Jim

Baroody, Benjamin  
Bouldin, Amanda  
Creighton, Jim  
Dutzy, Sherry  
Freitas, Mary

Beauchemin, Paige  
Bradley, Amy  
Darby, Will  
Elberger, Susan  
Goley, Jeffrey

Beaulieu, Jane  
Calabro, Karen  
Devine, Shelley  
Davis, Fred  
Gregg, Alicia

Grill, Jessica  
Herbert, Christopher  
Juris, Louis  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
Pedersen, Michael  
Proulx, Mark  
Rung, Rosemarie  
Staub, Kathy  
Veilleux, Daniel

Hamer, Heidi  
Infantine, William  
Lanza, Judi  
Lloyd, Christal  
MacKenzie, Mark  
Murphy, Nancy  
Petrigno, Peter  
Newman, Ray  
Newman, Sue  
Telerski, Laura  
Dolan, William

Harriott-Gathright, Linda  
Jack, Martin  
Leapley, Nicole  
Long, Patrick  
McGhee, Kat  
Nutter-Upham, Frances  
Plamondon, Marc  
Raymond, Heather  
Seibert, Christine  
Tellez, Trinidad  
Wilhelm, Matthew

Heath, Mary  
Smith, Juliet  
LeClerc, Daniel  
Howard, Molly  
McLean, Mark  
O'Brien, Michael  
Preece, David  
Rombeau, Catherine  
Spier, Carry  
Vail, Suzanne

### MERRIMACK

Turcotte, Alisson  
Gibbs, Merryl  
Luneau, David  
Payeur, Stephanie  
Schultz, Kristina  
Wallner, Mary Jane

Brennan, Angela  
Hall, Muriel  
MacKay, James  
Richards, Beth  
Shurtleff, Steve  
Wolf, Dan

Carey, Lorrie  
Hicks, Matthew  
McWilliams, Rebecca  
Schamberg, Thomas  
Soucy, Timothy

Ebel, Karen  
Lane, Connie  
Myler, Mel  
Schuett, Dianne  
Testerman, Dave

### ROCKINGHAM

Balboni, Peggy  
Grote, Jaci  
Murray, Kate  
Paige, Mark  
McDonnell, Valerie  
O'Neil, Candice  
Simpson, Alexis  
Tudor, Paul  
Ward, Gerald

DiLorenzo, Charlotte  
Hamblet, Joan  
Knab, Allison  
Maggiore, Jim  
Meuse, David  
Rafter, Hal  
Sytek, John  
Turer, Eric

Edgar, Michael  
Haskins, Linda  
Lundgren, David  
Malloy, Dennis  
Milz, David  
Raynolds, Ned  
Cahill, Tim  
Vallone, Mark

Gilman, Julie  
Janvrin, Jason  
Cahill, Michael  
Manos, Zoe  
Muns, Chris  
Roy, Terry  
Tripp, Richard  
MacDonald, Wayne

### STRAFFORD

Rich, Cecilia  
Grassie, Chuck  
LaMontagne, Jessica  
Pare, Gail

Cannon, Gerri  
Horrigan, Timothy  
Levesque, Cassandra  
Selig, Loren

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

Fitzpatrick, Daniel  
Kenney, Cam  
Schmidt, Peter  
Wall, Janet

### SULLIVAN

Sullivan, Brian  
Spilsbury, Walter

Cloutier, John  
Tanner, Linda

Damon, Hope

Palmer, William

and the motion of Ought to Pass with Amendment was adopted.  
The Speaker referred the bill to the Committee on Finance.

### MOTION TO PRINT DEBATE

Rep. Osborne moved that the debate on **HB 229-FN**, relative to requiring an official declaration of war for the activation of the New Hampshire national guard, be printed in the Permanent Journal.  
Without objection, the Speaker ordered.

### DEBATE ON HB 229-FN

**Speaker Packard:** Rep. Tom Mannion moves Ought to Pass. Rep. Pauer has a floor amendment. The House will be in order. (0045h) and it is in your seat pockets. There is no debate on the floor amendment. Are you ready for the question? Rep. Pauer is recognized to speak to her floor amendment.

**Representative Pauer:** Thank you, Mister Speaker. I rise in support of the floor amendment to HB 229. Mister Speaker, in order to fully comprehend this amendment, it is important to understand three key concepts. First, by definition, the National Guard is not a state militia. State militias are distinct from the National Guard in that they serve no federal function. The State of New Hampshire does not have a state militia. Second, the National Guard normally, under state control, becomes part of the federal reserve components of the United States Army and the United States Air Force when activated for federal missions. Third, the National Guard operates under three different statuses. Title 10 status, which is federally funded and federally controlled, under the command and control of the President. Title 32 status, which is federally funded, and state controlled, under the command and control of the state or territory governor and state active duty, which is state funded, and state controlled, under the command and control of the state territory or governor. Therefore, the National Guard is under the dual control of the state and the federal governments. Now, this amendment clarifies the definition of active-duty combat to include direct combat service in an armed conflict or combat service support employing an instrumentality of war in support of an armed conflict, both being hazardous duties. To be clear, this definition includes frontline service members as well as service members supporting the front lines, both deployed under Title 10. Furthermore, this amendment removes the clause

'performance of a duty through an instrumentality of war' as a stand-alone provision from the definition of active-duty combat where an instrumentality of war is defined as a vehicle, vessel, device, or equipment designated primarily for military service. This change is important since most missions performed by the National Guard are distinct from active-duty combat and they involve the use of instrumentalities of war. Duties that involve the use of an instrumentality of war include most National Guard weekend drills, deployments, training exercises, stateside emergency responses as well as humanitarian and civic assistance. Such duties also include deployments to provide training and assistance to friendly foreign military units through the National Guard state partnership program. To be clear, none of these missions of the National Guard constitute active-duty combat but they do involve the use of instrumentalities of war and these important missions would be prohibited by the bill without this amendment. Lastly, sections 5 and 6 of the amendment are self evident in that they simply reaffirm that these non-active-duty combat missions are allowed with this amendment. Mister Speaker, in closing, this amendment makes important and necessary adjustments to the language of HB 229. Therefore, I urge my fellow colleagues to vote yes to support the floor amendment and then the bill as amended. Thank you, Mister Speaker.

**Speaker Packard:** The question before the House is the Pauer floor amendment (0037h). Are you ready for the question? All those in favor, say Aye; those opposed, Nay. The Ayes have it and the floor amendment is adopted. The motion before us now is Ought to Pass as Amended. The Chair recognizes Rep. Santonastaso.

**Representative Santonastaso:** Thank you, Mister Speaker. Mister Speaker, I stand before you with a profound sense of duty. My service with the 82nd Airborne Division as a combat medic, where I was honored with the Combat Medic Badge for treating casualties under fire shapes my understanding of the gravity of sending our troops into combat. This bill requires the US Congress to formally declare war before deployment of New Hampshire National Guard Troops into combat. The United States Constitution gives Congress the power to declare war in part to ensure that grave decisions are subject to rigorous debate, representative consent, and transparency. This process was designed to prevent unchecked executive power and to guarantee that the will of the people, through their elected representatives, was heard and heeded. By sidestepping this process, Congress is not held accountable for the outcome and consequences of military engagements. Defend the Guard is not an impediment to our National Guard's capacity to defend our nation and to respond to emergencies. Instead, it fortifies the constitutional process requiring a formal declaration of war by Congress before our troops are sent into combat. This doesn't prevent deployment. It ensures that such a significant decision is made with the full deliberation and authority that only a congressionally approved declared war can provide. Our National Guardsmen can be called into service under two distinct codes, Title 10, and Title 32 of the US Code. Title 10 places our Guardsmen under Presidential command for national defense while Title 32 keeps them under state command primarily for domestic emergencies. This bill continues New Hampshire's compliance with both. The issue is that Congress has not formally declared war since WWII. Instead, the authorization for use of military force, AUMF, of 2001 has been used as a blanket justification for military actions worldwide. The AUMF has led to endless engagements with no accountability or oversight from those who initiated it. This is not only a legal misstep but a moral failure. It puts our troops and global stability at risk without proper justification or end strategy. Concerns about losing federal funding due to noncompliance with Title 10 and 32 are overstated. As outlined in Section 108 of Title 32, the President has discretion in this and also must provide a timeframe for states to address any compliance issues before financial consequences. Moreover, the political reality is that it is improbable for the federal government to withdraw funding for the National Guard, an institution that enjoys widespread public support. No politician will ever advocate to withhold funding to the National Guard. The New Hampshire government's role is not to hold water for the US Congress, but to uphold the principles of the constitution and protect the interest and rights of its citizens. Allowing Congress to bypass its duty not only undermines the constitutional framework but it also diminishes the voice and representation of our constituents in matters of war. Defend the Guard resonates deeply with our citizens. Across political divides I have found unanimous support for this bill. This is a decision that impacts the lives of our service men and women and the constitutional integrity of our nation. Before we ask the New Hampshire guards men and women to go to foreign lands to kill and be killed, we should first ask Congress to do its job and make a formal declaration of war. Thank you, Mister Speaker.

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

**Representative Shurtleff:** Thank you, Mister Speaker. Mister Speaker will all due respect for my friend from Derry, and he is my friend, I rise to oppose this bill. When the bill first came to our committee, I got a lot of calls from people in New Hampshire and a few from out of New Hampshire and the last thing they would say to me is, and don't forget that veterans support this bill. Let me say that nobody hates war, other than those that have lost a loved one, more than a veteran. I haven't fought in a war in a long time, far away along with my friend from Haverhill who knows the agonies of war. I'm a veteran and I don't support this bill. That feeling was reinforced when the State Veterans Advisory Council met. For those who don't know, and I know a lot of you do know about the council, it's a state agency. It's chaired by Paul Lloyd, the past commander of the VFW and a real friend of veterans. It is made up of 20 different veterans' organizations,

VFW, Korean War Vets, American Legion, Vietnam Veterans of America, Military Order of the Purple Heart and so many others. That organization, on a vote of 20-0, voted not to support this bill but to oppose it. Now, this is not a good bill. It's not good for the National Guard. It's not good for New Hampshire. It's not good for our country and for me, most importantly, it's not good for members on active duty in the armed forces. I should mention that we have a member from the legislature that also serves on the State Advisory Committee and does an excellent job. It's not good for the National Guard because as I said in my blurb, we get up to \$2 billion a year from the Department of Defense. A lot of that goes into planes for the Air National Guard. It goes into paying for personnel. It goes into buying the helicopters that we often see on channel 9 news bringing somebody down from the mountains who has been injured. It does so much for our state. That could be in jeopardy for our National Guard. Someone may speak later and say oh no the pentagon won't take away that \$2 billion, they got plenty of money. They will keep giving it to New Hampshire. Not if you got a National Guard that can't react immediately to a national defense issue. This bill, as I mentioned, is not good for New Hampshire because we do get a lot of services from our National Guard that stay right here in this state. It helps so much whether it is engineers or anything else. A lot of that money that goes to support those programs will be gone. It won't be good for our country, and it won't be good for our active-duty military. The last time Congress passed a declaration of war was on December 11, 1941 when our country declared war on Germany four days after Pearl Harbor was attacked. If we learned nothing else from WWII, we learned that this country is no longer a citadel. We do not stand alone and have the Atlantic and the Pacific to protect us from our enemies abroad. If something happens, like in 1950 when North Korea came over the 48<sup>th</sup> parallel and attacked South Korea, we had to react immediately and we did along with the United Nations. We now have a complete nut job running North Korea, Kim Jong Un, who's got a missile that can hit the United States. If he should again decide to attack Korea, we've got to act immediately. When I served in Vietnam, the 197<sup>th</sup> field artillery was stationed there too of the National Guard, and they were only a couple of miles up from where I was at Lyka with the First Division, 2<sup>nd</sup> brigade. They fought with honor, and they fought with sacrifice by that unit. I was proud to have them there in partners. Even more so today, when our National Guard is part of that tapestry of United States defense, all the agencies and all the departments weave together as one solid force in defense of our nation. We got some more bills and we have been here a long time already. I'm going to end now, but I please ask you to vote no on this so another motion can be made. Thank you, Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. Tom Mannion.

