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HOUSE RECORD

Second Year of the 168th General Court Calendar and Journal of the 2024 Session

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Concord, N.H.

Thursday, March 21, 2024

No. 9

HOUSE JOURNAL NO. 8 (Cont'd)

Thursday, March 14, 2024

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

HOUSE JOURNAL NO. 9

Thursday, March 21, 2024

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker. Prayer was offered by House Chaplain, Reverend Bob Stewart, Pastor of St. Paul's United Methodist Church in Manchester.

Good morning, Mister Speaker. Good Morning New Hampshire House of Representatives. Let us prepare our hearts for a moment of prayer. Good morning, God of our Hearts. You yearn to be so close to us so we can know You in every breath, in every hope, and in every relationship and so we come to You seeking to be made whole in and through You, O God, place Your love within us as You wrote it on our hearts, that You may be our God and we may be Your people. O God we ask that You be with Representative Art Ellison who is currently under hospice care. We ask that you tend to him and his family. O God of covenant, we come to You tired and worn at times, yearning for peace and harmony in our lives; yearning for peace and harmony in our communities; yearning for peace and harmony in our world. Be with each of us today so that we can bring that peace and harmony here to our great State of New Hampshire. Guide us O God as we begin the work today on all the legislation that is presented before us and help us to make the best decisions possible that will affect the many constituents represented here today. O God of Love, again I ask that You bless each member and leader of this House of Representatives. Grant them Your peace and grace and extend Your peace and grace to their respective families. Give each member and leader a portion of Your wisdom as they execute the business of this day. O God, we give You the glory and praise that You are so deserving of from us this day and every day. It is in Your Holy Name that we pray. Amen.

Representative John Sellers, member from Bristol, led the Pledge of Allegiance.

The National Anthem was sung by the member from Bristol, Representative Carroll Brown.

LEAVES OF ABSENCE

Reps. Andrus, Ellison, Jack, James Murphy, Michael Murphy, Panek, Payeur, Pitre and Treleaven, the day, illness.

Reps. MacKenzie, Mooney, Proulx and Vincent, the day, important business.

Rep. Sanborn, the day, illness in the family.

INTRODUCTION OF GUESTS

Katelyn French, student at Bedford High School, Page for the day.

Walt Hennings and Polly Lowe, guests of Rep. Andrus. Manoj Chourasia, guest of Rep. Darby. Amy Jay, guest of Rep. Soucy. Thomas and Ellen Colb, guests of Rep. Notter. Francesca Potenza, daughter of Rep. Potenza. Fourth Grade students from Nashua's Ledge Street School, guests of Reps. Plamondon, Beauchemin and Fred Davis.

CONSENT CALENDAR

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

HB 1640-FN, relative to qualified immunity standards, removed by Reps. Hoell, Tom Mannion, Sirois, Drago, Phillips, Cushman, Gerhard, Granger, McCarter and Potenza.

Consent Calendar was adopted.

Rep. Dennis Mannion declared a Conflict of Interest on HB 526-FN and did not participate in the vote on the Consent Calendar.

HB 1013, relative to amending the definition of temporary alimony. **OUGHT TO PASS.**

Rep. Debra DeSimone for Children and Family Law. This bill is an important step toward assisting the judicial branch in their ability to be consistent by using the formula already in statute for temporary financial relief and stability. Vote 13-0.

HB 1269-FN, relative to the use of child restraints in schools. **REFER FOR INTERIM STUDY.**

Rep. Peter Petrigno for Children and Family Law. The committee sympathizes with the aggrieved parents who presented testimony and who seek recourse in matters concerning child restraint and seclusion. While this bill is meant to protect children, the committee believes it does not adequately address the issue and raises a number of questions and concerns. As currently written, there are gray areas and ambiguity surrounding right to know requests, such as who has access to the video, how long will the video be kept on file, do parents have the legal right to opt out, and are there protections in place for students and their families as to how the video can be used. The bill requires parental notification before the use of seclusion or restraint, which is impossible since these measures are only used in emergency situations. Students with Individual Education Plans (IEPs) are often mainstreamed throughout the school, and as such video surveillance would be required in every classroom and would be cost prohibitive for many school districts as well as compromise the privacy of all. Video surveillance does not address the underlying problem of inadequate education on trauma responsive teaching methods. It would be best if child behavior experts, counselors, and child psychologists are consulted in crafting such legislation as was recently the case in the State of Maine. The committee recommends Interim Study so that a better bill can be brought forward. Vote 14-0.

HB 1418, relative to the use of education freedom account funds to purchase school uniforms. **INEXPEDIENT TO LEGISLATE.**

Rep. Katy Peternel for Education. This bill would repeal RSA 194-F:2, II(h) and disallow the use of Education Freedom Account funds for the purchase of school uniforms. The majority finds that school uniforms are an essential aspect of a student's education in some academic settings and should continue to be allowed as a qualifying expense under the program. Vote 19-1.

HB 1458-FN, relative to authorizing parents to remove children from the English Language Learner Program. **REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for Education. This bill would allow parents to remove their child from the English Language Learner program (ELL). There was conflicting testimony about current parental abilities to do that and about "monitoring" of the child after termination of services while the district continues to receive differentiated aid. It was agreed by the sponsor and committee that additional research into the ELL Program is required. Vote 19-1.

HB 1610-FN, relative to standardized assessment data for participants in education freedom accounts. **INEXPEDIENT TO LEGISLATE.**

Rep. Corinne Cascadden for Education. The intent of this bill was to post academic achievement proficiency levels of students who are recipients of Education Freedom Accounts (EFA) for public viewing. The committee heard testimony that a majority of EFA students already take standardized assessment tests. The committee would like to review the current data available before making any further recommendations. Vote 20-0.

HB 1625-FN, relative to school health services. **REFER FOR INTERIM STUDY.**

Rep. Katy Peternel for Education. This bill removes the requirement for a school nurse to be certified by the Board of Education (BOE) in addition to being licensed by the Board of Nursing. Filling positions for school nurses is a challenge at the moment. Contract nurses have been hired in some districts and the certification is not required for them. Any nurse who wishes to receive a school nurse certification can do so through a national organization or another certifying body. The committee found that more study would be necessary before removing the BOE certification process. Vote 18-2.

HB 1646, relative to chartered public schools. **REFER FOR INTERIM STUDY.**

Rep. David Luneau for Education. The committee recognizes there are problems with how charter schools are organized today. However, the bill as drafted may have unintended consequences that could potentially disrupt the operation of some schools. The Department of Education and the Department of Justice have identified many problems that need to be addressed in law and are developing recommendations that will be discussed during Interim Study and could be considered for future legislation. Vote 20-0.

HB 1691, relative to the definition of an adequate public education. **REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for Education. It is the duty of the legislature to develop the specific criteria of an adequate education. The duty to provide a constitutionally adequate education and to guarantee adequate funding

extends beyond mere reading, writing, and arithmetic, but also includes broad educational opportunities provided through all learning areas identified as the substantive educational content of an adequate education, such as the sciences, the content areas within social studies, music, physical education, technology, health, wellness and more. This bill raises the question, “Should greater instructional emphasis be directed toward foundational subjects such as reading, writing, and arithmetic in order to improve overall student achievement, growth, and proficiency?” This question is worthy of further study; however, the committee also believes that all content subjects identified in RSA 193-E:2-a, contribute to and are critical elements of an adequate education to provide students the knowledge and skills to prepare them as successful citizens in our state and nation. Vote 20-0.

CACR 26, relating to election reform and ballot reconciliation. Providing that requirements for elections shall include provisions and penalties in regard to ballot reconciliation, access, retention, polling location limits, poll workers, allowance of registered voters for post-election ballot viewing, ballot lot and voting documentation viewing, and scanning and recording photographically during citizen audits. **INEXPEDIENT TO LEGISLATE.**

Rep. Connie Lane for Election Law. This CACR would have completely overhauled our existing election system at great expense to the state and its municipalities. It mandated hand-counting in all polling places, which would not allow results to be processed on election day. Research also shows that hand-counting is subject to more errors than using vote counting machines. The committee has been addressing issues to bolster voter confidence and election security over the past few years and has been adopting measures that implement the suggestions of the Voter Confidence Committee Report of 2023. The committee felt that this CACR was overly broad and unworkable as written. Vote 20-0.

HB 1085, relative to public inspection of absentee ballot lists. **INEXPEDIENT TO LEGISLATE.**

Rep. Heidi Hamer for Election Law. This bill would make the list of absentee voters public and would require the Secretary of State to prepare a report within 60 days of each statewide election. The report would detail the number of absentee ballots per polling place, the number of absentee ballots sent to an address other than that shown on the checklist, the number of addresses that received four or more requests, and the 20 most common absentee ballot delivery addresses. The committee felt that there are currently sufficient security safeguards related to absentee ballots, making this bill unnecessary. Public access to, and inspection of, absentee ballot lists may lead to incorrect conclusions, voter privacy issues, calls for investigations, or accusations of fraud, all of which will perpetuate a lack of confidence in New Hampshire elections when there is no evidence of widespread fraud. Vote 20-0.

HB 1092, creating a period for the placing of and removal of political advertising on public property. **INEXPEDIENT TO LEGISLATE.**

Rep. Hal Rafter for Election Law. The committee felt that there were sufficient provisions in existing statute for the removal of political advertising on public property. The definition of “public spaces” was not sufficiently clear to distinguish between public property and spaces that are private but have been traditionally used by candidates for placement of advertising. The restrictions on placing and removing political advertising in public spaces could infringe on First Amendment rights if those spaces are, in fact, private property or rights of way. Vote 19-1.

HB 1239, relative to reporting by political committees. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill creates a mandatory reporting requirement for all candidates. Candidates under the \$1,000 threshold would need to file an acknowledgment that they do not meet the requirements for disclosure. The committee is working on a large campaign finance reform package and is considering placing this bill in that larger reform. Vote 20-0.

SB 344, relative to declarations of candidacy for president of the United States. **OUGHT TO PASS.**

Rep. Ross Berry for Election Law. This is a housekeeping bill that updates the filing form for the Presidential Primary and removes the space for listing the date of the primary. This is necessary because it increases the flexibility of the Secretary of State to set the date and the filing period. In 2024, there was confusion, as other states were delayed in setting their date, which led New Hampshire to wait. Our filing period was open, however, and thus the form lacked clarity. Vote 14-0.

HB 1325-FN, relative to allowing private ownership of small tailed monkeys, raccoons, foxes, otters, skunks, and kangaroos. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for Environment and Agriculture. This bill seeks to make kangaroos, short tailed monkeys, raccoons, otters, foxes and skunks allowable as companion animals with no permitting or registration requirements. These animals can currently be owned if one has a permit through Fish and Game. These animals are not domesticated, are not easily trainable, and can be dangerous to owners and neighbors. Companion animal status would allow them to be taken out in public space with no further restriction and also be allowed in shelters with their owners during a natural disaster. If an owner decides they can not handle the animal, they may bring it to a shelter, but our shelters are not easily able to accommodate these species. For these reasons, we recommend this bill be found Inexpedient to Legislate. Vote 19-0.

HB 1463, establishing a committee to study the effects of laws relative to the production of beef, pork, and poultry. **OUGHT TO PASS.**

Rep. Barbara Comtois for Environment and Agriculture. This study committee is essential for those who raise and/or process livestock for sale. The laws surrounding the selling of meat products are vast. Between the US Department of Agriculture and state laws, exemptions, rules by the New Hampshire Department of Agriculture, Markets and Food and the New Hampshire Department of Health and Human Services Food Division, there is no one place someone can go to understand what is required of them. This study committee will look at all of these laws and rules, including laws from our neighboring states, so that we can create a streamlined process of accessing information. We want everyone to have access to the same accurate information. Right now, people have information in bits and pieces, and there is misunderstanding and confusion. Agricultural rules and regulations are numerous and varied. We need to help those who want to contribute to our food security system in any way we can, instead of them worrying about missing rules or regulations. Vote 12-0.

HB 1505, establishing an animal abuse offender registry. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Comtois for Environment and Agriculture. This bill, while well intentioned, would not accomplish the goal of the prime sponsor. Although a worthy cause, the committee also felt that there would be unintended consequences of establishing such a public list. RSA 644:8 already has provisions for dealing with animal cruelty and the taking of animals. Punishment under the law can include removal of animals and a prohibition against owning, caring for, or working with animals following conviction. The committee also thought that the problem that sought to be solved with this bill would be accomplished with better communication between law enforcement departments, within the state and between municipalities. Vote 19-0.

HB 1529, relative to the use of unpasteurized eggs. **INEXPEDIENT TO LEGISLATE.**

Rep. Allison Knab for Environment and Agriculture. This bill was introduced in response to an ice cream producer's desire to use unpasteurized eggs in custard-based ice cream. The committee heard from the New Hampshire Department of Health and Human Services that unpasteurized eggs are already allowed for use in a producer's retail stores and restaurants and therefore this bill is unnecessary. Vote 12-0.

HB 1578, relative to organic food certification and labeling. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for Environment and Agriculture. This bill would have repealed a number of statutes related to organic certification. One New Hampshire law that would have been repealed provides rulemaking authority for the entirety of RSA chapter 426. This statute needs to remain in effect. Most of the other statutes being repealed are already proposed to be removed in HB 1628, which is also before the committee. The organic program is being discontinued by the department, but the statute that authorizes the program should remain in place until the program is fully wound down. Vote 12-0.

HB 1628, relative to regulatory authority for apples, coal grading, potatoes, cider, milk, and lumber. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill is the result of a study committee reviewing RSA chapters 426 and 434. The bill repeals outdated laws related to state standards in RSA 434 for agricultural boxes, coal grading, ice dealers, potato grading, and apple marketing. The remaining statutes in chapter 434 related to apple production, cider, and timber grading are moved to RSA 426, and the apple regulations are simplified to match federal definitions. The bill also removes several outdated laws related to organic regulations and repeals two inactive dedicated funds. Vote 12-0.

Amendment (0956h)

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

1 New Subdivisions; Apples, Apple Cider, and Lumber. Amend RSA 426 by inserting after section 10 the following new subdivisions:

Apples

426:11 Requirements for Production, Sale and Marketing. Requirements for production, sale, and marketing of apples in New Hampshire shall be identical to the requirements promulgated by the secretary of the United States Department of Agriculture.

426:12 Hearings. When the commissioner learns of any violation of any provision of this subdivision he or she shall cause notice of such violation, together with a copy of the findings, to be given to the person or persons concerned. Persons so notified shall be afforded a hearing under rules adopted by the commissioner, under RSA 541-A. Affidavits under oath may be received by the commissioner of agriculture, markets, and food.

Cider

426:13 Definitions. In this subdivision:

I. "Cider" means the unfermented juice of apples.

II. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

III. "Person" means any individual, firm, company, partnership, corporation, association, cooperative, business trust, or legal entity of any kind.

426:14 Manufacture and Sale. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the manufacture, blending, labeling, and sale of cider in New Hampshire. Such rules shall be designed to ensure the following:

I. That any cider which is claimed or implied to have been produced in New Hampshire is in fact produced in New Hampshire.

II. That the term “cider” have a specific commercial definition in New Hampshire, and that the term’s commercial use in New Hampshire be restricted to the sale of products which fall under that definition.

III. That all other terms used in the labeling and sale of cider and cider blends in New Hampshire be consistent and clear.

IV. That any container of cider sold in New Hampshire bears a label which clearly identifies its producer, and which conspicuously and accurately describes its contents.

V. That unpasteurized cider may be sold within the state if such cider is clearly labeled as unpasteurized.

426:14 Prohibitions. It shall be unlawful in New Hampshire to manufacture, sell, or distribute cider or any product called “cider” by any means that violate any of the provisions of this subdivision, or any of the rules adopted under this subdivision.

426:15 Administrative Authority; Inspectors; Rulemaking. The commissioner shall have general authority to administer and enforce the provisions of this subdivision and may adopt rules pursuant to RSA 541-A as are necessary to carry out the purposes of this subdivision. The commissioner or duly authorized agent shall have free access at all reasonable hours to any place, building or vehicle in which apple cider is manufactured, sold, offered, or exposed for sale or exchanged or distributed at retail or wholesale. The commissioner or duly authorized agent shall have authority to open any package or container, and may upon tendering the market price take such container and its contents or sample from the package or container.

426:16 Stop Sale, Use or Removal Orders. When the commissioner or duly authorized agent has reasonable cause to believe cider is being distributed in violation of any of the provisions of this subdivision, or any of the rules adopted under this subdivision, the commissioner or duly authorized agent may issue and serve a written “stop sale, use or removal” order upon the owner or custodian of any such cider. The cider shall not be sold, used or removed until the provisions of this subdivision have been complied with and the cider has been released by the commissioner or duly authorized agent or the violation has been otherwise disposed of as provided in this subdivision by a court of competent jurisdiction.

426:17 Hearings. When the commissioner learns of any violation of any provision of this subdivision, notice of such violation, together with a copy of the findings, shall be given to the person or persons concerned. Persons so notified shall be afforded a hearing under rules adopted by the commissioner. Affidavits under oath may be received by the commissioner.

Grading and Certification or Stamping of Native Lumber

426:18 Grading and Certification or Stamping of Native Lumber.

I. For the purposes of this subdivision, “native lumber” means wood processed in the state of New Hampshire by mills registered in accordance with the provisions of RSA 227-I. Such wood shall be considered certified or stamped in accordance with the requirements of this section.

II.(a) Notwithstanding any provision of law to the contrary, a mill registered in accordance with RSA 227-I selling native lumber shall, when required, certify in writing to the purchaser on a form approved by the commissioner of agriculture, markets, and food that the quality and safe working stresses of the lumber are equal to or better than No. 2 grade in accordance with the conditions set forth in the American Softwood Standard PS 20-70, or as amended, provided that lumber for use in load bearing wall members shall be of stud grade minimum. The certificate shall include wood species, quantity, location of use, green or dry, saw-mill name, name of permitted grader and date. The certification shall be filed with the local building official having jurisdiction as part of the building permit application.

(b) Notwithstanding subparagraph (a), a mill registered in accordance with RSA 227-I selling native timber may stamp such timber.

III. The commissioner of agriculture, markets, and food, in consultation with the division of forests and lands and the University of New Hampshire cooperative extension, shall establish standards for mill graders who will stamp or certify native lumber. The commissioner shall issue a written permit to each mill grader who has received training and who demonstrates by examination or other procedure prescribed by the commissioner in rulemaking, competence and ability to grade and certify or stamp native lumber in accordance with paragraph II of this section. No lumber shall be sold as certified or stamped native lumber unless it is accompanied by a certificate signed by a grader holding a valid permit.

IV. Any municipality which has adopted a building code which requires regular grade stamped lumber shall accept a stamp or a certificate prepared pursuant to this subdivision which certifies that the native lumber meets the appropriate structural standards in lieu of an accepted and recognized lumber grading stamp. Any structure which is built with such approved native lumber shall be considered equivalent to a structure built with regular grade stamped lumber.

426:19 Rulemaking. The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, necessary to administer this subdivision.

426:20 Prohibited Acts; Administrative Penalty. It shall be unlawful for any person to sell any lumber as stamped or certified native lumber unless such lumber has been graded and certified or stamped in accordance with RSA 426:34. Any person who violates any provision of this subdivision or any rule or order adopted or issued under this subdivision shall be liable for an administrative fine not to exceed \$1,000 for each violation.

2 Cider; Definition; Cross Reference Changed. Amend RSA 175:1, XVI-a to read as follows:

XVI-a. "Cider" means either the naturally fermented expressed juice of apples or the fermented expressed juice of apples to which activated yeast is added, containing not less than 1/2 of one percent alcohol by volume at 60 degrees Fahrenheit, which may contain flavoring, coloring or related ingredients and may be carbonated or fermented in a sealed container to produce a sparkling beverage or liquor. Cider, as defined here, shall not include cider as defined in ~~[RSA 434:40-a]~~ **RSA 426:13**.

3 Repeals. The following are repealed:

I. RSA 426:6 relative to the definition of "organic."

II. RSA 426:6-a relative to the labeling and advertising of items as "organic."

III. RSA 426:6-b, I relative to the certification of organic goods.

IV. RSA 426:6-b, VI relative to the certification of organic goods.

V. RSA 426:6-c, relative to the regulatory services promotional products fund.

VI. RSA 426:6-d, relative to the organic processors-handlers certification fund.

VII. RSA 426:8-a, relative to fees.

VIII. RSA 434:1-3, relative to standards for box sizing.

IX. RSA 434:7-8, relative to standards for ice dealers.

X. RSA 434:9-10 relative to coal grading standards.

XI. RSA 434:11-18, relative to standards for potatoes.

XII. RSA 434: 19-39, relative to apple grading standards and procedures.

XIII. RSA 434:40-a through 434:4-h, relative to cider standards.

XIV. RSA 434:41-58, relative to regulatory authority for milk standards, licensing, and pricing.

XV. RSA 434:59-61, relative to lumber standards.

XVI. RSA 6:12, I(b)(346), relative to the regulatory services promotional products fund.

XVII. RSA 6:12, I(b)(347), relative to the organic processors-handlers certification fund.

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

AMENDED ANALYSIS

This bill repeals certain regulatory statutes that have been preempted by the federal government and moves regulatory authority for apples, cider, and lumber to the chapter relative to standards for farm products.

This bill is a request of the committee to study the New Hampshire law relative to standards for farm products and marketing and grading commodities established in 2023, 12:1.