**Representative Tom Mannion:** Thank you, Mister Speaker. I rise in support of HB 229 commonly referred to as the Defend the Guard Act. This bill, very simply, requires Congress to formally declare war pursuant to Article one, Section 8 of the US Constitution before we will deploy our state National Guard to a foreign combat zone. It does not stop training deployments, natural disaster response, use to repel invasion or quell uprisings. It has been filed in 38 states and is making progress through various legislatures. The fiscal note attached to the bill, a vague 'puts funding at risk' is the same tired hollowed threat used to bully states into compliance. It's intentionally non committal because it is nonsense. When filed in Kansas, Defend the Guard was reported accurately as having no fiscal impact. Congressmen Gosar and Massie have spoken in favor of this bill reminding us that Congress controls the purse strings and no member would consider defunding a guard unit. It simply would be political suicide to file an amendment to an appropriations bill defunding a single State Guard being both a petty act of malice and also making the country weaker. It will not happen. Now, for a bit of history. Congress has not formally declared war since 1942. The War Powers Resolution of 1973 introduced the authorizations for use of military force, which have been the mechanism by which the President has instituted military operations ever since. This abdication of constitutionally delegated power to the Executive Branch ultimately led us into forever wars of the last two decades. The 2001 AUMF was hastily passed in the wake of 9-11 and was so vastly worded with vague limits on targets, theaters of operation and no victory conditions that it has been the justification for military action in 22 countries. Over the course of the war on terror, National Guard units made up 45% of the boots on the ground in Afghanistan, Iraq and Syria, accounting for 18% of the casualties. Hurricane Katrina's devastation in 2005 was exasperated by guard soldiers and equipment that were deployed to Iraq and Kuwait instead of at home protecting their communities. Years later, one of the same missing Louisiana National Guard units, the 256th Infantry Brigade, came under rocket attacks during their deployment to Syria in 2021, where the US is occupying that country's oil fields. The pentagon will continue to exploit state guard units to bolster their shrinking ranks in these forever wars until the states say enough is enough. Asking people to vote harder in federal elections to beg our representatives to repeal the AUMFs has been a failing proposition to stop the uniparty war machine for decades. The most recent vote in the US Senate to repeal the 2001 AUMF garnered 10 votes. This is in our hands right now to protect the lives of the service men and women in our state and to ensure our guard remains always ready, always there. I ask you to stand with them, Defend the Guard and press the green button to OTP on HB 229. Mister Speaker, I ask for a roll call vote.

**Speaker Packard:** The House will be in order. Does the member yield to question? Your may inquire.

**Representative Stapleton** Thank you, Mister Speaker and thank you, Representative, for taking my question. Last March 29<sup>th</sup> we delivered a House Proclamation to a National Guardsman here and he was from Windham. He won soldier of the year. He is now stationed over in Kuwait. Would you believe I was talking to him a week and a half or so ago and him and his fellow soldiers are very aware of what we are doing here right now, and they have asked for our support?

**Representative Tom Mannion:** I do believe that. There is resounding support amongst post 9-11 veterans. There is a disconnect with the SVAC committee that I am looking to rectify next year with legislation. Thank you.

**Speaker Packard:** Rep. Granger has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members take your seats. The motion before us is Ought to Pass as Amended on HB 229. This will be a roll call vote. The Chair recognizes Rep. Massimilla for a parliamentary inquiry.

**Representative Massimilla:** Thank you, Mister Speaker. If I know that Title 10 of the US Code outlines the authority of the federal government to activate the reserves including the National Guard in time of war or of a national emergency or when otherwise authorized by law and that a governor may not hold consent in whole or part with regards to active-duty deployment outside of the United States. And if I know that Congress in 2001 passed the authorization of the use of the Military Force Act which empowered the President to use all necessary and appropriate force against nations, organizations and persons dealing in acts of international terrorism against the United States and that the AUMF Act has been used to activate combat activities against terrorist groups abroad without a declaration of war for the past 19 years. Finally, Mister Speaker, although I believe HB 229 is well intended as we all want to keep our New Hampshire National Guardsmen out of harms way, but I also know that the Department of Military Affairs and Veterans Services oppose this bill and that it would create a conflict between the states and federal laws and the supremacy clause of the United States Constitution and can only be resolved at the federal level, would I now press the red button against the OTP/A? Thank you.

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

**Representative Read:** Thank you, Mister Speaker. Mister Speaker, if I know members of Congress have reaffirmed that Congress certainly will not take the unprecedented move of defunding a state guard unit and certainly not the committee chaired by one of New Hampshire's own Senators and certainly not for New Hampshire affirming that it should be Congress and not one man, one person who makes the dire last resort decision to send the National Guard into an overseas war. And if I know that we have spent over two decades, thousands of lives and trillions of dollars to enrich oil companies and defense contractors while destabilizing the middle east and souring an entire generation against the United States. And finally, Mister Speaker, if I know that as the name implies, the place for the National Guard is here at home guarding the nation where they will be available to help us during the next pandemic or natural disaster or civil unrest, would I now then press the green button to defend the guard who defends us?

**Speaker Packard:** The motion before us is Ought to Pass as Amended on HB 229. 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 will be open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. The House will be in order. With 187 voting Yea and 182 voting Nay, the committee report is adopted.

#### REGULAR CALENDAR CONT'D

**HB 375-FN**, relative to the licensure of nonresident aliens temporarily residing in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ted Gorski for the Majority of Transportation. The majority was very concerned with the limited vetting process. This bill relies on US citizenship and Immigration Services which are extremely overwhelmed. The bill's premise is simply applying for asylum and is proof of vetting. The reality is that the vetting process is extremely lacking in thoroughness. The majority felt that this bill could not ensure the safety of New Hampshire citizens. Vote 11-8.

Rep. George Sykes for the Minority of Transportation. This bill is a limited scope bill attempting to close the gap between when a person seeking asylum, who resides in New Hampshire, is required to obtain a driver's license, 60 days, and when he is able to obtain a driver's license, typically one year. After one year, the asylee would be given a work permit, and able to obtain a social security number. It is important to remember these folks are here legally in the United States.

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

#### MOTION TO LAY ON THE TABLE

Rep. Soti moved that **HB 375-FN**, relative to the licensure of nonresident aliens temporarily residing in New Hampshire, be laid on the table.

On a division vote, with 185 members having voted in the affirmative, and 179 in the negative, the motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 570**, relative to Real ID compliant New Hampshire driver's licenses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas Walsh for the Majority of Transportation. This bill seeks to adopt the minimal identity requirements allowed by the Real ID Act of 2005. It would allow anyone who came through a port of entry unannounced and received a report stating they are "lawfully present" to get a New Hampshire Drivers License without any verification or vetting. It would also recognize the mere act of applying for asylum as satisfactory for getting a New Hampshire Driver's License, also without any verification or vetting. The Real ID Act was adopted in the wake of 9/11 for increased security and identity vetting. The majority of the committee believes that adopting the minimums is contrary to that goal. Vote 11-8.

Rep. George Sykes for the Minority of Transportation. This bill will bring New Hampshire into conformance with respect to eligibility under the Real ID Act of 2005. It further requires driver's license applicants to demonstrate both identity and New Hampshire residency.

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

**MOTION TO LAY ON THE TABLE**

Rep. Thomas Walsh moved that **HB 570**, relative to Real ID compliant New Hampshire driver's licenses, be laid on the table.

On a division vote, with 187 members having voted in the affirmative, and 180 in the negative, the motion was adopted.

**(Representative Steven Smith in the Chair)****REGULAR CALENDAR CONT'D**

**HB 121-FN**, relative to worldwide combined reporting for unitary businesses under the business profits tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Walter Spillsbury for the Majority of Ways and Means. This bill would repeal the "water's edge" combined group provisions of the business profits tax statute and require "worldwide combined reporting" by any multi-national doing business within New Hampshire that also has operations outside the United States. Under current law, any corporation selling in New Hampshire is obligated to file a business profits tax return and, using the water's edge method, it must report all of its sales across the 50 states (i.e., to the water's edge) and then apply formulary apportionment using the newly adopted "single sales method" to determine the portion of its profit that is attributable to New Hampshire and thus subject to our business tax regime. In this fashion, the total activity reported to the state of New Hampshire coincides with the amounts reportable to the Internal Revenue Service (IRS) on the federal business tax returns, as the Internal Revenue Code (IRC) utilizes unitary filing on a nationwide basis, with "arm's-length" adjustments to reflect that fair market prices are applied to intra-affiliate transfers, so that it extends only to business activity within the United States. The business tax return filed with the IRS then becomes the take-off point for the preparation of New Hampshire business tax calculations. This bill would remove the water's edge limitation so that any multi-national operating in New Hampshire would be obligated to submit a tax return that reports all sales activity and profit earned worldwide, not just by that business entity, but by every affiliated business in its corporate chain, whether U.S. based or foreign based, both upstream and downstream, no matter how numerous, complex, far-flung, or different in its product. In doing so, it would position New Hampshire to inquire into business activities outside the United States that are currently beyond the reach of the IRC or the tax laws of other states. While a small number of states enacted worldwide combined reporting laws in the late 1970's and early 1980's (including New Hampshire, from 1981-86, though never fully enforced), they were short-lived as all had been repealed by the end of the 1980's. Since then, no state mandates worldwide combined reporting. This bill would make New Hampshire's business tax regime a lone outlier. The argument advanced by proponents of this broadly sweeping tax scheme is that multi-national corporations may have the opportunity to misuse the legitimate accounting tool of "transfer pricing" to illegitimately shift profits to a lower taxed jurisdiction somewhere else in the world. Transfer pricing is a necessary and even required tool for distributing across a corporate enterprise the cost burdens of shared resources or assets, which might include intangibles (such as license fees or royalties for patented goods or processes or for proprietary assets like recipes or formulas) or services (such as payments for brand development or marketing services) or materials and components. The question raised by this bill is whether the practice of transfer pricing between affiliated entities is deployed for tax advantage to a degree that is significant enough to be regarded as "abusive" and have a material impact on New Hampshire's tax revenue or on our local businesses' competitive health, and further whether this over-broad approach is a reasonable way to deal with the perceived problem. This, it turns out, is a very complicated question, without any readily available data to make sound estimates. Due to its complexity, we enacted HB 102 in the 2022 session to convene a Commission on Worldwide Combined

Reporting for Unitary Businesses under the Business Profits Tax. That commission of seven members issued its elaborate 16-page report on November 1, 2023, with the support of six of its seven members, and recommended expressly that the worldwide combined reporting method not be adopted, and that HB 121-FN be voted Inexpedient to Legislate. Any member with the interest is encouraged to read the commission's report. It is with the benefit of that report and its reasoning in hand that the majority of Ways and Means reaches the conclusion that this bill is ill-advised. It would create a disconnect with the Internal Revenue Code and with business tax practices of all other states; it would present a huge burden on our multi-national business profits tax filers, whether U.S. or foreign based, including reconciling divergent accounting and tax filing regimes from around the world, as well as data gathering and compilation, currency conversion and translation hurdles; it would vastly compound the Department of Revenue Administration's audit and enforcement challenges, including a need for additional expert staff and training; it would represent a disincentive to doing business and further investing in this state with potential negative impact on our economy and jobs environment; and it would generally detract from policies already in place that were designed to ensure that New Hampshire is regarded as an attractive place to establish and grow businesses. This bill offers unknown and unquantifiable potential for benefit offset by almost certain negative ramifications. One must wonder why New Hampshire would want to impose on multi-national businesses a tax scheme that has been debated for the last 50 years but that the federal government has been totally unwilling to adopt and risk getting itself into a morass of adverse international relations problems for it. The federal government has participated in a variety of thorny initiatives in the international community that would address or mitigate the perceived problem, some already adopted in 2017. But, unless and until the United States takes the matter further, it would not be constructive for New Hampshire to go it alone. In short, this bill represents very unwise tax policy. Vote 10-9.