HB 1272-FN, relative to occupational license reciprocity. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Bailey for Executive Departments and Administration. This bill deletes the requirement that out of state licenses recognized by New Hampshire have substantially similar licensing requirements, as well as the requirement that the various boards consider the equivalence. This language was passed last year in HB 594 and is currently in rule making to define the similarity requirements for various professions. The terminology and definitions in HB 1272 have some potential to cause confusion with the current law, and the committee was unwilling to complicate the rule making for what seemed a minor benefit. Vote 19-1.

HB 1285, relative to merging the board of podiatry into the board of medicine. **INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for Executive Departments and Administration. This bill attempted to merge two different regulatory boards. Since the board of podiatry meets quarterly, and the medical board meets monthly, merging these two boards will not increase efficiency of operation. On the contrary, it would increase the workload of the board members from podiatry, who would have to attend board meetings monthly. The committee was not convinced this bill was necessary. Vote 20-0.

HB 1387, relative to revisions to the state building code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill makes minor tweaks to the process of revising the state building code. The amendment allows consideration of a new code after one year, rather than two, since new codes need legislative authorization before adoption, this gives more time for analysis and amendment. Vote 19-0.

Amendment (0813h)

Amend RSA 155-A:10, IV(a) as inserted by section 4 of the bill by replacing it with the following:

(a) The board shall review a newer version of a code that has been published for ~~[2-years]~~ **1 year**, and shall provide a summary of all significant changes, cost estimates of these changes, and documentation of the need for the change in any recommended legislation.

HB 1408, relative to the merger of and reorganization of various occupational boards. **REFER FOR INTERIM STUDY.**

Rep. Sherry Gould for Executive Departments and Administration. The committee heard many concerns about the board mergers and the many changes made last year with the office of professional licensure and certification (OPLC). Some of the rules from last year's changes are just now getting finalized. The subcommittee worked on many changes for an amendment. Then it was apparent that some overlap with other bills to reorganize licensing boards had created inconsistencies. We then agreed in the end that it is not quite ready but given a little time and a bit more work it could address areas that need to be cleaned up for moving ahead. Vote 20-0.

HB 1486, relative to proxy carbon pricing in state procurement. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill would have required that the Department of Administrative Services (DAS) consider proxy carbon pricing in transportation and building project costs. A subcommittee considered a recording of the carbon proxy pricing rather than a formal accounting of the costs but since DAS does not have a procedure to capture this cost, it was decided that this should be reviewed with the department for future consideration. Vote 19-1.

HB 1606-FN, relative to contact information on agency web pages. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill was brought forward due to the difficulty of finding contact information on numerous state agency web pages. It would require contact information to be clearly visible and easily found at the top of the page. The commissioner of information technology testified that his department is currently in the process of making this change to agency websites. Therefore, the committee felt this legislation was not necessary at this time. Vote 19-0.

HB 1010, relative to expanding maternity options and midwifery access. **REFER FOR INTERIM STUDY.**

Rep. Lisa Mazur for Health, Human Services and Elderly Affairs. The majority of the committee deemed this an important issue that deserves more research and study. Many midwives throughout the state attended the hearing and are passionate about seeing the conversation continued as well. Vote 18-0.

HB 1028, relative to the definition of mental illness for purposes of the New Hampshire mental health services system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Schapiro for Health, Human Services and Elderly Affairs. This bill clarifies that individuals with intellectual and/or developmental disabilities may not be denied mental health services based on their disability. In some areas of New Hampshire, there are state of the art collaborative efforts between community mental health agencies and area agencies to serve those with co-occurring disorders. In other locations, however, those with disabilities are sometimes denied eligibility for mental health services due their disability. It is reported that this also occurs in regard to admission to New Hampshire Hospital. This bill makes it clear that having a disability should not be an added barrier to accessing mental health care. Vote 20-0.

Amendment (0963h)

Amend the bill by replacing section 1 with the following:

1 New Hampshire Mental Health Services System; Definition of Mental Illness. Amend RSA 135-C:2, X to read as follows:

X. "Mental illness" means a substantial impairment of emotional processes, or of the ability to exercise conscious control of one's actions, or of the ability to perceive reality or to reason, when the impairment is manifested by instances of extremely abnormal behavior or extremely faulty perceptions. It does not include impairment ~~[primarily]~~ **solely** caused by: (a) epilepsy; (b) intellectual disability; (c) continuous or noncontinuous periods of intoxication caused by substances such as alcohol or drugs; or (d) dependence upon or addiction to any substance such as alcohol or drugs.

AMENDED ANALYSIS

This bill revises the definition of mental illness for purposes of the mental health services system to clarify that it does not include impairment solely caused by epilepsy, intellectual disability, substance misuse, or addiction and provides that an individual shall not be deemed ineligible for mental health services due to a co-occurrence of mental illness and intellectual disability.

HB 1615-FN, relative to the autism registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. The autism registry was created nearly two decades ago, but according to the Department of Health and Human Services, it does not currently serve any purpose. It includes personally identifiable information on New Hampshire residents, including the last four digits of an individuals' social security number. Furthermore, most of the individuals in the registry and their parents/guardians are not even aware that their record is in the registry, and never gave their consent to be added to it. Vote 19-1.

Amendment (0881h)

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

1 Repeal. The following are repealed:

I. RSA 171-A:30, relative to the autism registry.

II. RSA 171-A:31, relative to rulemaking regarding the autism registry.

III. The subdivision heading preceding RSA 171-A:30.

2 Department of Health and Human Services; Autism Registry Records. The department of health and human services shall make all reasonable efforts to destroy all data records pertaining to individuals contained in the autism registry that was created pursuant to RSA 171-A:30. The department may, at its discretion, retain aggregate data only.

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

AMENDED ANALYSIS

This bill repeals the autism registry and directs the department of health and human services to destroy individual records contained in the registry.

HB 1638-FN, relative to requiring case reviews and remedial measures for any department of health and human services employee who improperly performs their job. **INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for Health, Human Services and Elderly Affairs. The members of the committee heard testimony from the Department of Health and Human Services (DHHS) itself that such procedures are already in place and such actions are already being taken. The author of this report, who served in the DHHS for twenty-three years, can further attest to the fact such measures exist. Members of the committee have also expressed concern that, of all of the departments in state government, DHHS was singled out by this legislation. For these reasons, among others, the committee voted to recommend this bill Inexpedient to Legislate. Vote 18-0.

HB 1663-FN, relative to the confidentiality of medical records and patient information. **REFER FOR INTERIM STUDY.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill seeks to increase medical privacy protections, as the Health Insurance Portability and Accountability Act (HIPAA) allows state law to be more protective of personal medical information than federal law. In 2018, the people passed a constitutional amendment stating that an individual's right to live free from governmental intrusion in private and personal information is natural, essential, and inherent. The past few years have shown that HIPAA is not about privacy as was once assumed by the general public, but more about the portability needed for our current health care environment. Voluminous testimony showed both benefits and pitfalls from the bill as written, and honoring the bipartisan, bicameral intentions behind the bill required more time than was available in the standard legislative calendar. For this reason, the committee recommends Interim Study so that the necessary work can take place to bring more stakeholders into the conversation and further this bipartisan effort. Vote 18-0.

HB 1712, renewing the committee to study non-pharmacological treatment options for patients with chronic pain. **OUGHT TO PASS.**

Rep. David Nagel for Health, Human Services and Elderly Affairs. This bill is a request to continue the work of the integrative pain care committee created by HB 66 in 2023, which passed by consent in both the House and Senate. The members of the Health, Human Services and Elderly Affairs Committee, (HHS&EA) acknowledge the important work the committee has done both in recognizing that one of the more important causes of the opioid crisis is a lack of access to non-opioid therapies of various types and in creating strategies specific to the needs of New Hampshire citizens to expand access to these therapies in a patient-centered, integrative, community-based manner. Furthermore, the members of HHS&EA recognize that this critical work must continue to allow the integrative pain care committee to create pilot programs specific to rural and urban settings to demonstrate the effectiveness of these strategies in providing care for the too often neglected patients who suffer from refractory, acute, chronic, or end of life pain. Vote 20-0.

HB 1368, prohibiting termination of a tenancy based on a tenant's failure to pay rent that was increased by certain price fixing programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte DiLorenzo for Judiciary. This bill was introduced as an example of an affirmative defense for evictions based on non-payment of rent, when and if the apartment rent was proven to have been set by a computer-generated algorithmic program that resulted in industry price fixing in violation of federal and state antitrust laws. According to the testimony given during the public hearing, the prime sponsor was concerned that a number of states are in litigation for price fixing anti-trust violations, and on the federal level Congress plans to hold hearings in 2024. The prime sponsor did not inform the committee that he was aware of anyone that was a victim of rental price fixing in the state of New Hampshire. Furthermore, the committee had grave reservations about turning a summary eviction proceeding into what would likely be a very complicated anti-trust proceeding. Vote 20-0.

HB 1432-FN, relative to prohibiting certain uses of artificial intelligence and creating a private claim of action. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for Judiciary. As amended, this bill creates criminal and civil remedies for the fraudulent use of artificial intelligence (AI) to create a “deepfake,” that is, “a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears as someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.” Liability is imposed when the deepfake is created, distributed, or presented for the purpose of embarrassing, harassing, entrapping, defaming, extorting, or otherwise causing any financial or reputational harm to an identifiable person. The criminal penalty is a class B felony, and a separate offense occurs if, as a result of the deepfake, the victim is arrested. The civil remedy permits the victim to recover damages for harm caused as a result of the deepfake. The bill contains exceptions to liability for internet service companies protected by 47 U.S. Code section 230, for media entities that publish or distribute paid political advertisements which contain a proper disclaimer, for news reporting about a deepfake provided the report acknowledges that there are questions about the accuracy of the materials which are the subject of the report, and for media that constitutes parody or satire or which is substantially based upon the ability of one person to impersonate another without reliance on artificial intelligence. Vote 20-0.

Amendment (1100h)

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

AN ACT relative to prohibiting certain uses of deepfakes and creating a private claim of action.

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

1 New Section; Criminal Code; Fraud; Fraudulent Use of Deepfakes. Amend RSA 638 by inserting after section 26 the following new section:

638:26-a Fraudulent Use of Deepfakes.

I. In this section:

(a) “Artificial intelligence” or “AI” means the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

(b) “Deepfake” means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

II. A person is guilty of a class B felony if the person knowingly creates, distributes, or presents any likeness in video, audio, or any other media of an identifiable individual that constitutes a deepfake for the purpose of embarrassing, harassing, entrapping, defaming, extorting, or otherwise causing any financial or reputational harm to the identifiable person.

III. If a person violates paragraph II, and the violation results in an identifiable individual’s arrest based on the content of the deepfake, that person shall be guilty of a separate offense. The level of the offense shall be a class B felony. That person shall also be liable to the identifiable individual for his or her legal expenses and the costs of his or her defense, or to the state of New Hampshire for the same if the identifiable individual is indigent and the cost of defense has been borne by the state of New Hampshire.

IV. This section shall not apply to any of the following:

(a) An interactive computer service provider or user as defined in 47 U.S.C. section 230 unless such provider or user was the creator of the deepfake used for any of the purposes prohibited by paragraph II.

(b) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite radio or television operator, programmer, or producer, Internet website or online platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar undertaking in which the deepfake is a subject of the report and in which publication, distribution, or broadcast there is contained a clear acknowledgment that there are questions about the authenticity of the materials which are the subject of the report.

(c) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite television operator, Internet website or online platform, or other periodical when such entity is paid to publish, distribute or broadcast an election communication including a deepfake prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer provided by the creator or sponsor of the election communication.

(d) A video, audio or any other media that constitutes satire or parody or the production of which is substantially dependent on the ability of one or more individuals to physically or verbally impersonate another person without reliance on artificial intelligence.

V. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

2 New Section; Actions; Other Actions and Limitations on Liability; Civil Actions for Fraudulent Use of Deepfakes. Amend RSA 507 by inserting after section 8-i the following new section:

507:8-j Civil Actions for Fraudulent Use of Deepfakes.

I. In this section:

(a) “Artificial intelligence” or “AI” means the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

(b) “Deepfake” means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

II. A person may bring an action against any person who knowingly uses any likeness in video, audio, or any other media of that person to create a deepfake for the purpose of embarrassing, harassing, entrapping, defaming, extorting, or otherwise causing any financial or reputational harm to that person for damages resulting from such use.

III. This section shall not apply to any of the following:

(a) An interactive computer service provider or user as defined in 47 U.S.C. section 230 unless such provider or user was the creator of the deepfake used for any of the purposes prohibited by paragraph II.

(b) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite radio or television operator, programmer, or producer, Internet website or online platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar undertaking in which the deepfake is a subject of the report and in which publication, distribution, or broadcast there is contained a clear acknowledgment that there are questions about the authenticity of the materials which are the subject of the report.

(c) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite television operator, Internet website or online platform, or other periodical when such entity is paid to publish, distribute or broadcast an election communication including a deepfake prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer provided by the creator or sponsor of the election communication.

(d) A video, audio or any other media that constitutes satire or parody or the production of which is substantially dependent on the ability of one or more individuals to physically or verbally impersonate another person without reliance on artificial intelligence.

IV. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

3 New Paragraph; Lobbyists; Registration. Amend RSA 15:1 by inserting after paragraph V the following new paragraph:

VI. The secretary of state shall not accept the registration of any person, partnership, firm, or corporation that has been convicted of an offense under RSA 638:26-a or found liable under RSA 507:8-j related to the person’s, partnership’s, firm’s, or corporation’s lobbying.

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

AMENDED ANALYSIS

This bill:

1. Establishes the crime of fraudulent use of deepfakes and sets penalties therefor;
2. Establishes a cause of action for fraudulent use of deepfakes; and
3. Prohibits registration of lobbyists who have been found to have fraudulently used deepfakes in certain cases.

HB 1497-FN, restricting trial courts in criminal matters from imposing certain sentences following a plea bargain. **INEXPEDIENT TO LEGISLATE.**

Rep. Bob Lynn for Judiciary. This bill would require that, in cases where a criminal defendant accepted the prosecution’s plea bargain, a judge could not impose a sentence of incarceration that exceeded by more than 10% the period specified in the plea bargain. The bill also seeks to make federal courts bound by this provision in cases where the federal courts have concurrent jurisdiction because the criminal conduct violates both state and federal law. Among the problems with the bill are that it would be unconstitutional because the state has no authority to regulate how the federal courts handle plea bargaining. But even as to state cases, the likely effect of the bill would be to cause prosecutors to offer less attractive plea bargains because of the concern that doing so would limit the potentially available sentence if the court rejected the proposed plea. Moreover, although the bill appears to have been motivated by the practice in federal court, under state practice, if the court accepts a pleas bargain, it cannot impose a sentence in excess of that agreed upon by

the parties. There are exceptions to this practice for what are called “capped pleas” or “naked pleas,” but in both these situations the defendant is clearly informed beforehand about the maximum sentence the judge may impose if the defendant goes forward with the plea. Vote 19-1.

HB 1602-FN, relative to the authority of the housing appeals board. **REFER FOR INTERIM STUDY.**

Rep. Joe Alexander for Judiciary. The House Judiciary Committee believes that this bill needs more study. This bill would expand the jurisdiction of the Housing Appeals Board to deal with any cases that involve residential housing by rulings from state agencies regarding permitting. While the committee believes there's some merit in expediting permitting, and making sure decisions are made more fairly by state agencies, the committee is hesitant to add another layer to the appeals process. The committee will use the summer months to examine how state agencies are dealing with appeals and make recommendations on specific rule changes that would allow for this process to happen, quicker and more efficiently. Vote 20-0.

HB 1614-FN, relative to judicial review of department of environmental services decisions. **REFER FOR INTERIM STUDY.**

Rep. Zoe Manos for Judiciary. This bill, with a proposed amendment, would have created a new level of review for parties who disagree with decisions of the Department of Environmental Services (DES). There is no opportunity for the parties to introduce new evidence which was previously unavailable. The amendment to this bill would have allowed a complainant to have what comes close to a *de novo* trial before the Superior Court, with the ability to present new evidence not available in the administrative proceedings. Further analysis of the proposal uncovered potential inequities in the procedures used by different divisions of the department. The Judiciary Committee voted for Interim Study of these issues to examine in depth the DES appeals processes. Vote 20-0.

HB 1684, relative to loss of consortium. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristine Perez for Judiciary. The original bill would have expanded the right to recover for the loss of consortium, which currently is limited to the spouse of the injured person, to the parents of an injured child (whether a minor or adult child), and to the owners of a pet where the pet was killed by the reckless or intentional conduct of another person. A proposed amendment would have placed caps on the amount of damages that could be awarded and would have created exceptions to liability involving pets in cases where they were harming livestock or posed a threat of harm to a person. The committee concluded that, even with the amendment, there were a number of problems and unanswered questions about the bill, and the committee also was not persuaded that this expansion of tort liability was warranted, particularly since it likely would cause an increase in insurance rates. Vote 19-1.

HB 1007-FN, relative to notice of terms and conditions of remote work arrangements. **REFER FOR INTERIM STUDY.**

Rep. Brian Sullivan for Labor, Industrial and Rehabilitative Services. This bill was intended to address issues related to employees who work remotely. Remote work expanded dramatically and abruptly when the pandemic hit in 2020. Even after the worst of the pandemic has passed, remote work has remained far more prevalent than it was pre-pandemic. Members of the committee believe that a more comprehensive study needs to be made of the various aspects of remote work. One of the key issues to be addressed is what considerations need to be made when a home becomes a workplace? What is the impact on mandatory workplace notices? How does workers compensation work when a home is the workplace? What considerations need to be made for remote work from locations other than the home? Interim study will allow members of the committee to explore these questions and others and to recommend appropriate legislation for 2025. Vote 20-0.

HB 1051, relative to prohibiting certain deductions from wages of restaurant employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Mike Drago for Labor, Industrial and Rehabilitative Services. The problems this bill is trying to solve are already listed in statute. The committee unanimously finds this bill redundant and not needed through additional legislation. Vote 20-0.

HB 1110, relative to requiring certain employers to use the federal E-Verify system of the United States Citizenship and Immigration Services. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark MacKenzie for Labor, Industrial and Rehabilitative Services. E-Verify is an automated verification program that determines eligibility to work, not immigration status. It was rolled out in 1996 to further curb the employment of persons ineligible to work in the United States and to stem the flow of unauthorized migration. To date, the program has been of limited success and effectiveness. Participation in the program is not federally mandated and most state governments have declined to impose forced participation in the program. Although error rates have improved over the years, the E-Verify program has caused many people who are authorized to work to be deemed ineligible. The risk of harm to immigrant communities and non-citizens strongly weighs against mandatory participation in E-Verify. New Hampshire businesses with 25 or more employees should not be mandated to use the E-Verify system and business owners and operators

should be free to decide what processes work best for them. Implementing the use of the E-Verify program to avoid unlawful employment practices requires increased employer resources for training and oversight and imposes a heavier burden on smaller and medium-sized businesses. Vote 20-0.

HB 1201, relative to payment of wages for deceased employees. **OUGHT TO PASS.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. This bill updates a statute that has not been revised since 1963. The current law allows an employer who owes wages to a deceased employee to pay up to \$300 directly to the employee's survivor. Since 1963, the dollar has lost 90% of its value. This bill raises the amount to \$3,000 and cleans up outdated language. Vote 20-0.

HB 1519, relative to a minor's available work hours. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. The sponsor agreed with the committee that this bill is not needed. The bill was submitted to address constituent concerns that state labor law was not being followed correctly. More likely, parents of working teens may be confused about how regulations apply to different age ranges and when state versus federal law applies. If such concerns arise in the future, the committee can address them. Vote 20-0.

HB 1080, relative to the legislative youth advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. The amendment re-defines the charge of the council, asking them to focus on legislation that affects youth in the areas of education, science and technology, transportation, labor, and substance misuse. It lowers the total number of youth appointments to the council and, for the purpose of ensuring a significant cross-section of students from all geographic areas (at a minimum at least one member from each of all 10 counties in New Hampshire) as well as educational backgrounds, all appointments to the council will be the sole responsibility of the Speaker of the House. The amendment also adds two legislative chairing positions (the youngest members of both parties in the House) who will work alongside the single youth-elected chair as tri-chairs. The amendment allows the possibility for the post-secondary youth members, who are still required to be New Hampshire residents, to be enrolled in post-secondary education anywhere within the United States. To ensure continuity and to pass institutional knowledge under the new design, initially the Speaker shall appoint half the council to one-year terms and half will have two-year terms after which all council members will be appointed to a single two-year term. This arrangement should mean there will always be some seasoned council members while making it possible for more youth to be involved in the council. Lastly, a new requirement was made to require all members to read an oath of office and provide study opportunities for the New Hampshire Constitution and US Constitution. Vote 16-0.

Amendment (0944h)

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

1 Legislative Youth Advisory Council. RSA 19-K is repealed and reenacted to read as follows:

19-K:1 Legislative Youth Advisory Council Established.

A legislative youth advisory council is established to enable young people the ability to review legislation and make recommendations on legislation as viewed from the perspective of youth. Three elected members of the house of representatives will be appointed to assist the youth council to review current legislative service requests in each year of a legislative term. The focus shall be to identify legislation that affects youth in the areas of education, science and technology, transportation, labor, and substance misuse. Once legislation is identified, the council should discuss the legislation with the legislation's primary and co-sponsors to seek their views in order to advise the legislative committees. The council shall submit an annual report with recommendations for future legislation as outlined in RSA 19-K:3, VI.