Rep. Thomas Schamberg for the Minority of Ways and Means. In their unanimous *Caterpillar* decision, the New Hampshire Supreme Court stated: "We point out that the water's edge method was adopted for the benefit of foreign businesses. In 1986, the legislature adopted the water's edge method, 'eliminating overseas business organizations from subjection to [the business profits tax].'" They benefit because they are allowed to employ the arm's length separate accounting method that is flawed and facilitates profit shifting to offshore tax havens. These are profits that are not returned to the United States or New Hampshire for taxation. Under the water's edge method, US-based multinationals also shift profits offshore, but those foreign profits are returned, repatriated, when dividends or royalties are paid up to the US parent company and/or returned via the federal global intangible low-taxed income (GILTI) provisions. The present playing field is not level and places US-based corporations at a competitive disadvantage. Current New Hampshire law creates a two-tier system that advantages foreign companies at the expense of domestic ones. This is both a legal and moral issue. Treating domestic and foreign companies differently with regard to taxation is unconstitutional. The foreign company's competitive advantage, by its very nature, has the tendency to erode trust in the equity of our government and thus in the government itself. The recent final report of the Commission on Worldwide Combined Reporting, dated November 1, 2023, reported that moving to worldwide combined reporting would not be constitutionally barred, that transfer pricing exists, transfer pricing and profit shifting exists, but at unknown levels and amounts, and that transfer pricing may create an unlevel playing field. This bill, as amended, would end the unconstitutional, anti-democratic, anti-free-market, and immoral competitive disadvantage facing domestic business owners and the almost nine out of ten New Hampshire citizens they employ. This legislation would finally eliminate the water's edge provision benefiting foreign companies, and by adopting the worldwide combined reporting, it would put every business- domestic and foreign- on the same level playing field.

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

Reps. Schamberg and Lepley spoke against.

Rep. Spilsbury spoke in favor and yielded to questions.

Rep. Schamberg requested a roll call; sufficiently seconded.

#### YEAS 192 - NAYS 176

#### YEAS - 192

#### BELKNAP

Bean, Harry  
Comtois, Barbara  
Nagel, David  
Terry, Paul

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom

Bordes, Mike  
Harvey-Bolia, Juliet  
Beaudoin, Richard

Coker, Matthew  
McCarter, Nikki  
Smart, Lisa

#### CARROLL

Avellani, Lino  
Crawford, Karel  
Peternel, Katy

Belcher, Mike  
MacDonald, John  
Brown, Richard

Cordelli, Glenn  
Smith, Jonathan

Costable, Michael  
McConkey, Mark

**CHESHIRE**

Hunt, John  
Thackston, Dick

Qualey, James  
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

**COOS**

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

**GRAFTON**

Berezhny, Lex  
Sullivan, Jared  
Simon, Matthew

Brown, Carroll  
Ladd, Rick

Coulon, Matthew  
Rocheport, David

Greeson, Jeffrey  
Sellers, John

**HILLSBOROUGH**

Lekas, Alicia  
Boyd, Bill  
Colcombe, Riché  
Cushman, Leah  
Fedolfi, Jim  
Hynes, Dan  
Kenny, Catherine  
Lewicke, John  
Mooney, Maureen  
Pauer, Diane  
Prout, Andrew  
Sheehan, Vanessa  
Ulery, Jordan

Abare, Kimberly  
King, Bill  
Cole, Brian  
Kelley, Diane  
Griffin, Gerald  
Infantine, William  
Kofalt, Jim  
Mazur, Lisa  
Noble, Kristin  
Plett, Fred  
Reid, Karen  
Sirois, Shane  
Wherry, Robert

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Darby, Will  
Gagne, Larry  
Jack, Martin  
Gould, Linda  
McGough, Tim  
Notter, Jeanine  
Post, Lisa  
Renzullo, Andrew  
Lekas, Tony

Ammon, Keith  
Boehm, Ralph  
Creighton, Jim  
Erf, Keith  
Healey, Robert  
Kennedy, Stephen  
Lascelles, Richard  
McLean, Mark  
Panek, Sandra  
Proulx, Mark  
Seidel, Sheila  
Mannion, Tom

**MERRIMACK**

Andrus, Louise  
Cambriis, Jose  
Hoell, J.R.  
Moffett, Michael  
See, Alvin

Aures, Cyril  
McGuire, Dan  
Lane, Connie  
Polozov, Yury  
Walsh, Thomas

Aylward, Deborah  
Gerhard, Jason  
Leavitt, John  
Boyd, Stephen  
Testerman, Dave

McGuire, Carol  
Hill, Gregory  
Mason, James  
Seaworth, Brian  
Wood, Clayton

**ROCKINGHAM**

Ball, Lorie  
Thomas, Douglas  
Drago, Mike  
Foote, Charles  
Nelson, Jodi  
Katsakiores, Phyllis  
Love, David  
McDonnell, Valerie  
Ford, Oliver  
Popovici-Muller, Daniel  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Sytek, John  
True, Chris  
MacDonald, Wayne

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Harb, Robert  
Janigian, John  
Kuttab, Katelyn  
Lundgren, David  
McMahon, Charles  
Osborne, Jason  
Porcelli, Susan  
Quaratiello, Arlene  
Spillane, James  
Cahill, Tim  
Tudor, Paul  
Wallace, Scott

Brouillard, Jacob  
Donnelly, Tanya  
Edwards, Jess  
Harley, Tina  
Janvrin, Jason  
Walsh, Lilli  
Lynn, Bob  
Melvin, Charles  
Phillips, Emily  
Potucek, John  
Roy, Terry  
Summers, James  
Dolan, Tom  
Verville, Kevin  
Weyler, Kenneth

Mannion, Dennis  
Doucette, Fred  
Emerick, Tracy  
Hobson, Deb  
Perez, Kristine  
Layon, Erica  
Pearson, Mark  
Milz, David  
Piemonte, Tony  
Pratt, Kevin  
Pearson, Stephen  
Sweeney, Joe  
Tripp, Richard  
Vose, Michael  
Yokela, Josh

**STRAFFORD**

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

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

Bickford, David  
Harrington, Michael  
Newton, Clifford

Burnham, Claudine  
Horgan, James  
Phinney, Brandon

**SULLIVAN**

Aron, Judy  
Stapleton, Walter

Drye, Margaret  
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

**NAYS - 176  
BELKNAP**

Huot, David

St. Clair, Charlie

**CARROLL**

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Monteil, Renee  
Toll, Amanda

Ames, Richard  
Faulkner, Barry  
Newell, Jodi  
Weber, Lucy

Harvey, Cathryn  
Germana, Nicholas  
Parshall, Lucius

Fox, Dru  
Jones, Philip  
Schapiro, Joe

**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

**GRAFTON**

Almy, Susan  
Fellows, Sallie  
Murphy, James  
Muirhead, Russell

Baldwin, Heather  
Fracht, David  
Lovett, Peter  
Stavis, Laurel

Bolton, Bill  
Hakken-Phillips, Mary  
Massimilla, Linda  
Stringham, Jerry

Cormen, Thomas  
Hoyt, Tommy  
Morse, Corinne  
Sykes, George

**HILLSBOROUGH**

Murray, Aissandra  
Beaulieu, Jane  
Calabro, Karen  
Devine, Shelley  
Davis, Fred  
Grill, Jessica  
Herbert, Christopher  
Lanza, Judi  
Lloyd, Christal  
Perez, Maria  
Murphy, Nancy  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Telerski, Laura  
Dolan, William

Nutting-Wong, Allison  
Bouchard, Donald  
Chretien, Jacqueline  
DiSilvestro, Linda  
Freitas, Mary  
Hamer, Heidi  
Smith, Juliet  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Nutter-Upham, Frances  
Plamondon, Marc  
Rombeau, Catherine  
Sofikitis, Catherine  
Tellez, Trinidad  
Thomas, Wendy

Baroody, Benjamin  
Bouldin, Amanda  
Cornell, Patricia  
Dutzy, Sherry  
Goley, Jeffrey  
Harriott-Gathright, Linda  
Juris, Louis  
LeClerc, Daniel  
Howard, Molly  
McGhee, Kat  
O'Brien, Michael  
Preece, David  
Rung, Rosemarie  
Spier, Carry  
Vail, Suzanne  
Wheeler, Jonah

Beauchemin, Paige  
Bradley, Amy  
Ford, Damond  
Elberger, Susan  
Gregg, Alicia  
Heath, Mary  
Foxy, Loren  
Leishman, Peter  
Murray, Megan  
Ming, Ben  
Pedersen, Michael  
Newman, Ray  
Newman, Sue  
Staub, Kathy  
Veilleux, Daniel  
Wilhelm, Matthew

**MERRIMACK**

Turcotte, Alisson  
Ebel, Karen  
Hicks, Matthew  
Myler, Mel  
Gould, Sherry  
Shurtleff, Steve

Brennan, Angela  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Soucy, Timothy

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

Carey, Lorrie  
Hall, Muriel  
McWilliams, Rebecca  
Roesener, James  
Schultz, Kristina  
Wolf, Dan

**ROCKINGHAM**

Balboni, Peggy  
Grote, Jaci  
Knab, Allison  
Malloy, Dennis  
O'Neil, Candice  
Simpson, Alexis

DiLorenzo, Charlotte  
Hamblet, Joan  
Cahill, Michael  
Manos, Zoe  
Rafter, Hal  
Turer, Eric

Edgar, Michael  
Haskins, Linda  
Paige, Mark  
Meuse, David  
Raynolds, Ned  
Vallone, Mark

Gilman, Julie  
Murray, Kate  
Maggiore, Jim  
Muns, Chris  
Read, Ellen  
Ward, Gerald

**STRAFFORD**

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

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

Cannon, Gerri  
Grassie, Chuck  
Kenney, Cam  
Schmidt, Peter  
Wall, Janet

Conlin, Bill  
Howard, Heath  
LaMontagne, Jessica  
Pare, Gail

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John  
Tanner, Linda

Damon, Hope

Merchant, Gary

and the majority committee report was adopted.

**HB 450-FN**, relative to removing the net operating loss deduction limit on taxable income under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Walter Spilsbury for Ways and Means. This bill removes the taxable income limitation on the calculation of net operating loss deduction (NOLD) under section 172 of the federal Internal Revenue Code (IRC) that is currently in effect for New Hampshire's Business Profits Tax (BPT) purposes. It is customary to allow a business that generates a tax loss in one year to carry forward that loss to subsequent years as a deduction against taxable income in those future tax years. Under our BPT, New Hampshire has traditionally allowed 100% of those loss carry-forwards, subject to a limitation of 10 years and \$10 million. A limit of 80% became law recently for taxable years ending on or after December 31, 2022. Effectively, the 2017 federal Tax Cuts

and Jobs Act (TCJA), which reduced the NOLD from 100% to 80% (as part of a grand bargain that included reduction of the business tax rate from a maximum of 36% to 21%) coupled with New Hampshire legislation adopted in the 2021-22 session providing that BPT taxpayers shall utilize the IRC in effect on December 31, 2018, imported that limit into current law. This bill decouples the NOLD limitations from that of the IRC, thus restoring a business' opportunity to take 100% of its losses in subsequent years (though still subject to the 10 year and \$10 million limits). The Department of Revenue Administration's Fiscal Note indicated that this bill will result in an "indeterminable decrease" in BPT revenues, but presented a static analysis suggesting that the decrease might be under \$1.5 million in the first year, rising to about \$5-6 million per year thereafter. In testimony, the DRA's representative explained that the NOLD helps smooth cyclicalities of BPT revenue streams and of business cash flow burdens. The committee amendment clarifies that the bill applies to all businesses and is not restricted to C-corporations. It also adjusts the effective date to July 1, 2024 with applicability to all taxable periods ending on or after December 31, 2024. The committee determined unanimously that removing the 80% limitation, in combination with leaving the 10-year and \$10 million limitations in place, represents a sound and balanced business tax policy for New Hampshire. Vote 19-0.

#### Amendment (2272h)

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

1 Taxation; Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code apportioned in the year incurred according to RSA 77-A:3, ***except in determining the amount of the net operating loss deduction, a business organization shall not be subject to any taxable income limitation under section 172 of the United States Internal Revenue Code as provided in RSA 77-A:1, XX.*** A net operating loss shall only be apportioned in the year incurred and not in the subsequent years it adjusts gross business profits. Net operating losses may only be carried forward for the 10 years following the loss year. For taxable periods ending:

(a) On or before June 30, 2003, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$250,000.