19-K:2 Membership

The council shall consist of 17 members including 4 members of the general court that will serve as non-voting members of the council, and 13 youth members. The youth membership shall be between the ages of 14 and 22, with any secondary school-aged member attending traditional public, public charter, private schools, or home-schools, or participating in a program that leads to a high school equivalency certificate, and any postsecondary school-aged member being a New Hampshire resident enrolled in a postsecondary education or participating in New Hampshire's workforce.

I. The president of the senate shall appoint one senate member.

II. The speaker of the house shall appoint the following members:

(a) Ten secondary students;

(b) Three postsecondary students; and

(c) Three members of the house of representatives, one of whom shall be the youngest member of the majority party, or their designee, one of whom shall be the youngest member of the minority party, or their designee, and one of whom shall be a member from either party serving in an overall advisory position.

III. Over the course of the legislative 2-year term, the speaker of the house shall make 13 youth appointments to the legislative youth advisory council that represent a wide range of geographic areas and educational experiences. Council appointments shall, at minimum, represent all 10 counties in New Hampshire. The

legislative members appointed to the council shall serve a period of time coterminous with their legislative term. They may be reappointed if they continue to meet the qualifications. No youth council member who has served prior to the effective date of this law can serve an additional 2-year term. The new council year begins on December 1 every year. In the first year of the council under this act, 6 non-legislative youth members shall be appointed to one-year terms, and 7 shall be appointed to 2-year terms, with any non-legislative youth member having served previously on the council being eligible only for reappointment to a one-year term. For each new council year, new appointees may serve either a one-year or 2-year term. The speaker of the house will appoint youth council members in a timely manner and in the earliest possible time frame. The legislative members of the council will be appointed by the speaker of the house and the senate president soon after the legislators have taken their oath of office.

IV. If a member misses 3 consecutive meetings without cause, the council may request that the appointing authority appoint a replacement member within 30 days. Upon appointment of the replacement, the prior appointment shall terminate, and the replacement shall serve for the remainder of the prior member's term.

19-K:3 Duties

The council shall perform the following duties:

I. Advise the legislature, the president of the senate, and the speaker of the house of representatives on proposed or pending legislation, state budget expenditures and legislative study committees, commissions, and task forces on issues of concern to youth in the areas of education, science and technology, transportation, labor, and substance misuse.

II. Conduct an annual seminar for council members regarding leadership, government, and the legislature.

III. Read the oath of office and study the New Hampshire and United States Constitutions to foster foundational understanding of government.

IV. Meet no fewer than 4 times per year on issues of concern to youth in the areas of education, science and technology, transportation, labor, and substance misuse, as the council deems necessary. Two of these meetings shall be in person. All other meetings may be remote. At the discretion of the co-chairs, regional meetings may be established.

V. Communicate with other councils.

VI. File an annual report of activities, including any recommendations for proposed legislation with the speaker of the house, the senate president, the governor, the secretary of state, the house clerk, and the state library on or before November 1 of each year.

19-K:4 Council Administration

I. The legislative council members representing the youngest member of the majority party and minority party of the house of representatives, or their designee, shall serve as co-chairs of the council and shall call the first meeting of the council, as soon as practicable, upon being sworn into office by the governor. At this time the co-chairs will gather and evaluate recommendations for appointments from schools, colleges, community leaders, the governor, the secretary of state, and members of the general court and present them to the speaker of the house. The legislative co-chairs shall reach out to schools and organizations with a request for candidates and provide the Legislative Youth Advisory Council document that details the characteristics of a qualified candidate. The department of education shall promote the council, whenever possible, to public, public charter, private school and home school groups. The council shall accept candidate recommendations throughout the 2-year term. The speaker of the house shall make all appointments before the council's first meeting. At the first meeting after the annual seminar, the members shall elect council officers for a term of one year. Prior to leaving office, council officers shall submit transactional documents to their successors through the legislative co-chairs.

II. The council shall set priorities, determine the function of any subcommittees, and adopt procedures and rules governing the council's meetings and activities. The council shall have a designated member to take meeting minutes.

III. The council may provide testimony on pending legislation.

IV. Members of the council shall not be compensated, except that legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council.

V. Meetings of the council shall be open to the public, and all records of the council shall be public. A complete archive of the council's records shall be kept in the house clerk's office.

VI. The office of the speaker of the house of representatives and the office of the senate president may provide staff assistance to the council.

VII. The general court shall create and actively maintain a page on its website dedicated to the youth advisory council which shall feature information about the council, annual reports, and committee recommendations.

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

HB 1388, relative to recusal by members of the general court for conflicts of interest. OUGHT TO PASS WITH AMENDMENT.

Rep. Vanessa Sheehan for Legislative Administration. This bill, as amended, represents roughly three years of Legislative Administration Committee and Legislative Ethics Committee bi-partisan wordsmithing. 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 an 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 within the Ethics Guidelines 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, as is discussed in our ethics guidelines, is disclosure when a legislator has a conflict. However, as a citizen legislature, there will certainly be times when a legislator has a “special interest” meaning a financial or non-financial conflict of interest in the outcome of a legislative act and, in a review of that conflict, we believe that most of the New Hampshire citizenry would agree the elected member should not vote. 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 includes the safe harbor of voting when the benefit the conflicted legislator would enjoy is shared by the general public. 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. Vote 16-0.

Amendment (0693h)

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

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 and Disclosure for Conflicts of Interest. A legislator shall recuse himself or herself from voting during any official legislative activity when:

I. The legislator has a conflict of interest as defined in RSA 14-B:1, I; or

II. The legislator or a member of the legislator’s household could reasonably be expected to incur a direct and substantial financial benefit or detriment as a result of the outcome of the legislative activity.

14-C:4-b Exceptions to Recusal for Conflicts of Interest. A legislator shall not recuse himself or herself from participation in any official legislative activity regarding preparation, review, or approval or disapproval of the state budget or general revenue bills.

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

V. “Special interest” means any financial or non-financial personal interest in the outcome of a matter that is the subject of official activity, distinct from and greater than the interests of the public at large.

(a) A financial interest exists where a legislator or household member, ***or a person or organization, whether nonprofit or for profit, by which the legislator is employed, or from which the legislator receives compensation, to act as the person’s or organization’s agent or advocate,*** 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 household member has a responsibility for the welfare of an organization, ***whether nonprofit or for profit,*** by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

(c) ***A legislator’s or household member’s ownership of securities of a publicly traded corporation shall not be construed to constitute a “special interest” in matters that may affect the corporation unless the legislator or household member serves as an officer, board member, trustee or director of the corporation or owns more than one percent of the outstanding securities of the corporation.***

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

AMENDED ANALYSIS

This bill defines “special interest” and makes provisions for the recusal of members of the general court for conflicts of interest.

CACR 16, relating to local governance. Providing that local construction projects seeking amendments, waivers, or variances be subject to certain local approval, disclosure, and vote requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for Municipal and County Government. Although the goal of this CACR is to improve transparency and increase control at the local level, it is overly complex and complicated, and would be a nightmare and onerous to implement. Vote 16-0.

HB 526-FN, regulating the use of temporary traffic control personnel. **INEXPEDIENT TO LEGISLATE.**

Rep. John MacDonald for Municipal and County Government. This bill would have limited the use of qualified police officers at temporary traffic control areas located on local, state and interstate roads. The majority of the committee strongly believes that the steps needed to ensure the safety and protection of workers on New

Hampshire's roads should be made by state and local construction authorities, established state and federal guidelines and local law enforcement. The committee learned that on these "details," officers have made numerous arrests of individuals for serious crimes not related to the detail. The officer working the "detail" still maintains his police powers and his obligations to the community he serves to act. The majority of the committee believes that this bill if passed would be in conflict with New Hampshire RSA 105:2-a which addresses the powers of the Chief of Police. Vote 12-4.

HB 1001, relative to exempting the land and buildings of Masonic lodges and associations from property taxation. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Aylward for Municipal and County Government. This bill brought up serious concerns about mandating that Masonic Lodges and Associations receive property tax exemptions, in that such could open the door to an innumerable number of organizations seeking the same status, and though doing charitable work, are not recognized by the New Hampshire Department of Justice Charitable Trust Unit. Furthermore, Masonic Lodges and Associations already can apply to cities and towns for property tax exemptions. Vote 17-3.

HB 1106-L, relative to net asset limits under the elderly property tax exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for Municipal and County Government. The committee found there is no compelling need to augment the minimum amount for the elderly property tax exemption. This stance stems from the belief that municipalities possess the flexibility to exceed the prescribed minimum requirement, thereby potentially impeding their discretion in providing varying levels of support. Moreover, concerns are raised regarding the proposed alterations delineating income and assets within the bill, which inadvertently conflates the two by attempting to redefine income as assets. Furthermore, a notable misunderstanding regarding the distinction between a credit and an exemption is evident in the bill's language which makes the legislation unworkable. Consequently, the committee deems the language presented Inexpedient to Legislate. Vote 16-0.

HB 1124, relative to limiting conflicts of interest and excessive concentration of power for municipal board and committee members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. This bill amends RSA 669:7 to prevent conflicts of interest and undue concentration of power in municipal government. This bill prohibits certain elected or appointed municipal positions from being held by the same person at the same time or by an employee of the municipality. The duties and responsibilities of certain municipal offices are such that when one person holds two of these offices or is an office holder and an employee of the municipality concurrently, conflicts of interest or the appearance of conflicts of interest may occur. For example, this bill states that a person shall not hold more than one position among the offices of: selectman, treasurer, deputy treasurer, moderator, trust funds trustee, tax collector, auditor, highway agent, town manager, town administrator, or full-time police chief. This bill also provides that the town clerk and deputy town clerk shall not hold any other municipal office, except that of tax collector. Moreover, the bill states that a full-time municipal employee shall not hold the office of selectman or serve on any budget or finance committee due to obvious potential conflicts of interest, such as recommending or approving their own pay raises and working conditions. Similarly, a full-time municipal employee or department head shall not serve on the planning board except as an ex officio member. Additionally, this bill clarifies that a person cannot declare candidacy to be elected to incompatible offices. Finally, this bill is a commonsense measure to ensure essential checks-and-balances of power and influence in municipal government. Vote 20-0.

Amendment (0979h)

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

AN ACT relative to limiting conflicts of interest for municipal board and committee members.

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

1 Municipal Office Limitations. RSA 669:7 is repealed and reenacted to read as follows:

669:7 Municipal Office Limitations.

I. In order to eliminate conflicts of interest in municipal government;

(a) No person shall at the same time hold any 2 of the following offices: selectman, treasurer or deputy treasurer, moderator, trustee of trust funds, collector of taxes, auditor, highway agent, and head of the town's police department on full-time duty.

(b) No town clerk or deputy town clerk may hold any other elected or appointed office other than tax collector, if authorized as provided in RSA 41:45-a.

(c) No full-time town employee shall at the same time hold the office of selectman.

(d) No town manager or other administrator shall at the same time hold any other office listed subparagraph (a), other than tax collector when authorized under RSA 37:16.

(e) No selectman may also serve as either a school board member serving the same town or a member of a board of assessors elected pursuant to RSA 41:2-c.

(f) No official handling funds of a town shall at the same time hold the office of auditor.

(g) No selectman, moderator, town clerk, deputy town clerk, or inspector of elections shall at the same time serve as a supervisor of the checklist.

(h) No selectman, town manager, school board member except a cooperative school board member, full-time town, village district, school district except a cooperative school district, or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32 or other municipal finance committee member.

(i) No municipal employee working in a capacity that provides support for a local land use board established under RSA 673 may serve on a local land use board of the same municipality.

(j) No full-time municipal employee or department head shall serve on a planning board, except as expressly provided in RSA 673:2.

(k) No full-time municipal employee or department head shall serve on any budget or finance board or committee of the same municipality.

II. No person shall at the same time file a declaration of candidacy for any 2 or more elected offices that are incompatible under paragraph I.

III. The provisions of paragraph I shall not be construed to prevent the transfer between offices of information obtained in the regular conduct of business nor to prevent the personnel in any office from furnishing clerical assistance to any other office.

IV. This section shall not prevent a member of the governing body from serving as an ex officio on any committee over which the governing body has supervisory responsibility.

V. Alternates for any board shall be treated as a full member in the same manner for the purposes of this section.

2 Applicability; Conflicting Positions Pursuant to RSA 669:7.

On the effective date of RSA 669:7, as amended by section 1 of this act, members of boards and committees holding conflicting positions may remain in those positions until the next elections are held.

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

HB 1180, relative to the scope of the homestead exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for Municipal and County Government. The committee had expected a potential amendment which did not materialize. We do believe, however, that additional language in the current RSA could potentially be beneficial for clarifying the issue presented. Vote 18-1.

HB 1284-FN, relative to the quasi-judicial authority of planning boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Aylward for Municipal and County Government. This bill attempts to mandate a uniform 'Code of Ethical Conduct' for planning board members that is well-intended, and in some cases, its essence may be necessary for towns or cities having planning board members who, for lack of training, self-educating, or otherwise, require more stringent rules governing their conduct. The bill also attempts to clarify "the quasi-judicial nature of the office," seeks to restate the authority of planning boards, and adds more authority. However, some of the language is somewhat confusing, such as the use of the term 'quasi-judicial administrative agency.' A variety of terms describing planning boards' powers are found scattered among various local rules of procedure, such as 'administrative,' and 'legislative.' Whereas the terms 'judicial' and 'quasi-judicial' are used in the statute, with the terms painstakingly examined by the New Hampshire Supreme Court in *Winslow v. Town of Holderness*, *The Planning Board Handbook*, published by the Department of Business and Economic Affairs, on the other hand, describes the authority as 'regulatory' and 'non-regulatory.' We believe that until the statute aptly defines and succinctly describes the board's authority, and that language is consistent throughout the planning and zoning chapter and published guidance, there will continue to be much confusion that could provide an excuse for disregarding laws and rules altogether. To protect abutters and applicants, the measure notably provides them with the ability to request the recusal or disqualification of specific board members but does not specify any grounds for making such requests. Moreover, the disqualification of planning board members is already addressed in RSA 673:14. There is a provision addressing 'conflict of interest' when having a 'direct interest' that is vague. Furthermore, towns are enabled to adopt 'Conflict of Interest Ordinances' per RSA 31:39-a, with which the bill's language may conflict with local control, and cause confusion. Vote 18-0.

HB 1371, relative to allowing the land use master plan to include a section on waste reduction. **OUGHT TO PASS.**

Rep. David Preece for Municipal and County Government. This bill would allow town master plans to include a waste reduction section. The purpose and description of a master plan are defined in the current state statute, RSA 674: Local Land Use Planning and Regulatory Power. The master plan is "the best and most appropriate future development" of the areas under the towns and cities' jurisdictions. The master plan may include transportation, economic development, and natural resources. In the hearings, the committee heard that solid waste disposal capacities in New Hampshire have shrunk as more landfills close and have yet to be replaced by new in-state/regional disposal capacity. This tightening of disposal and recycling capacities

has become costly operating and capital budget items for New Hampshire towns and cities. Most of the committee members felt that solid waste management should be a stand-alone section in master plans for New Hampshire towns and cities to consider in the future development of their communities. Vote 17-1.

HB 1459-FN, relative to policies that municipalities are preempted from enacting. **INEXPEDIENT TO LEGISLATE.**

Rep. Tim Cahill for Municipal and County Government. The sole sponsor of the bill had resigned his House seat prior to the date scheduled for introducing this bill. Furthermore, no one was in attendance on the sponsor's behalf to introduce or explain the legislation. Vote 20-0.

HB 1506-L, relative to required votes to approve issuance of bonds. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Aylward for Municipal and County Government. The sponsor of the bill was absent from the public hearing held on the bill, and there was no other testimony given. Therefore, the committee had no information upon which members could rely on for informed decision-making. Vote 18-0.

HB 1056, relative to administration of the child care scholarship program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Jane Wallner for Special Committee on Childcare. The bill, as amended, allows for children to be in child care for over 13 hours in a 24-hour period in situations when parents or guardians are working over 13 hours during a 24-hour period, or parents or guardians are deployed during the weekend by the military. Vote 9-0.

Amendment (0995h)

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

AN ACT relative to child day care licensing.

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

1 Child Day Care Licensing; Definition of Child Day Care Agency. Amend the introductory paragraph of RSA 170-E:2, IV to read as follows:

IV. "Child day care agency" means any person, corporation, partnership, voluntary association or other organization, either established for profit or otherwise, which regularly receives for child day care one or more children, unrelated to the operator or staff of the agency. The total number of hours in which a child may remain in child day care shall not exceed 13 hours per day, except in emergencies, *or situations when the parents or guardians are working over 13 hours during a 24-hour period, or parents or guardians are deployed during the weekend by the military.* The types of child day care agencies are defined as follows:

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

AMENDED ANALYSIS

This bill amends the definition of a child day care agency by establishing certain limited exceptions in which a child may remain in day care for more than 13 hours.

HB 1409, relative to review by the advisory council on child care of child care center licensing violations. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Special Committee on Childcare. This bill established an independent review process for findings against childcare providers. The purpose is to make sure that childcare providers have an appeal-like outlet that is independent of the Department of Health and Human Services (the "department"). Upon consultation with the department, an Independent Review panel is being established via rule making in He-C 4002. The department presented its initial proposal to the committee and the committee found the proposal to be satisfactory, thus this legislation is no longer needed. Vote 9-0.

HB 1567-FN, relative to zoning provisions concerning family and group family child care uses. **OUGHT TO PASS.**

Rep. Ross Berry for Special Committee on Childcare. This bill removes the ability for municipalities to zone-out home-based care (family or group family care) provided that the residential care provider meets all the regulations as provided by the Department Health and Human Services. The Special Committee on Childcare heard that rural communities have been disproportionately affected by the lack of childcare in New Hampshire. One of the problems is that many of these communities are not large enough to support centers in a traditional, commercial setting. Unfortunately, many municipalities have also adopted onerous regulations that have little-to-nothing to do with the safety, quality, and affordability of childcare and instead have regulated out this important childcare option. An important note is that family-care and group family care providers are limited to the number of children they can care for, so traditional municipal concerns such as parking, traffic, and other commercial concerns are limited at best, if not moot overall. Vote 10-0.

HB 1193-FN, relative to the establishment of a child care tax credit program. **INEXPEDIENT TO LEGISLATE.**

Rep. Cyril Aures for Ways and Means. There were no businesses at the Ways and Means hearings in support of this legislation. In addition, it is unknown what the impact would be on the general fund revenues. The committee also believed that this bill would unlikely help employees that work at small businesses. Vote 20-0.

HB 1198-FN, relative to liquor stores. **OUGHT TO PASS.**

Rep. Julius Soti for Ways and Means. This bill authorizes the Liquor Commission to open certain state liquor stores on Sundays or legal holidays. Allowing the Liquor Commission to strategically have some stores open on these days potentially creates extra revenue for the state while allowing shoppers the freedom and flexibility to shop on these days. Vote 19-1.

HB 1293-FN, relative to the use of certain fertilizers on turf. **OUGHT TO PASS.**

Rep. Julius Soti for Ways and Means. This bill prohibits the use of certain fertilizers using phosphorus. This bill has no fiscal impact, and the policy was already approved by the Environment and Agriculture Committee. Vote 20-0.

HB 1303-FN, relative to the estate of Tekeste Berhanu. **OUGHT TO PASS.**

Rep. Jordan Ulery for Ways and Means. This bill is a throw back to one of the original, and still existent, functions of the General Court. Mr. Berhanu died intestate, but the executor, a close friend, had detailed information as to how the new American wanted to dispose of his minor estate within his new home state. The court recommended resolution by legislation and there you have it. There is no fiscal liability to the state and *de minimis* revenue would be seen. The revenue seen would be allocated for specified purposes. The apparent last wishes of the gentleman would thus be achieved. Vote 20-0.

HB 1410-FN, relative to certain professional licenses. **OUGHT TO PASS.**

Rep. Fred Doucette for Ways and Means. The committee finds there is no pertinent fiscal component to be heard. The policy has been set and it unanimously approves Ought to Pass. Vote 20-0.

HB 1429-FN-A, establishing a procedure for the department of environmental services to transfer ownership of dams to municipalities or others, including making loans. **REFER FOR INTERIM STUDY.**

Rep. Walter Spilsbury for Ways and Means. This bill arises from concerns over three dams in Goffstown and Manchester but has statewide implications. It requires that at least one year prior to removing any state-owned dam, the Department of Environmental Services (DES) must offer to transfer ownership of the dam and associated property to the municipality in which the dam and impoundment created by it are located. It further sets out procedures, authorizes rulemaking, and establishes a revolving loan fund to aid a municipality in financing the purchase and maintenance of such a dam. As no funds for this purpose exist in the current budget, and this is an off-budget year, the bill appropriates a token \$1 to the fund. It stipulates that “no loans shall be made from this fund until the fund has accrued a balance of at least \$2,500,000.” The fiscal note indicates an indeterminable fiscal impact as there is no way to predict which dams may be designated for removal, how many dams municipalities might opt to acquire, and what purchase or repair costs and loan figures might be involved. Department officials testified that DES manages 273 dams statewide and is motivated to dispose of some. They struggle to maintain all the dams for which they are responsible and observed that there is more federal money available for dam removal than dam repair. They indicated that, to reach its potential, this fund might ultimately require appropriations of approximately \$40-50 million. They advised that DES already has the ability to offer a dam to a municipality and indeed follows RSA 4:40, offering property to the municipality and county before disposing of any dam, but this mandate does not include the situation in which a dam is to be removed. They suggested that the bill should allow discretion to waive the offer requirement when the department determines that removal is the most appropriate solution or deems the offer irresponsible, for example when downstream exposure is too risky, or they doubt the municipality’s capacity to care for it properly. They also observed that the bill requires several amendments, not yet fashioned, and that the Senate has a parallel bill, SB 539. Although the policy committee voted Ought to Pass unanimously and that motion passed the House on voice vote February 8th, the Ways and Means Committee heard a broad range of questions and concerns leaving doubt as to the potential for adequate funding being approved by a future legislature. On balance, the committee determined that the bill should be referred for Interim Study so that a better bill can be prepared for introduction in 2025 when the next biennial budget will be decided. Vote 19-1.