(b) On or after July 1, 2003 and on or before June 30, 2004, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$500,000.

(c) On or after July 1, 2004 and on or before June 30, 2005, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$750,000.

(d) On or after July 1, 2005, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$1,000,000.

(e) On or after January 1, 2013, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$10,000,000. In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code if the business organization were a subchapter C corporation and as limited ***and adjusted*** by this section. A deduction for the amount of the net operating loss carryover shall be limited to losses incurred on or after July 1, 1997.

2 Applicability. RSA 77-A:4, XIII as amended by section 1 of this act shall apply to all taxable periods ending on or after December 31, 2024.

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

Committee amendment was adopted.

The question 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 494-FN, relative to fees collected under the New Hampshire fertilizer law. OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Almy for Ways and Means. This bill as proposed created a new dedicated fund, but there is an existing dedicated fund, which according to fund documents, should be doing the same work of testing soil additives such as fertilizer and lime and commercial animal food. The fund has not tested with sufficient frequency to guarantee product safety and efficacy to farmers and pet owners alike, and its purposes are found only in the state's compendium of dedicated funds. As amended, two small, related fees, totaling \$385,000 yearly, will be transferred from the general fund to this fund to cover the needed expansion of product testing. A one-time remaining \$1.25 million surplus over expenses sitting in the fund will be used to bring the department programs into the digital age, to free up technical staff to better serve farmers and the public. The bill also renames the fund in the dedicated funds listing and agricultural law as the agricultural products regulatory fund and brings its purposes from the compendium into our law. Vote 19-0.

#### Amendment (2342h)

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

AN ACT renaming the agricultural product and scale testing fund the agricultural products regulatory fund. Amend the bill by replacing all after the enacting clause with the following:

1 Agricultural Products Regulatory Fund. Amend RSA 6:12, I(b)(44) to read as follows:

(44) One-half the registration fees collected under RSA 435:20 and all fees collected under ***RSA 431:4, RSA 431:6, RSA 431:27, and*** RSA 433-A:6, which shall be credited to the agricultural ~~[product and scale testing]~~ ***products regulatory*** fund, established under RSA 435:20, IV.

2 Registration; Agricultural Products Regulatory Fund. Amend RSA 431:4, II to read as follows:

II. The fees collected under this section shall be deposited with the state treasurer into ~~[the general fund as unrestricted revenue]~~ ***the agricultural products regulatory fund established in RSA 435:20, IV.***

3 Inspection Fees and Tonnage Reports; Agricultural Products Fund. Amend RSA 431:6 to read as follows:

IV. Fees collected under this section shall be deposited with the state treasurer into ~~[the general fund as unrestricted revenue]~~ ***the agricultural products regulatory fund established in RSA 435:20, IV.***

4 Registration; Agricultural Products Regulatory Fund. Amend RSA 431:27, I to read as follows:

I. Each separately identified product shall be registered before being distributed in this state. The application for registration shall be submitted to the commissioner on a form furnished or approved by the commissioner and shall be accompanied by a fee of \$50 per product. The fees collected under this section shall be deposited with the state treasurer into the ~~[general fund as unrestricted revenue]~~ ***agricultural products regulatory fund***. Upon approval by the commissioner, a copy of the registration shall be furnished to the applicant. All registrations expire on January 1 of the following year.

5 Registration and Inspection Fees; Agricultural Products Regulatory Fund. Amend RSA 433-A:6 to read as follows:

433-A:6 Registration and Inspection Fees; Fund Established. The commissioner shall collect a \$50 annual registration and inspection fee for each product registered. The fees collected under this section shall be deposited with the state treasurer into the ~~[agriculture products and scale testing fund]~~ ***agricultural products regulatory fund*** established in RSA 435:20, IV. Moneys from the fund shall be used to offset costs associated with registration and inspection of horticultural growing media.

6 Agricultural Products Fund. Amend RSA 435:20, IV-V to read as follows:

IV.(a) One-half of the fees collected under this section shall be deposited with the state treasurer into a separate, nonlapsing account to be known as the agricultural ~~[product and scale testing]~~ ***products regulatory*** fund. The remainder of the fees collected under this section shall be deposited in the general fund, provided that for each biennium, the commissioner of agriculture, markets, and food shall include in the department's biennial request for appropriations pursuant to RSA 9:4 an amount sufficient to fund an adequate cost of care fund as provided in RSA 437-B:1.

(b) ***The purpose of the agricultural products regulatory fund shall be to regulate agricultural products, including the inspection, sampling, and testing of commercial feed under RSA 435:19, plant and soil additives under RSA 431:1-a, and horticultural growing media and RSA 433-A:3 for consistency with label guarantees; undertaking compliance and enforcement actions; and contributing to the maintenance costs of the departmental electronic data processing system.***

V. The commissioner shall transfer funds from the ~~[agricultural product and scale testing]~~ ***agricultural products regulatory*** fund established under RSA 435:20, IV to the animal records database fund established in RSA 437:8-a to develop and make operational the animal records database. The commissioner shall certify to the secretary of state and the director of the office of legislative services the date on which the animal records database is operational. For 2 years after such certification, if needed for database operation and maintenance, the commissioner may continue to transfer additional funds from the agricultural product and scale testing fund to the animal records database fund for this purpose.

7 Effective Date. This act shall take effect July 1, 2024.

#### AMENDED ANALYSIS

This bill renames the agriculture product and scale testing fund the agricultural products regulatory fund and redirects certain funds to it.

Committee amendment was adopted.

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

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

**SB 112-FN**, relative to pari-mutuel pools and historic horse racing. **OUGHT TO PASS WITH AMENDMENT.** Rep. Fred Doucette for Ways and Means. This bill, as amended, repeals the current law that allows charitable gaming operators to charge charities rent. The ability to charge rent was first allowed by the old pari-mutuel commission when HB 1744 of 2006 was adopted. At that time, the maximum bet was \$2 by statute. Subsequently, the legislature added a provision to RSA 287-D to allow rent but limited the amount to fair market value. Over the years, the maximum bet amount has been increased through legislative action to the point that revenue at charity gaming rooms is at a level where a rental charge is outdated. The gaming operators

testified in favor of this change and charities who benefit from charitable gaming also support it. This provision will increase charity revenue significantly. The bill, as amended, also repeals the current requirement that 75% of employees at race tracks must be New Hampshire residents. There are no race tracks left in New Hampshire as greyhound racing was abolished by the legislature years ago and Rockingham Park is no more. The provision regarding employees is obsolete as well as the requirement that race tracks file an annual audited financial report. That requirement is repealed by this bill. Lottery testified that they support repealing that requirement as it is no longer needed. Another section of the bill extends the limitation on eligible rooms that can be licensed to offer Historic Horse Racing (HHR). If no action is taken on this issue, the current limitation expires on July 1, 2024. This bill repeals that expiration but does allow any applicant already in the process to continue to be considered for an HHR license. Any applicant currently in the process is eligible but still has to meet the criteria to be granted a license. There are currently 14 eligible rooms for HHR in New Hampshire. Lottery testified that there are five additional applicants going through the process that potentially could receive a license under this section. The bill also repeals the sunset of simulcast racing which has been allowed since the 1930's. The sunset provision has been moved many times over the years and is really no longer needed. Vote 18-1.

#### Amendment (2444h)

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

1 Pari-Mutuel Pools. RSA 284:22 is repealed and reenacted to read as follows:  
284:22 Pari-Mutuel Pools.

A licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the lottery commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere.

2 Pari-Mutuel Pools on Historic Horse Racing. RSA 284:22-b, II is repealed and reenacted to read as follows:

II. In order to be eligible for a license to sell pari-mutuel pools on historic races, an applicant shall have been either:

(a) A game operator employer licensed under RSA 287-D as of May 1, 2020, and still licensed as of June 8, 2021. For licensees qualified under this subparagraph, the sale of pari-mutuel pools on historic horse races must take place within the enclosure of a facility at which the licensee holds its licensed gaming activities under RSA 287-D, and that such facility is located within the city or town in which the licensee held its license on May 1, 2020; or

(b) An entity that applied for a game operator employer license between January 1, 2023, and October 18, 2023, provided that the applicant is subsequently approved, and the applicant entity has the same ownership and officers as the time of their initial application. For licensees that are qualified under this subparagraph, the sale of pari-mutuel pools on historic horse races must take place within the enclosure of a facility at which the applicant entity holds its licensed gaming activities under RSA 287-D, and that such facility is located within the city or town identified on the original application filed with the lottery commission within the time frame identified under this subparagraph.

3 New Paragraph; Pari-Mutuel Pools on Historic Horse Races; Transfer or Sale of Licenses Prohibited. Amend RSA 284:22-b by inserting after paragraph VII the following new paragraph:

VIII. An application that is approved by the lottery commission, and a license that is granted shall not be permitted to be transferred or sold.

4 Rights of Licensee. Amend RSA 284:39, I to read as follows:

I. Any licensee under this chapter may refuse admission to, or eject from, the grounds or the enclosure of the racetrack or facility where a licensed live race or race meet or is being held or where licensed simulcasting **or historic horse racing** is held, any person or persons whose presence or conduct, in the sole judgment of the licensee, is inconsistent with the orderly and proper conduct of the **historic horse racing**, live or simulcast race meet, or is detrimental to the sport of racing, whether or not such presence or offensive conduct is associated with gambling.

5 Facilities; Rental. Amend RSA 287-D:19, II to read as follows:

II.(a) If a charitable organization contracts for services from a game operator employer licensed under RSA 287-D:8, the game operator employer shall provide equipment and shall not charge the charitable organization for such equipment. No charitable organization shall receive less than 35 percent of the gross revenues from any games of chance minus any prizes paid ~~[and rental charge under subparagraph (b)].~~

~~(b) [If a game operator employer charges rent, such charge shall be by written agreement and shall be a fixed payment, not based on a percentage of what the charitable organization receives from the game of chance, and shall reflect fair rental value of the property for any use, not only as a place to hold a game of chance.]~~

~~[(c)] Any [service or rental] agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the lottery commission.~~

~~[(d)]~~ **(c)** Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid~~[,] and any rent paid or due;~~ is less than zero dollars, during a license period with a single game operator.

~~[(e)]~~ **(d)** All contracts between a game operator employer and a charitable organization to conduct games of chance under this chapter shall contain the following language: "This agreement represents the entire agreement between the parties. No charge or fee of any kind that is not contained in this agreement shall be paid by the charity."

~~[(f)]~~ **(e)** No fee for any service which is required by or provided by the game operator employer or primary game operator shall be allowed.

6 Repeal. The following are repealed:

I. RSA 284:3, relative to employee residency.

II. RSA 284:32-a, relative to annual financial statements.

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

#### AMENDED ANALYSIS

This bill changes the redistribution of pari-mutuel wagers, changes license eligibility requirements, prohibits the sale or transfer of licenses, amends the rights of licensees, changes the calculation of the percentage paid to charitable organizations, eliminates employee state residency restrictions, and eliminates annual financial statement requirements.

Committee amendment was adopted.

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

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

**SB 190-FN**, relative to advanced deposit account wagering. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Fred Doucette for the Majority of Ways and Means. It is the opinion of the majority of the Ways and Means Committee that this legislative proposal warrants reconsideration at a later date, particularly in light of potential significant pending litigation. Consequently, it is the consensus that pursuing any action other than deeming this legislation Inexpedient to Legislate is not advisable. Vote 15-4.

Rep. Susan Almy for the Minority of Ways and Means. For many decades since the days of telephone betting on live horse races, there have been businesses that take in remote bets from all over the country and pay out winnings. They also accept deposits of money that their gamblers can use to pay losses and take in winnings, similar to a bank. There is a federal law to enable this, and only about two-thirds of applicable states have bothered to create in-state law also. Without a New Hampshire law, we forego a small amount of revenue from New Hampshire patrons and the ability to help them if they feel cheated. One provider, Churchill Downs, applied to Lottery for a charitable gaming license last year, and in the subsequent review the Attorney General and the Lottery decided the advance deposit wagering accounts were in a gray area that needed fixing. Lottery helped write this bill, and both they and the Attorney General's office support it. Because of the review, Churchill Downs suspended its remote betting until the law would be fixed, but most others have not. Testimony to the committee was that the providers owe the state for decades of back fees which would add up to a significant but not huge sum. But the state constitution in Part 1, Article 23 states that a new law cannot be applied retroactively. A vote to kill this bill also tells the Lottery they cannot regulate this area of on-going in-state gambling. Therefore, the minority believes that this bill needs more study to decide how best to move forward.

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

Majority committee report was adopted.

#### BILLS REMOVED FROM THE CONSENT CALENDAR

**HB 499-FN**, requiring the rules of evidence to apply in family court cases and relative to the admission of certain evidence in family court proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for Children and Family Law. While one can understand the purpose of the bill, especially when a litigant's proffered piece of evidence was denied, the committee agreed that the bill as offered was not the best way forward. As proposed, the respondent is allowed to decide what should be admitted, not the judge. But what if the particular piece of evidence does not advance the case but unnecessarily stretches things out or if the probative value of a proffered piece of evidence is outweighed by unnecessarily negatively speaking of someone? For these reasons, the committee found the bill Inexpedient to Legislate. Vote 16-0.

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

Rep. Hoell spoke against.

Rep. Mark Pearson spoke in favor.

**MOTION TO LAY ON THE TABLE**

Rep. Sweeney moved that **HB 499-FN**, requiring the rules of evidence to apply in family court cases and relative to the admission of certain evidence in family court proceedings, be laid on the table.

On a division vote, with 200 members having voted in the affirmative, and 164 in the negative, the motion was adopted.

**REFERRAL DECLINED**

Rep. Weyler, Chairman of the Committee on Finance, under the provisions of House Rule 47 (f), declined the referral of **HB 229-FN**, relative to requiring an official declaration of war for the activation of the New Hampshire national guard.

**MOTION TO PRINT DEBATE**

Rep. Cushman moved that the debate on **HB 499-FN**, requiring the rules of evidence to apply in family court cases and relative to the admission of certain evidence in family court proceedings, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

**DEBATE ON HB 499-FN**

**Representative Hoell:** Thank you, Mister Speaker. Why would I take a 16-0 bill off consent? That's a good question worth asking. The blurb in the House Calendar is actually longer than the text of the bill. The text of the bill is short. So short, it's two sentences and I'll read it in its entirety, so people understand what they are voting on. "The court shall admit any evidence or testimony in any form offered by the respondent in a family division case which the respondent believes will be favorable to his or her case." Second sentence. "In all proceedings before the judicial branch family division, the court shall apply the New Hampshire rules of evidence to enhance the predictable, orderly, fair, and reliable presentation of evidence." Sounds reasonable. In fact, our constitution speaks to this, but before I can get to that, I want to read two articles out of Part First, freedom of speech. "The freedom of deliberation speech and debate in either House of the Legislature is so essential to the rights of the people that it cannot be the foundation of any action, complaint or prosecution in any court or place whatsoever." I'll explain why I bring that up in a minute. Second constitutional principle that is worthwhile, rights of the accused, Part First, Article 15. "No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse or furnish evidence against himself. Every subject shall have a right to produce all proofs (not some, not most, it's all proofs) that may be favorable to himself; to meet the witnesses against him face to face, and to be fully heard in his defense, by himself, and counsel." I could go on. There is more to that Article. It is an important Article. So, I'm going to go back in history a little bit. As a Dad, a little over two years ago, one of my children was having some medical issues. We did appropriate due diligence as parents to treat said medical issues. We ended up in the emergency room. We saw several other doctors. I had a nurse who believed we were doing the wrong thing and made a mandatory phone call to DCYF. I remember that day quite well because I get a phone call from a 603-271 phone number that I don't know and it's a DCYF employee demanding that my child go immediately to the emergency room. Now, mind you that same child had been released from the emergency room 5 or 6 days earlier and had been released to go home by the nurse that morning. She changed her mind. I told the DCYF employee, because I knew more about the medication than the nurse, that I don't think her analysis is correct. I'm pretty certain it's faulty. Her analysis is fundamentally flawed for numerous medical reasons, and I could easily describe those. So, no, there is no need to go to the emergency room, but I will gladly go to a doctor of my choice anywhere in the state if you need me to go get this opinion confirmed. No, that wasn't good enough. We need to see your child in an emergency room right now. Imminent danger of coma or death. I'll say that again. Imminent danger. Imminent being the key word, of coma or death. Mind you, that child is healthy, well and doing well at home right now. So, imminent danger of coma or death is probably a little bit of an exaggeration. This then went into the typical process that parents see if they are accused of neglect or abuse by a state agency. In this case, DCYF. There is a hearing at a court. That's a good thing. We had one of those about a week later. Between the initial accusation and the court hearing, which was on a Thursday, my son saw two additional doctors on Friday. DCYF spoke with one of those doctors and had a video phone call with my son and my wife and they still continued to push for removal of him from the home a week later. Imminent danger of coma or death. So, we get to this first hearing at the court, and we agree to set an order that the judge signs off, that was mutually agreed to by all parties. I won't read the entire order. It was written by hand. I will read two or three key lines. "The ex parte order issued in this matter is amended as follows: DCYF shall not seek placement outside of the home until further court order. Child shall remain with his parents." I'm going to go on. The last one is the most important. Right above the signature of the judge. "The scheduling of said hearing, meaning the first preliminary evidentiary hearing, shall account for the availability of the father's medical witnesses, all of whom shall be able to testify telephonically." Not most, not some, all of whom shall be able to testify telephonically, December 16. Christmas rolls around and there is a lot going on and

fortunately the court and the department can't meet the statutory requirements to have a follow up hearing in the right amount of time so it's January 21<sup>st</sup> before we are back in court again. One would think I would have time to have at the next hearing the emergency room doctor who saw my son the day after the initial accusation to come testify because I was just told he would be allowed to testify. So, I paid an emergency room doctor to sit in the hallway at the Concord City courthouse. Unfortunately, he didn't get a chance to testify. So, we get to that 21<sup>st</sup> order and I'm going to read another court order. This is coming out of a hearing from the 21<sup>st</sup>. The following orders are entered following this hearing. A couple of different things. The case will be scheduled for a three-hour preliminary hearing in which each side will proceed by offers of proof and cross examination and the proffered witnesses. Each side will have one and half hours to present their case, including cross examination. I would think I would get a chance to bring in my medical witnesses at that point. I have a pharmacist. I have several medical doctors who are all being paid to be there to present their evidence. Some of whom have seen my son in person and some of whom have not. All of whom are experts relative to toxicology of various medical products. The judge rules in that hearing, nope, I've made up my mind. I'm not going to let you go ahead and offer your witnesses. I've decided you are already guilty enough that we should proceed to the next hearing, which is scheduled for almost two months later, a month and a half later. My point in all of this is that judges don't even follow their own orders. Literally same judge, same courtroom, same personnel involved on all parties and the judge who issued the order doesn't follow his own orders. The system is broken. Maybe going to Children and Family Law was the wrong place being that this is about the judicial process, not just the Children and Family Law process. There are people in this room who have much greater expertise relative to the courts that might be able to weigh in on what is the right process. I think it is worthwhile considering there are a lot of families who are subject to accusations by the state government who are now respondents who have limited means, who are put in situations where they are not able to respond, who should have some reasonable rules to work with so they understand and can expect a department who has effectively unlimited resources to turn in evidence ahead of time so they can respond to it. Who can turn in witnesses ahead of time so they can respond to it. I agree with the Chairman's report that the language there needs work. I am fully prepared to work on that language. I think given where we are right now and our House Rules, an amendment could not be offered between earlier this week and now. I would move to table this so an amendment can be drafted between various parties so that we can discuss this at our next Session. Mister Speaker, is that motion in order?

**Speaker Steven Smith:** You were recognized to speak so making a motion is not appropriate because you would then be speaking twice, technically, and there are others to speak.

**Representative Hoell:** Okay, thank you, Mister Speaker. Thank you for humoring me on a longer than normal speech. I just spoke with the Chairman, and he would like to share his thoughts on the bill, but we will work towards some effort. Somebody can make a motion to table this. Thank you, everybody.

**Speaker Steven Smith:** Rep. Mark Pearson is recognized to speak for the committee report.

**Representative Mark Pearson:** Thank you, Mister Speaker. The Children and Family Law Committee unanimously voted this bill Inexpedient to Legislate and they did it for two reasons. Number one, sections one and two of the bill contradict each other. Section One says the family court shall admit any evidence or testimony in any form offered by the respondent in a court case. Section Two says that in all proceedings the court shall apply the New Hampshire Rules of Evidence. I've read the book entitled *Rules of Evidence*. It's 280 pages long. I've read it four times. What is stated in this Rules of Evidence book gives the judge considerable latitude and offers suggestions as to when the judge would wisely deny the acceptance of certain evidence. So, which is it? Section One, the judge must admit anything or Section Two, the judge following the rules of evidence may decide not to admit something? The two sections contradict. The second reason we unanimously voted ITL has to do with many of the complaints made to the Special Committee on the Family Division of the Circuit Court. This special committee comprises five members from Children and Family Law and five members from the Judiciary Committee. In the 14 hours of public testimony, we heard many complaints that trials were taking too long, and decisions were being pushed too far out because too many pieces of evidence were being admitted. If the bill before us is signed into law, there is no restriction on what the respondent in a trial may offer. How long will the trials go on for now? Now, another piece of evidence that builds the case is different and my friend, I think, gave some reasons why he could argue what he wanted heard added to the case. But if it's not adding to the case, the judge can have the right to say no, the trial is going on too long. Additionally, many testified before us that the people were offering as evidence statements that had little probative value but were introduced simply to tarnish the character of the other person. In other words, a statement was offered that added nothing to helping the judge decide guilt or innocence, but the statement was made to drag somebody else through the mud. If the respondents proffered evidence must be accepted according to Part one of this bill, we can only imagine the additional amount of mud that will be flinged. However, I believe there is validity to what lies in the background of this bill. That is to say the complaint a judge or two may lean too heavily on one side or the other and admitting or refusing to admit a piece of evidence. That's why the amendment offered to the other bill about evidence, that we voted on by

a unanimous, I think it was, voice vote yesterday said this, "If a judge denies a piece of evidence over an objection or if a judge refuses a piece of evidence over an objection, the judge shall place in the trial record the reason why he or she decided that way. I will stipulate that judges have good reason for what they do and if they do, it is not unreasonable to ask them to put it in writing. Court administrative supervisors will then review what judges wrote in the trial notes, especially if complaints are lodged against a certain judge. Possibly, they might conclude a given judge might need some continuing education. This, I believe, speaks to my friend's objections as to how his case was handled. So, I'd like two things. First, I'd like this body to vote ITL and number two, I will or somebody else can move to table so my friend and I can square a circle here and get justice for everybody. Thank you, Mister Speaker.

**Speaker Steven Smith:** Now, why are you rising?

**Representative Sweeney:** I'd like to make a motion, Mister Speaker.

**Speaker Steven Smith:** Go ahead.

**Representative Sweeney:** I move to table HB 499.

**Speaker Steven Smith:** Rep. Sweeney moves that HB 499 be laid on the table. Are you ready for the question? All those in favor, say Aye. This will be a division vote. Members take your seats. The question is whether to lay HB 499 on the table. This is a division vote. If you are in favor, push the green button, opposed, push red. 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. 200 in the affirmative, 164 in the negative, HB 499 is laid on the table.

#### **BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D**

**HB 144-FN**, restoring firearm ownership rights to ex-felons. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Stone for Criminal Justice and Public Safety. After hearing testimony in regard to this bill, the committee felt under current law, an individual could avail themselves to the annulment process, thus triggering the required due process to reinstate an individual's firearm rights by a court. Additionally, it was pointed out that there is no annulment mechanism for federal convictions. Federal and military convictions are not covered by New Hampshire courts. The sponsor did not appear at the subcommittee meeting or the executive session to answer inquiries. Vote 20-0.