HB 1514-FN-A-L, relative to excess funds paid to municipalities for the use of school districts. **REFER FOR INTERIM STUDY.**

Rep. Walter Spilsbury for Ways and Means. This bill would restore statutory language repealed in 2011, to require those municipalities that collect more in Statewide Education Property Tax (SWEPT) than they are due in state adequacy aid to remit “excess SWEPT” funds to the state for deposit in the Education Trust Fund. The SWEPT tax has been controversial since its inception as it ostensibly constitutes a state level tax but is applied locally to the same real property that is already the primary source of revenue to fund public education, effectively a surcharge. Unfortunately, debate has tended to pit affluent towns against property

poor towns and, thus, protests from so-called “donor towns” led to the 2011 decision allowing them to retain excess SWEPT. That arrangement has been challenged in court, resulting in a court order issued November 2023 in the *Rand* case, declaring that retention of excess SWEPT creates unconstitutional application of the tax inequitably across municipalities. Resolving this dilemma must now be a priority of the legislature, but it is wrapped up in much larger and more complex questions of state funding for public education that are ripe for reconsideration and remain unresolved in the face of other judicial orders from the same court, which are now on appeal. A special subcommittee of House Education was formed this session to focus on a variety of bills relating to SWEPT specifically and education funding more broadly and several have already been either tabled or referred for Interim Study. So, rather than apply a quick fix that will alter the current balance of interests, the committee recommends that this bill be referred to Interim Study so that the work can continue through the fall in coordination with the Education Committee and the Finance Committee in preparation for comprehensive legislation in the next budget session. Vote 18-0.

HB 1517-FN, relative to the statewide education property tax and excess revenue from games of chance. **INEXPEDIENT TO LEGISLATE.**

Rep. Fred Plett for Ways and Means. This bill would offset the Statewide Education Property Tax (SWEPT) by any excess revenues in games of chance over \$6.6 million. This would therefore reduce the amount cities and towns would need to collect by a proportionate amount. The committee heard from the Lottery Commission that the most revenue ever generated from games of chance (roulette, cash poker games, blackjack) was \$5.38 million, and it isn’t growing significantly. Thus, this bill would have no impact and is unnecessary. Vote 20-0.

HB 1563-FN, relative to the education property tax and the authority of political subdivisions. **REFER FOR INTERIM STUDY.**

Rep. Richard Ames for Ways and Means. This bill would repeal the Statewide Education Property Tax (SWEPT). This repeal of SWEPT would arguably render moot the litigation that is now before the New Hampshire Supreme Court (*Rand v. State of NH*). In the *Rand* case, the Supreme Court is currently considering the state’s appeal from a superior court decision and order which essentially affirmed the *Rand* petitioners’ challenge to the constitutionality of the SWEPT allowance for local retention by mostly high property value towns of so-called “excess” SWEPT revenues. Under an amended version of this bill considered by the Ways and Means Committee, SWEPT would be replaced with a new statutory recognition of certain existing local school tax revenues, identified as “local contributions,” that would replace that part of FY 2024 SWEPT revenues that are currently dedicated to each municipality’s calculated cost of adequacy. Other state aid would continue at current levels of funding. Not included in this bill’s newly recognized local contributions would be any public education costs currently covered locally by excess SWEPT revenues. In effect, this bill would enable recognition of a limited amount of existing local school tax revenues to replace most revenues currently generated by SWEPT. Recognizing a local contribution in this way would challenge current school funding law conventional wisdom which asserts, based on interpretations of a line of school funding judicial opinions, that all components of a constitutionally adequate education must be paid for 100% from state level revenues with no consideration given to locally generated revenues. Interim Study of the proposal contained in this bill, conducted in collaboration with the House Finance Committee and Education Committee and in conjunction with other proposals contained in several other pending school funding bills, will enable development of comprehensive school funding legislation for consideration in the next budget session. Vote 18-0.

HB 1565-FN, relative to the definition of potentially hazardous food. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Walter Spilsbury for Ways and Means. As amended, this bill removes “processed acidified” food from the definition of potentially hazardous food. For a class of homemade food products, such as pickled vegetables, relishes, and salsa, it would thereby eliminate the requirements of obtaining a license with fee and preparation in a commercial kitchen. The policy committee voted Ought to Pass with Amendment unanimously and it cleared the House on the consent calendar February 22nd. The revised fiscal note indicates a revenue impact of up to approximately \$10,000 in lost license fees, essentially negligible. Because the policy committee’s amendment inadvertently omitted the effective date, a new amendment is sought to reinstate the intended 60 days after passage. Vote 20-0.

Amendment (0874h)

Amend the bill by replacing section 2 with the following:

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

HB 1613-FN, establishing a trust fund for money from soil and water environmental contamination court settlements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Rochefort for Ways and Means. This bill proposes the creation of a dedicated trust fund to manage funds derived from court settlements related to soil and water environmental contamination. Presently, when the state pursues legal action against significant polluters and successfully obtains settlements, the funds are directed to the general fund, lacking a concrete assurance that affected New Hampshire residents will

benefit from them. This bill, in its amended form, introduces the Soil and Water Contamination Settlement Fund as a solution. The fund is designed to be the designated repository for such settlements, with provisions to carefully outline the parameters for disbursement, specifying circumstances, timing, and the allocation of funds subsequent to their placement into the fund. Vote 18-0.

Amendment (0702h)

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

1 New Chapter; Soil and Water Contamination Settlement Trust Fund. Amend RSA by inserting after chapter 485-I the following new chapter:

CHAPTER 485-J

SOIL AND WATER CONTAMINATION SETTLEMENT TRUST FUND

485-J:1 Soil and Water Contamination Settlement Trust Fund Established.

I. There is hereby established the New Hampshire soil and water contamination settlement trust fund that shall be kept distinct and separate from all other state funds. Any funds or proceeds received by the attorney general on behalf of the state or its citizens as a result of any civil judgment or settlement of a claim, suit, petition, or other action regarding damages from environmental contamination of soil and water shall be deposited into the trust fund. All moneys in the fund shall be nonlapsing and continually appropriated to the department of environmental services for the purposes of this chapter.

II. Once the funds have been deposited, the attorney general shall promptly report to the fiscal committee of the general court any money received under this section. All reports under this paragraph shall include, but shall not be limited to:

- (a) The date of the judgment or settlement.
- (b) The reason for the judgment or settlement.
- (c) The purpose for which the judgment or settlement is to be used.
- (d) The amount of the judgment or settlement.
- (e) An accounting of the allocation of each judgment or settlement.

III. The state treasurer shall be the trustee of the trust fund, and shall invest the trust fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the trust fund. Money in the fund shall be appropriated by the general court to address expenses and damages related to the specific type of contamination addressed by the settlement, including the remediation of the contamination, testing of soil and water for contamination, health monitoring for individuals at risk for or otherwise impacted by the contamination, and further investigation by the department of environmental services relevant to the specific type of contamination addressed by the settlement.

However, if the commissioner of the department of environmental services finds that the specific type of contamination addressed in the settlement has already been remediated and no longer presents a hazard to the environment or to the health of the public, the commissioner may request the state treasurer to transfer the settlement to one or more dedicated environmental funds under the administration of the department of environmental services.

IV. If after a period of 2 years, any funds from a specific settlement which remain in the soil and water contamination trust fund and have not been spent to address eligible expenses and damages, the state treasurer shall transfer any remaining settlement funds to one or more dedicated environmental funds under the administration of the department of environmental services, as directed by the commissioner of the department of environmental services.

V.(a) This section shall only apply to environmental contamination settlements received by the attorney general where the disposition of funds has not been previously directed in statute by an act of the legislature. Settlements not included under the scope of this section include, but are not limited to, those eligible to be directed to the solid waste management fund under RSA 149-R and the drinking water and groundwater trust fund under RSA 6-D:1.

(b) This section shall not apply to fines received by the attorney general in criminal cases, penalty assessment funds, drug forfeiture funds, fines or civil penalties authorized by state law as a result of enforcement actions taken by state agencies or the attorney general, and money received on behalf of a victim or the state as restitution.

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

HB 1655, relative to establishing an educator certification fund for fees paid to the department of education. **BOUGHT TO PASS WITH AMENDMENT.**

Rep. Sallie Fellows for Ways and Means. The committee amended the bill by removing the sections creating a new nonlapsing fund because such a fund already exists. We recommend the department work with the Department of Administrative Services to update the current fund description. Legislative changes, if needed, can be made next year. The policy portion of the bill, adding rulemaking authority for processing criminal history record checks, remains in the bill. Vote 18-0.

Amendment (1017h)

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

AN ACT including in the commissioner of the department of education's rulemaking authority the authority to make rules regarding collection of fees for criminal background check processing.

Amend the bill by replacing section 1 with the following:

1 State Board of Education; Rulemaking Regarding Fees. Amend RSA 186:11, X(b) to read as follows:

(b) Fees to be paid to the commissioner of education for the administration of proficiency exams and other competence evaluations and other related fees including, but not limited to, fees for late filing and duplicate credentials, and for the issuance of educational credentials, **and for the processing of criminal history record checks**. These fees must bear a reasonable relationship to the actual costs related to such activities. Funds collected from these fees shall be expended only for purposes of fulfilling the requirements of this paragraph. No portion of the funds collected from these fees shall lapse, nor be used for any other purpose than fulfilling the requirements of this paragraph, nor be transferred to any other appropriation.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill includes in the commissioner of the department of education's rulemaking authority the authority to make rules regarding collection of fees for criminal background check processing.

HB 1709-FN, establishing the forest carbon commission. **OUGHT TO PASS.**

Rep. Susan Almy for Ways and Means. The policy committee turned the bill into a commission, and there is no fiscal impact remaining. Vote 19-0.