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

#### **MOTION TO LAY ON THE TABLE**

Rep. Roy moved that **HB 144-FN**, restoring firearm ownership rights to ex-felons, be laid on the table.

On a division vote, with 149 members having voted in the affirmative, and 209 in the negative, the motion failed.

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

Rep. Stone spoke in favor.

Rep. Gerhard spoke against and requested a roll call; sufficiently seconded.

#### **YEAS 297 - NAYS 63**

##### **YEAS - 297**

##### **BELKNAP**

Bean, Harry  
Dumais, Russell  
Smart, Lisa

Bogert, Steven  
Huot, David  
St. Clair, Charlie

Bordes, Mike  
Harvey-Bolia, Juliet  
Terry, Paul

Coker, Matthew  
Nagel, David

##### **CARROLL**

Avellani, Lino  
Paige, David  
Peternel, Katy

Burroughs, Anita  
MacDonald, John  
Woodcock, Stephen

Cordelli, Glenn  
McAleer, Chris

Crawford, Karel  
McConkey, Mark

##### **CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Rhodes, Jennifer  
Weber, Lucy

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Schapiro, Joe  
Nutting, Zachary

Harvey, Cathryn  
Germana, Nicholas  
Newell, Jodi  
Thackston, Dick

Fox, Dru  
Hunt, John  
Parshall, Lucius  
Toll, Amanda

##### **COOS**

Davis, Arnold  
Ouellet, Mike

Cascadden, Corinne  
Tierney, James

Kelley, Eamon

Noël, Henry

##### **GRAFTON**

Almy, Susan  
Cormen, Thomas  
Hoyt, Tommy

Baldwin, Heather  
Fellows, Sallie  
Murphy, James

Bolton, Bill  
Fracht, David  
Sullivan, Jared

Brown, Carroll  
Hakken-Phillips, Mary  
Ladd, Rick

Lovett, Peter  
 Rochefort, David  
 Stringham, Jerry

Massimilla, Linda  
 Sellers, John  
 Sykes, George

Morse, Corinne  
 Simon, Matthew

Muirhead, Russell  
 Stavits, Laurel

### HILLSBOROUGH

Murray, Aissandra  
 King, Bill  
 Boehm, Ralph  
 Calabro, Karen  
 Creighton, Jim  
 DiSilvestro, Linda  
 Davis, Fred  
 Goley, Jeffrey  
 Harriott-Gathright, Linda  
 Jack, Martin  
 Kenny, Catherine  
 Lascelles, Richard  
 Lewicke, John  
 Murray, Megan  
 McGough, Tim  
 Murphy, Nancy  
 Pauer, Diane  
 Plett, Fred  
 Newman, Ray  
 Rombeau, Catherine  
 Seidel, Sheila  
 Staub, Kathy  
 Veilleux, Daniel  
 Wherry, Robert

Nutting-Wong, Allison  
 Baroody, Benjamin  
 Bouchard, Donald  
 Colcombe, Riché  
 Ford, Damond  
 Dutzy, Sherry  
 Freitas, Mary  
 Gregg, Alicia  
 Healey, Robert  
 Smith, Juliet  
 Foux, Loren  
 Leapley, Nicole  
 Lloyd, Christal  
 Perez, Maria  
 McLean, Mark  
 Notter, Jeanine  
 Pedersen, Michael  
 Post, Lisa  
 Raymond, Heather  
 Rung, Rosemarie  
 Sheehan, Vanessa  
 Telerski, Laura  
 Dolan, William  
 Wilhelm, Matthew

Abare, Kimberly  
 Beauchemin, Paige  
 Bouldin, Amanda  
 Cole, Brian  
 Darby, Will  
 Elberger, Susan  
 Griffin, Gerald  
 Grill, Jessica  
 Heath, Mary  
 Juris, Louis  
 Gould, Linda  
 LeClerc, Daniel  
 Long, Patrick  
 MacKenzie, Mark  
 Ming, Ben  
 Nutter-Upham, Frances  
 Pettrigno, Peter  
 Preece, David  
 Reid, Karen  
 Newman, Sue  
 Sofikitis, Catherine  
 Tellez, Trinidad  
 Thomas, Wendy

Boyd, Bill  
 Beaulieu, Jane  
 Bradley, Amy  
 Cornell, Patricia  
 Devine, Shelley  
 Erf, Keith  
 Gagne, Larry  
 Hamer, Heidi  
 Infantine, William  
 Kennedy, Stephen  
 Lanza, Judi  
 Leishman, Peter  
 Howard, Molly  
 McGhee, Kat  
 Mooney, Maureen  
 O'Brien, Michael  
 Plamondon, Marc  
 Proulx, Mark  
 Renzullo, Andrew  
 Seibert, Christine  
 Spier, Carry  
 Vail, Suzanne  
 Wheeler, Jonah

### MERRIMACK

Turcotte, Alisson  
 McGuire, Carol  
 McGuire, Dan  
 Hall, Muriel  
 Leavitt, John  
 McWilliams, Rebecca  
 Richards, Beth  
 Schultz, Kristina  
 Walsh, Thomas  
 Wood, Clayton

Andrus, Louise  
 Cambrils, Jose  
 Ebel, Karen  
 Hicks, Matthew  
 Luneau, David  
 Moffett, Michael  
 Roesener, James  
 Seaworth, Brian  
 Testerman, Dave

Aylward, Deborah  
 Caplan, Tony  
 Gallagher, Eric  
 Hill, Gregory  
 MacKay, James  
 Myler, Mel  
 Gould, Sherry  
 Shurtleff, Steve  
 Wallner, Mary Jane

Brennan, Angela  
 Carey, Lorrie  
 Gibbs, Merry  
 Lane, Connie  
 Mason, James  
 Payeur, Stephanie  
 Schuett, Dianne  
 Soucy, Timothy  
 Wolf, Dan

### ROCKINGHAM

Balboni, Peggy  
 DeSimone, Debra  
 Foote, Charles  
 Harb, Robert  
 Janigian, John  
 Knab, Allison  
 Lynn, Bob  
 Maggiore, Jim  
 Melvin, Charles  
 O'Neil, Candice  
 Popovici-Muller, Daniel  
 Prudhomme-O'Brien, Katherine  
 Pearson, Stephen  
 Cahill, Tim  
 Turer, Eric  
 MacDonald, Wayne

Ball, Lorie  
 DiLorenzo, Charlotte  
 Gilman, Julie  
 Haskins, Linda  
 Janvrin, Jason  
 Kuttab, Katelyn  
 Cahill, Michael  
 Malloy, Dennis  
 Meuse, David  
 Osborne, Jason  
 Porcelli, Susan  
 Rafter, Hal  
 Simpson, Alexis  
 Dolan, Tom  
 Vallone, Mark  
 Wallace, Scott

Mannion, Dennis  
 Edgar, Michael  
 Grote, Jaci  
 Hobson, Deb  
 Murray, Kate  
 Walsh, Lilli  
 Paige, Mark  
 Manos, Zoe  
 Milz, David  
 Packard, Sherman  
 Potucek, John  
 Reynolds, Ned  
 Sweeney, Joe  
 Tripp, Richard  
 Vandecasteele, Susan  
 Ward, Gerald

Thomas, Douglas  
 Emerick, Tracy  
 Hamblet, Joan  
 Nelson, Jodi  
 Katsakiores, Phyllis  
 Lundgren, David  
 Pearson, Mark  
 McMahon, Charles  
 Muns, Chris  
 Piemonte, Tony  
 Pratt, Kevin  
 Roy, Terry  
 Sytek, John  
 Tudor, Paul  
 Vose, Michael  
 Weyler, Kenneth

### STRAFFORD

Bickford, David  
 Conlin, Bill  
 Howard, Heath  
 Kenney, Cam  
 Smith, Marjorie  
 Selig, Loren

Bixby, Peter  
 Fitzpatrick, Daniel  
 Horgan, James  
 Turcotte, Len  
 Schmidt, Peter  
 Southworth, Thomas

Rich, Cecilia  
 Smith, Geoffrey  
 Horrigan, Timothy  
 LaMontagne, Jessica  
 Pare, Gail  
 Wall, Janet

Cannon, Gerri  
 Grassie, Chuck  
 Howland, Allan  
 Levesque, Cassandra  
 Pitre, Joseph

### SULLIVAN

Aron, Judy  
 Drye, Margaret  
 Spilsbury, Walter

Sullivan, Brian  
 Merchant, Gary  
 Stapleton, Walter

Cloutier, John  
 Palmer, William  
 Stone, Jonathan

Damon, Hope  
 Rollins, Skip  
 Tanner, Linda

**NAYS - 63  
BELKNAP**

|                  |                 |              |                   |
|------------------|-----------------|--------------|-------------------|
| Comtois, Barbara | McCarter, Nikki | Ploszaj, Tom | Beaudoin, Richard |
|------------------|-----------------|--------------|-------------------|

**CARROLL**

|               |                   |                 |                |
|---------------|-------------------|-----------------|----------------|
| Belcher, Mike | Costable, Michael | Smith, Jonathan | Brown, Richard |
|---------------|-------------------|-----------------|----------------|

**CHESHIRE**

|               |                       |
|---------------|-----------------------|
| Qualey, James | Santonastaso, Matthew |
|---------------|-----------------------|

**COOS**

King, Seth

**GRAFTON**

|               |                 |                  |
|---------------|-----------------|------------------|
| Berezhny, Lex | Coulon, Matthew | Greeson, Jeffrey |
|---------------|-----------------|------------------|

**HILLSBOROUGH**

|               |               |                  |                |
|---------------|---------------|------------------|----------------|
| Lekas, Alicia | Ammon, Keith  | Corcoran, Travis | Cushman, Leah  |
| Kelley, Diane | Hynes, Dan    | Mazur, Lisa      | Noble, Kristin |
| Panek, Sandra | Prout, Andrew | Sirois, Shane    | Lekas, Tony    |
| Mannion, Tom  | Ulery, Jordan |                  |                |

**MERRIMACK**

|               |                |             |               |
|---------------|----------------|-------------|---------------|
| Aures, Cyril  | Gerhard, Jason | Hoell, J.R. | Polozov, Yury |
| Boyd, Stephen | See, Alvin     |             |               |

**ROCKINGHAM**

|                    |                   |                 |                     |
|--------------------|-------------------|-----------------|---------------------|
| Bernardy, JD       | Brouillard, Jacob | Donnelly, Tanya | Drago, Mike         |
| Dunn, Ron          | Harley, Tina      | Perez, Kristine | Love, David         |
| McDonnell, Valerie | Ford, Oliver      | Phillips, Emily | Quaratiello, Arlene |
| Read, Ellen        | Soti, Julius      | Spillane, James | Summers, James      |
| True, Chris        | Verville, Kevin   | Yokela, Josh    |                     |

**STRAFFORD**

|                  |                     |                   |                  |
|------------------|---------------------|-------------------|------------------|
| Ankarberg, Aidan | Bailey, Glenn       | Burnham, Claudine | Connor, James    |
| Granger, Michael | Harrington, Michael | Kaczynski, Thomas | Newton, Clifford |
| Phinney, Brandon | Potenza, Kelley     |                   |                  |

and the committee report was adopted.

**(Speaker Packard in the Chair)**

**BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D**

**HB 512-FN**, exempting firearms manufactured in New Hampshire from federal laws and regulations. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Jonathan Stone for Criminal Justice and Public Safety. After hearing testimony in regard to this bill, the prime sponsor requested the bill should be found inexpedient to legislate, and represented to the committee that this bill if passed would put firearm manufacturers in serious conflict between state and federal laws that would be detrimental for carrying out business. The committee concurred and supported the subcommittee recommendation of inexpedient to legislate. Vote 20-0.

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

**MOTION TO LAY ON THE TABLE**

Rep. Roy moved that **HB 512-FN**, exempting firearms manufactured in New Hampshire from federal laws and regulations, be laid on the table.

On a division vote, with 143 members having voted in the affirmative, and 218 in the negative, the motion failed.

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

Rep. Horrigan spoke in favor.

Rep. Gerhard spoke against and requested a roll call; sufficiently seconded.

**YEAS 286 - NAYS 69**

**YEAS - 286  
BELKNAP**

|             |                      |              |                    |
|-------------|----------------------|--------------|--------------------|
| Bean, Harry | Bogert, Steven       | Bordes, Mike | Dumais, Russell    |
| Huot, David | Harvey-Bolia, Juliet | Nagel, David | St. Clair, Charlie |

**CARROLL**

Avellani, Lino  
MacDonald, John  
Woodcock, Stephen

Burroughs, Anita  
McAleer, Chris

Cordelli, Glenn  
McConkey, Mark

Paige, David  
Peternel, Katy

**CHESHIRE**

Abbott, Michael  
Eaton, Daniel  
Jones, Philip  
Qualey, James  
Toll, Amanda

Ames, Richard  
Faulkner, Barry  
Monteil, Renee  
Rhodes, Jennifer  
Weber, Lucy

Harvey, Cathryn  
Germana, Nicholas  
Newell, Jodi  
Schapiro, Joe  
Nutting, Zachary

Fox, Dru  
Hunt, John  
Parshall, Lucius  
Thackston, Dick

**COOS**

Davis, Arnold  
Ouellet, Mike

Cascadden, Corinne  
Tierney, James

Kelley, Eamon

Noël, Henry

**GRAFTON**

Almy, Susan  
Cormen, Thomas  
Hoyt, Tommy  
Lovett, Peter  
Rocheport, David  
Stringham, Jerry

Baldwin, Heather  
Fellows, Sallie  
Murphy, James  
Massimilla, Linda  
Sellers, John  
Sykes, George

Bolton, Bill  
Fracht, David  
Sullivan, Jared  
Morse, Corinne  
Simon, Matthew

Brown, Carroll  
Hakken-Phillips, Mary  
Ladd, Rick  
Muirhead, Russell  
Stavis, Laurel

**HILLSBOROUGH**

Murray, Alistandra  
King, Bill  
Boehm, Ralph  
Calabro, Karen  
Creighton, Jim  
DiSilvestro, Linda  
Davis, Fred  
Goley, Jeffrey  
Healey, Robert  
Smith, Juliet  
Foxx, Loren  
Leapley, Nicole  
Long, Patrick  
MacKenzie, Mark  
Ming, Ben  
Nutter-Upham, Frances  
Petrigno, Peter  
Proulx, Mark  
Rombeau, Catherine  
Seidel, Sheila  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

Nutting-Wong, Allison  
Baroody, Benjamin  
Bouchard, Donald  
Colcombe, Riché  
Ford, Damond  
Dutzy, Sherry  
Freitas, Mary  
Gregg, Alicia  
Heath, Mary  
Juris, Louis  
Gould, Linda  
LeClerc, Daniel  
Howard, Molly  
McGhee, Kat  
Mooney, Maureen  
O'Brien, Michael  
Plamondon, Marc  
Newman, Ray  
Rung, Rosemarie  
Sheehan, Vanessa  
Telerski, Laura  
Veilleux, Daniel  
Wherry, Robert

Abare, Kimberly  
Beauchemin, Paige  
Bouldin, Amanda  
Cole, Brian  
Darby, Will  
Elberger, Susan  
Griffin, Gerald  
Grill, Jessica  
Infantine, William  
Kenny, Catherine  
Lanza, Judi  
Leishman, Peter  
Murray, Megan  
McGough, Tim  
Murphy, Nancy  
Pauer, Diane  
Plett, Fred  
Raymond, Heather  
Newman, Sue  
Sofikitis, Catherine  
Tellez, Trinidad  
Dolan, William  
Wilhelm, Matthew

Boyd, Bill  
Beaulieu, Jane  
Bradley, Amy  
Cornell, Patricia  
Devine, Shelley  
Erf, Keith  
Gagne, Larry  
Hamer, Heidi  
Jack, Martin  
Kofalt, Jim  
Lascelles, Richard  
Lloyd, Christal  
Perez, Maria  
McLean, Mark  
Notter, Jeanine  
Pedersen, Michael  
Preece, David  
Reid, Karen  
Seibert, Christine  
Spier, Carry  
Ulery, Jordan  
Thomas, Wendy

**MERRIMACK**

Turcotte, Alisson  
Brennan, Angela  
Carey, Lorrie  
Gibbs, Merryl  
Lane, Connie  
Mason, James  
Payeur, Stephanie  
Schuett, Dianne  
Walsh, Thomas

Andrus, Louise  
McGuire, Carol  
McGuire, Dan  
Hall, Muriel  
Leavitt, John  
McWilliams, Rebecca  
Richards, Beth  
Schultz, Kristina  
Wallner, Mary Jane

Aures, Cyril  
Cambrils, Jose  
Ebel, Karen  
Hicks, Matthew  
Luneau, David  
Moffett, Michael  
Roesener, James  
Shurtleff, Steve  
Wolf, Dan

Aylward, Deborah  
Caplan, Tony  
Gallager, Eric  
Hill, Gregory  
MacKay, James  
Myler, Mel  
Gould, Sherry  
Soucy, Timothy

**ROCKINGHAM**

Balboni, Peggy  
DiLorenzo, Charlotte  
Emerick, Tracy  
Hamblet, Joan  
Nelson, Jodi  
Katsakiores, Phyllis  
Cahill, Michael  
Malloy, Dennis  
Melvin, Charles  
O'Neil, Candice

Ball, Lorie  
Doucette, Fred  
Foote, Charles  
Harb, Robert  
Janigian, John  
Knab, Allison  
Paige, Mark  
Manos, Zoe  
Meuse, David  
Piemonte, Tony

Mannion, Dennis  
Dunn, Ron  
Gilman, Julie  
Haskins, Linda  
Janvrin, Jason  
Walsh, Lilli  
Pearson, Mark  
McDonnell, Valerie  
Milz, David  
Popovici-Muller, Daniel

Thomas, Douglas  
Edgar, Michael  
Grote, Jaci  
Hobson, Deb  
Murray, Kate  
Lynn, Bob  
Maggiore, Jim  
McMahon, Charles  
Muns, Chris  
Porcelli, Susan

Potucek, John  
Raynolds, Ned  
Simpson, Alexis  
Tripp, Richard  
Vandecasteele, Susan  
Weyler, Kenneth

Pratt, Kevin  
Read, Ellen  
Sweeney, Joe  
Tudor, Paul  
Vose, Michael

Prudhomme-O'Brien, Katherine  
Roy, Terry  
Sytek, John  
Turer, Eric  
MacDonald, Wayne

Rafter, Hal  
Pearson, Stephen  
Cahill, Tim  
Vallone, Mark  
Ward, Gerald

### STRAFFORD

Bickford, David  
Conlin, Bill  
Howard, Heath  
Kenney, Cam  
Smith, Marjorie  
Selig, Loren

Bixby, Peter  
Fitzpatrick, Daniel  
Horgan, James  
Turcotte, Len  
Newton, Clifford  
Southworth, Thomas

Rich, Cecilia  
Smith, Geoffrey  
Horrigan, Timothy  
LaMontagne, Jessica  
Schmidt, Peter  
Wall, Janet

Cannon, Gerri  
Grassie, Chuck  
Howland, Allan  
Levesque, Cassandra  
Pare, Gail

### SULLIVAN

Aron, Judy  
Drye, Margaret  
Spilsbury, Walter

Sullivan, Brian  
Merchant, Gary  
Stapleton, Walter

Cloutier, John  
Palmer, William  
Stone, Jonathan

Damon, Hope  
Rollins, Skip  
Tanner, Linda

### NAYS - 69

### BELKNAP

Comtois, Barbara  
Smart, Lisa

McCarter, Nikki  
Terry, Paul

Ploszaj, Tom

Beaudoin, Richard

### CARROLL

Belcher, Mike

Costable, Michael

Smith, Jonathan

Brown, Richard

### CHESHIRE

Santonastaso, Matthew

### COOS

King, Seth

### GRAFTON

Berezhny, Lex

Coulon, Matthew

Greeson, Jeffrey

### HILLSBOROUGH

Lekas, Alicia  
Corcoran, Travis  
Kennedy, Stephen  
Pank, Sandra  
Sirois, Shane

Alexander, Joe  
Cushman, Leah  
Lewicke, John  
Post, Lisa  
Lekas, Tony

Ammon, Keith  
Kelley, Diane  
Mazur, Lisa  
Prout, Andrew  
Mannion, Tom

Berry, Ross  
Hynes, Dan  
Noble, Kristin  
Renzullo, Andrew

### MERRIMACK

Gerhard, Jason  
Seaworth, Brian

Hoell, J.R.  
See, Alvin

Polozov, Yury  
Wood, Clayton

Boyd, Stephen

### ROCKINGHAM

Bernardy, JD  
Perez, Kristine  
Ford, Oliver  
Spillane, James  
Wallace, Scott

Brouillard, Jacob  
Kuttab, Katelyn  
Phillips, Emily  
Summers, James  
Yokela, Josh

Donnelly, Tanya  
Layon, Erica  
Quaratiello, Arlene  
True, Chris

Drago, Mike  
Love, David  
Soti, Julius  
Verville, Kevin

### STRAFFORD

Ankarberg, Aidan  
Granger, Michael  
Pitre, Joseph

Bailey, Glenn  
Harrington, Michael  
Potenza, Kelley

Burnham, Claudine  
Kaczynski, Thomas

Connor, James  
Phinney, Brandon

and the committee report was adopted.

Rep. Kofalt voted Yea and intended to vote Nay.

**HB 518**, establishing a commission to study revisions to occupational regulation of pharmacists and pharmacies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill was retained in committee as a vehicle to address statutory clean up with HB 655 and HB 409 that put into statute changes in authority regarding fee setting and renewal and disciplinary procedures for the Office of Professional Licensure and Certification. The non-germane amendment, 2023-2426h, replaces the original bill in its entirety and brings statutes in harmony regarding these administrative tasks. Vote 19-0.

**Amendment (2426h)**

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

AN ACT relative to the administration of occupations by the office of professional licensure and certification.

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

1 Office of Professional Licensure and Certification; Definitions; Establishment. RSA 310:2, I is repealed and reenacted to read as follows:

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

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

(b) "Expire" shall mean a license has not been renewed within the term of the license from the date of issuance in accordance with RSA 310:8. An individual with an expired license may not practice until their license has been reinstated, or they have applied for and received a new license to practice.

(c) "Investigation" shall mean procedures for investigation of allegations and complaints of misconduct in accordance with RSA 310:9.

(d) "Good standing" as applied to licensure shall mean a license that is active and has not been suspended, revoked, surrendered, conditioned, or restricted in any way.

(e) "Lapse" when referring to licenses shall mean a license that has been expired for one or more years. A licensee may no longer reinstate a lapsed license and must apply for a new license.

(f) "License" shall have the same meaning as license under RSA 541-A,:1, XIII, and include licenses, certifications, or registrations required to practice a regulated profession, and shall include apprentice registrations, or those licensed pursuant to RSA 332-G:14.

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

(h) "Reinstate" means reactivation of a license for an individual whose license has expired, and has not yet lapsed, or the reactivation of a license to an individual who was unable to practice because of license revocation.

(i) "Renewal" shall mean the continuation of an existing license in accordance with RSA 310:8.

2 Establishment of Fees. Amend RSA 310:5, I to read as follows:

I. The executive director of the office of professional licensure and certification shall establish and collect all license~~[-certification, and-]~~, renewal, **and reinstatement** fees, as well as any necessary administrative fees for each **license type and** 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. ***If the office denies the issuance of a license, renewal, or reinstatement to any applicant, any fee shall be retained as an application fee. A licensee possessing a license in good standing may, if to the best of the licensee's knowledge the licensee is not the subject of an ongoing investigation or disciplinary action, surrender their license and receive a pro-rated refund in accordance with rules adopted by the office pursuant to RSA 541-A.***

3 License Renewals; Lapse. RSA 310:8 is repealed and reenacted to read as follows:

310:8 License Renewals and Reinstatements; Expiration and 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 for those apprentices licensed for one year in accordance with rules adopted pursuant to 541-A, provided 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 renewal on or before the expiration of the license. Licenses shall expire when completed renewal applications, renewal fee, and supporting documents have not been filed by the expiration of the license and the holders of an expired license are not authorized to practice until the licenses have been reinstated. Expired licenses shall lapse one year from expiration. Holders of expired 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 notice of the need to complete their renewal applications at least 2 months before the date of expiration of their license. 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.

4 Disciplinary Proceedings. Amend RSA 310:10 to read as follows:

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 *and non-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~~ *matters* before the boards *including disciplinary proceedings, non-disciplinary proceedings, the order of an immediate suspension of a license pursuant to RSA 310:12, IV, and unlicensed practice hearings held pursuant to RSA 310:13*. The presiding officer shall have the authority to preside ~~[at such hearing]~~ *on such matters*, ~~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, *including those held pursuant to RSA 310:10, RSA 310:12, IV, and RSA 310:13, the presiding officer* 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, *including those held pursuant to RSA 310:10, RSA 310:12, IV, and RSA 310:13*, 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, of 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 client or patient who is not a complainant shall not be compelled to testify at a hearing.

(b) If a client or patient who is not a complainant 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.

**XIV. In any proceeding held pursuant to RSA 310 or RSA 541-A, a board may direct that evidence be received solely by a presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.**

**XV. In instances where a board cannot meet quorum, the executive director, or designee, may initiate proceedings held pursuant to RSA 310 or RSA 541-A and direct that evidence be received solely by the presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.**

5 Licensing Proceedings. Amend RSA 310:11 to read as follows:

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 **is denied** 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.]~~ **The office shall employ sufficient personnel qualified by reason of education, competence, and relevant experience to serve as presiding officer in all licensing 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.**

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.

**VI. 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; administer oaths and affirmations; and render legal opinions and make conclusions of law. The boards shall be the triers of fact.**

**VII. In any proceeding held pursuant to RSA 310 or RSA 541-A, a board may direct that evidence be received solely by a presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.**

**VIII. In instances where a board cannot meet quorum, the executive director, or designee, may initiate proceedings held pursuant to RSA 310 or RSA 541-A and direct that evidence be received solely by the presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.**

6 Sanctions; Disciplinary Actions. Amend RSA 310:12, I to read as follows:

I. **In addition to any grounds provided by any board's practice act, misconduct sufficient to support disciplinary proceedings brought by a board shall include:**

(a) **The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.**

***(b) Conviction of any crime, provided that no board shall take disciplinary action against a licensee because of a conviction of a crime in and of itself. A board may only discipline a licensee because of a conviction after:***

***(1) Considering the nature of the crime, and any information provided as to the current circumstances of the convicted person, including but not limited to their rehabilitation, completion of the criminal sentence, amount of time that has passed since the conviction or release, testimonials, employment history, and employment aspirations; and***

***(2) Determining, by clear and convincing evidence, that:***

***(A) The conviction has a substantial and direct relationship to the occupation, trade, vocation, profession, or business for which the person has applied for or obtained state recognition; and***

***(B) Disciplining the licensee based upon that conviction serves the purpose of protecting public safety.***

***(c) Unfitness or incompetency to practice the profession or any particular aspect or specialty thereof as evidenced by negligent or willful acts performed in a manner inconsistent with the health, safety, or wellbeing of any person.***

***(d) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession.***

***(e) Addition to the use of alcohol or other habit-forming drugs to a degree which renders the person unfit to practice their profession.***

***(f) Mental or physical incompetency to practice the profession.***

***(g) Willful or repeated violation of the provisions of the applicable practice act, any related statutory obligations, or any administrative rule adopted thereunder.***

***I-a.*** 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.***

**7 Sanctions; Costs; Emergencies. Amend RSA 310:12, IV to read as follows:**

**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. ***When determining whether to emergently suspend a license, the board shall act as fact finder and the presiding officer shall make conclusions of law.***

**8 Unlicensed Practice. Amend RSA 310:13 to read as follows:**

**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. ***The office may, for purposes of verifying licensure, request to see the license of anyone who advertises oneself as engaging in a profession licensed by the office, 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, at the place of business, or where such business is being***

**conducted, of such individual.** After providing notice and opportunity to be heard *in accordance with RSA 310:10*, 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.

9 Rehearings. Amend RSA 310:14, I to read as follows:

I. Any person who has been denied a license or certification by the office or a board ***without a hearing*** shall have the right to a [rehearing] ***hearing*** before the appropriate board. Requests for a [rehearing] ***hearing*** shall be made in writing to the appropriate board within 30 days of receipt of the original final decision.

***I-a. Any person who has been denied a license or certification by the office or board after a hearing shall have the right to petition in writing for a rehearing within 30 days of receipt of the original final decision.***

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

#### AMENDED ANALYSIS

This bill makes various changes to the administrative statutes of the office of professional licensure and certification including definitions, lapse and reinstatement of licenses, disciplinary proceedings, and sanctions. Committee amendment was adopted.

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

Rep. Grote offered Floor Amendment (0023h).

#### Floor Amendment (0023h)

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Physicians and Surgeons; Continuing Medical Education Requirement. Amend RSA 329:16-g as follows:

329:16-g Continuing Medical Education Requirement. [~~As a condition of renewal of license,~~] The board shall require each licensee to show proof at least at every biennial license renewal that the licensee has completed 100 hours of approved continuing medical education program within the preceding 2 years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state, or county medical society or college or university. [~~There shall be a complete audit of all continuing education credits annually by the New Hampshire Medical Society.~~] Each licensee shall submit a continuing medical education report with copies of continuing medical education course certificates earned by the licensee and other documents which establish that continuing medical education course requirements have been met, using a form approved by the board. The complete audit shall include the collection, review, verification, and preservation of the continuing medical education documentation of each licensed physician and a report which records the credits awarded to each licensee during the 2-year period applicable to each licensee. [~~The fee charged to licensees for continuing medical education verification shall not exceed 125 percent of the actual cost of providing the service. The New Hampshire Medical Society is prohibited from using any information from this program for promotional purposes or any other purpose not necessary for continuing education verification.~~]

#### AMENDED ANALYSIS

This bill makes various changes to the administrative statutes of the office of professional licensure and certification including definitions, lapse and reinstatement of licenses, disciplinary proceedings, and sanctions. The bill also modifies continuing education procedures for physicians.

The question being adoption of Floor Amendment (0023h).

Rep. Grote spoke in favor.

Floor Amendment (0023h) 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 526-FN**, regulating the use of temporary traffic control personnel. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Len Turcotte for Municipal and County Government. In 2015, a study committee recommended giving municipalities more control over the use of flaggers or police details on roads for maintenance/construction of roads. During the public hearing and executive session, some testified that their own municipalities currently determine the details, yet others believe they do not have that authority. This bill, as amended, can be considered somewhat enabling legislation, but above all clearly delineates the authority of municipalities regarding flaggers and police details on Class IV and V roads within their jurisdiction. Vote 18-1.

**Amendment (2311h)**

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Temporary Traffic Control Personnel. Amend RSA 236 by inserting after section 134 the following new subdivision:

**Temporary Traffic Control Personnel**

236:135 Temporary Traffic Control Personnel. A municipality may require the use of uniformed police officers, non-police flaggers, and/or cones, signs, barricades, or other appropriate devices when the municipality believes it to be reasonably necessary for traffic control in connection with construction on class IV and class V highways. The use of uniformed police officers shall only be required when the municipality has determined that traffic volume, roadway visibility, or other specific safety-related circumstances render other alternative traffic control measures inadequate to protect the public. Furthermore, a municipality's decision to require the use of uniformed police officers should utilize and consider any work zone guidelines adopted by the commissioner of transportation.

**MOTION TO RECOMMIT**

Rep. Weber moved that **HB 526-FN**, regulating the use of temporary traffic control personnel, be recommitted to the Committee on Municipal and County Government.

The question being adoption of the motion to Recommit.

Rep. Len Turcotte spoke against.

On a division vote, with 203 members having voted in the affirmative, and 145 in the negative, the motion was adopted.

Rep. Dennis Mannion declared a conflict of interest and did not participate.

**RESOLUTION**

Rep. Sweeney 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 at the Call of the Chair

Motion was adopted.

**LATE SESSION****Third Reading and Final Passage**

**HB 619-FN**, to require a person to attain the age of majority for genital gender reassignment surgery.

**HB 283**, relative to rental application fees charged to prospective tenants.

**HB 314-FN**, relative to the expectation of privacy in the collection and use of personal information.

**SB 255-FN**, relative to the expectation of privacy.

**HB 458**, reestablishing the commission to study the assessing of power generation.

**HB 609-FN**, relative to the site evaluation committee for energy facility siting.

**HB 450-FN**, relative to removing the net operating loss deduction limit on taxable income under the business profits tax.

**HB 494-FN**, renaming the agricultural product and scale testing fund the agricultural products regulatory fund.

**SB 112-FN**, relative to pari-mutuel pools and historic horse racing.

**HB 229-FN**, relative to requiring an official declaration of war for the activation of the New Hampshire national guard.

**HB 518**, relative to the administration of occupations by the office of professional licensure and certification.

**RECESS MOTION**

Rep. Sweeney moved that the House stand in recess for the purposes of the introduction of bills, enrolled bill amendments, enrolled bill reports, vacate motions and receiving messages.

Motion was adopted.

The House recessed at 4:35 p.m.

**RECESS**

**(Speaker Packard in the Chair)**

**MOTION TO VACATE**

Rep. Osborne moved that the House vacate the reference of **HB 1279-FN-L**, relative to payment by the state of a portion of retirement system contributions of political subdivision employers, to the Committee on Executive Departments and Administration.

Motion was adopted.

The Speaker referred **HB 1279-FN-L** to the Committee on Finance.

**ENROLLED BILL AMENDMENT**

**HB 397**, relative to the prohibition of the possession of hypodermic needles by minors.

**Amendment 2024-0085EBA**

Amend section 3 of the bill by replacing it with the following:

3 Effective Date. This act shall take effect January 1, 2025.

Motion was adopted.

**SENATE MESSAGES**

**CONCURRENCE**

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

**HB 397**, relative to the prohibition of the possession of hypodermic needles by minors.

**LAI D ON THE TABLE**

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

**REFERRED FOR INTERIM STUDY**

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

**HB 108**, relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances.

**HB 198-FN**, modifying the new resident drivers' license transfer requirement.

**HB 200**, relative to choice of counselor to evaluate a child in family court proceedings.

**HB 250-FN**, relative to the accidental death benefit payable for a retirement system member.

**HB 379-FN**, requiring notice be provided to tenants during residential eviction proceedings regarding legal counsel.

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

**NONCONCURRENCE**

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

**RECESS**

**(Representative Telerski in the Chair)**

**ENROLLED BILL AMENDMENT**

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

**Amendment 2024-0088EBA**

Amend the bill by replacing section 4 with the following:

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

Motion was adopted.

**REFERRAL DECLINED**

Rep. Weyler, Chairman of the Committee on Finance, under the provisions of House Rule 47 (f), declined the referral of **SB 249-FN**, establishing magistrates and relative to release of persons pending resolution of criminal charges.

**RECESS**

**(Speaker Packard in the Chair)**

**MOTION TO VACATE**

Rep. Osborne moved that the House vacate the reference of **HB 1131**, relative to mental health practice, to the Committee on Health, Human Services and Elderly Affairs.

Motion was adopted.

The Speaker referred **HB 1131** to the Committee on Executive Departments and Administration.

**RESOLUTION**

Rep. Osborne offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 317 and 395 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**

**First, second reading and referral**

**SB 317**, relative to establishing a New Hampshire-Ireland trade council. (State-Federal Relations and Veterans Affairs)

**SB 395**, relative to establishing the position of assistant commissioner of the department of agriculture, markets, and food. (Finance)

**SENATE MESSAGE**

**CONCURRENCE WITH AMENDMENT**

**SB 255-FN**, relative to the expectation of privacy.

**RECESS**