REGULAR CALENDAR

HB 1192-FN, relative to contempt actions in domestic relations matters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Debra DeSimone for Children and Family Law. This bill, as amended, addresses the rise in contempt cases in family court, giving the judge latitude to assess penalties. Vote 9-5.

Amendment (0914h)

Amend RSA 458:51, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In any proceeding under this section, in which a party alleges, and the court finds, that a party is in contempt of court and has failed, without just cause, to obey an order or decree, the court shall award reasonable costs and attorneys' fees to the prevailing party. Additionally, the court may impose sanctions and conditions designed to assure the contemnor's compliance with the order or decree, including but not limited to incarceration, fines, and reimbursements, taking into consideration the nature and severity of the acts constituting the contempt, the contemnor's history of non-compliance, and any other factors the court deems relevant. If the court determines that no condition, sanction, or combination of such will reasonably assure the contemnor's compliance with the order, the court shall amend the order or decree accordingly.

Committee amendment was adopted.

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

Rep. Gregg spoke against.

Rep. DeSimone spoke in favor.

On a division vote, with 187 members having voted in the affirmative, and 178 in the negative, the committee report was adopted, and the bill was ordered to third reading.

HB 1659-FN, relative to interference with child custody and shared parenting. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Debra DeSimone for the Majority of Children and Family Law. This bill is working toward a more strict adherence to parenting plans specifically ordered by the court and implements penalties for noncompliance thereof. Vote 8-6.

Rep. Heather Raymond for the Minority of Children and Family Law. This bill requires the family court to order compensatory parenting time when a parent fails to comply with parenting plans. While on the surface this seems to be a neutral stance, in reality it prevents the court from considering the best interests of the child, particularly in situations where DCYF has asked for a temporary safety plan to keep a child with one parent while the other is being investigated. Custody matters are a matter of best interests, but DCYF is required to show a preponderance of the evidence that a child has suffered protracted harm as a result of abuse or neglect. There are numerous scenarios where a court may find that something is not in a child's best interest even if it does not result in physical injury and a finding of abuse. As amended, this bill would require the court to ignore the best interest requirement.

Majority Amendment (0921h)

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

1 Parental Rights and Responsibilities; Parenting Plan Contents; Access to Records and Information. Amend RSA 461-A:4, II(b) to read as follows:

(b) Information sharing and access, including telephone and electronic access. ***Unless the court order or parenting plan specifically provides otherwise, and unless otherwise precluded by state or federal law, both parents shall have access to records and information pertaining to a minor child including, but not limited too, medical, dental, and school records.***

2 Parental Rights and Responsibilities; Judicial Enforcement of Parenting Schedule. Amend RSA 461-A:4-a to read as follows:

461-A:4-a Judicial Enforcement of Parenting Plan.

I. The court shall hold a hearing on any motion for contempt or enforcement of an order regarding an approved parenting plan under this chapter[; if filed by a parent, shall be reviewed by the court] filed by a parent within 30 days, and within 10 days of the conclusion of an investigation by the division for children youth and families (DCYF) or law enforcement.

II. If the court finds that a parent has, without just cause, failed to abide by the terms of a parenting plan under RSA 461-A:4, or access was denied due to an investigation by DCYF that did not result in a finding of abuse or neglect, the court shall order additional parenting time to the other parent as compensation for time lost with the child. The court shall order the parties to resume the parenting schedule immediately thereafter according to the original court-ordered parenting plan.

III. In addition to reasonable attorneys fees and costs under RSA 461-A:15, the court may impose a fine of \$500 for noncompliance with the parenting plan.

3 Applicability. This act shall apply to any proceeding in the family division of the circuit court affecting the child-parent relationship pending on or after the effective date of this act. This act shall not apply to any proceeding in which a final order was issued prior to the effective date of this act.

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

AMENDED ANALYSIS

This bill provides that unless the parenting plan specifically provides otherwise, both parents shall have access to all records and information pertaining to the child. The bill further directs the court to award a parent additional parenting time in response to the other parent's noncompliance with the parenting schedule. The bill also permits the court to fine the parent for noncompliance with the court-ordered parenting schedule.

The question being adoption of the majority committee amendment.

On a division vote, with 189 members having voted in the affirmative, and 176 in the negative, the majority committee amendment was adopted.

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

Rep. Raymond spoke against.

Rep. Mark Pearson spoke in favor.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 198 - NAYS 174

YEAS - 198

BELKNAP

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

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

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

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
Tierney, James

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rochefort, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick
Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Griffin, Gerald
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

Alexander, Joe
Berry, Ross
Corcoran, Travis
Darby, Will
Gagne, Larry
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wheeler, Jonah

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Erf, Keith
Gibbons, Candace
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom
Wherry, Robert

MERRIMACK

Aures, Cyril
McGuire, Dan
Leavitt, John
Boyd, Stephen
Walsh, Thomas

Aylward, Deborah
Gerhard, Jason
Mason, James
Gould, Sherry
Testerman, Dave

McGuire, Carol
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Wolf, Dan

Cambrils, Jose
Hoell, J.R.
Polozov, Yury
See, Alvin
Wood, Clayton

ROCKINGHAM

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

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

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

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
Vose, Michael
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

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
Spilsbury, Walter

Merchant, Gary
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

NAYS - 174**BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Monteil, Renee
Tatro, Bruce

Ames, Richard
Faulkner, Barry
Newell, Jodi
Toll, Amanda

Harvey, Cathryn
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Fox, Dru
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Sykes, George

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Aissandra	Nutting-Wong, Allison	Beauchemin, Paige	Beaulieu, Jane
Booras, Efsthia	Bouchard, Donald	Bouldin, Amanda	Bradley, Amy
Calabro, Karen	Chretien, Jacqueline	Cornell, Patricia	Ford, Damond
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	Judy, Jean	Smith, Juliet	Juris, Louis
Foxx, Loren	Lanza, Judi	Leapley, Nicole	LeClerc, Daniel
Leishman, Peter	Lloyd, Christal	Long, Patrick	Howard, Molly
Murray, Megan	Mangipudi, Latha	McGhee, Kat	Ming, Ben
Morton, Jennifer	Murphy, Nancy	Nutter-Upham, Frances	Pedersen, Michael
Petrigno, Peter	Plamondon, Marc	Preece, David	Newman, Ray
Raymond, Heather	Rombeau, Catherine	Rung, Rosemarie	Ryan, Linda
Newman, Sue	Seibert, Christine	Sofikitis, Catherine	Spier, Carry
Staub, Kathy	Telerski, Laura	Tellez, Trinidad	Vail, Suzanne
Veilleux, Daniel	Dolan, William	Thomas, Wendy	Wilhelm, Matthew

MERRIMACK

Turcotte, Alisson	Brennan, Angela	Caplan, Tony	Carey, Lorrie
Ebel, Karen	Gallager, Eric	Gibbs, Merry	Hall, Muriel
Hicks, Matthew	Lane, Connie	Luneau, David	MacKay, James
McWilliams, Rebecca	Myler, Mel	Richards, Beth	Roesener, James
Schamberg, Thomas	Schuett, Dianne	Schultz, Kristina	Shurtleff, Steve
Soucy, Timothy	Wallner, Mary Jane		

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

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

SULLIVAN

Sullivan, Brian	Cloutier, John	Damon, Hope	Palmer, William
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and the majority committee report was adopted, and the bill was ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Layon moved that the debate on **HB 1659-FN**, relative to interference with child custody and shared parenting, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 1659-FN

Speaker Packard: A division has been called. Members take your seats. This is on the amendment. Clarification only. This is a clarification vote on the amendment. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 189 voting Yea, 176 voting Nay, the amendment is adopted. The motion before us now is Ought to Pass as Amended. The Chair recognizes Rep. Raymond.

Representative Raymond: Thank you for your patience, Mister Speaker. Both child and family law and the family court oversight committee heard testimony about parents who routinely ignore and violate parenting plans. This is a problem. Parenting plans aren't just agreements between parents, they are court orders and there should be consequences for repeatedly violating the terms. However, this bill is not the way to address the issue. This body has already passed bills this session and just this morning that give both the courts and parents tools and incentives to enforce compliance. This bill, however, uses a sledgehammer where a scalpel is needed. It treats every family circumstance the same without regard for differences and mandates that judges ignore the best interest of the child in favor of scripted compensatory time. It ignores complex family dynamics that families experience when parent's behaviors don't quite cross the line into serious injuries or

abuse. For example, if we have a 13-year-old who presents with a large handprint bruise on the face and says that mom has been drinking a lot and they have been fighting. DCYF gets called. They ask dad to hold the child for the weekend so that DCYF can fully investigate what is going on. Mom admits to drinking. She drinks heavily. She admits to hitting the child because the child is an adolescent and mouths off sometimes. Under New Hampshire law, this is an unfounded report because bruising does not constitute injury with protracted harm or impairment. A 13-year-old is old enough to call for help so being drunk, even habitually, is not enough to make a finding of neglect. Therefore, under the amendment that we just passed, the family court judge would be prohibited from considering the best interest of this child and would be required to award mom compensatory parenting time to make up for the weekend that she lost. DCYF might recommend counseling or parenting assistance, but the way this bill is worded, the judge could not order it. The judge would be required to return to the original parenting plan agreement. I don't believe that parents who act with DCYF to protect their children should be punished because our abuse laws require extreme injury before the state can act. I also believe that judges should have the discretion to consider all of the evidence before making decisions, not just rely on one piece of evidence which is the DCYF report. We have other bills that address the cases where one parent basically kidnaps the child and we have better teeth for those bills, like the one we passed this morning which would allow a judge to incarcerate the parent who did the kidnapping. However, this bill treats all parents the same whether you have kept the child for a weekend because you were worried about their safety or you kept them for two years. I ask that we support the previous bills by pressing the red button on this bill to overturn the OTP so another motion can be made. I ask for a division vote. Thank you.

Speaker Packard: The Chair recognizes Rep. Mark Pearson.

Representative Mark Pearson: Thank you, Mister Speaker. Mister Speaker, as my role as Chairman of both Children and Family Law Committee and of the Special Committee on the Family Division of the Circuit Court and also in my role as part time chief executive officer of the Kingston Wellness Center which has two physicians and two certified counselors on staff, I've come to learn how many divorced parents seldom or never see their children despite court ordered parenting plans. Often the aggrieved parents then went to the police and unless there were credible allegations of severe abuse of the child, the police referred the complainants back to the courts. In the research done as to what would happen next, I found a significant variety across the country. In some states, very red, very blue and of various shades of purple, there are laws on the books as to what the court may do next to punish those disobeying parenting plans. Some states have felony charges. Others have misdemeanors to force the parenting plan to be honored as the court had originally ordered. However, I also found that in other states there are no consequences to such willful contempt so the perpetrators can continue to harm both the other parent, but especially the child. We need something more on the books here in New Hampshire. It is for that reason that HB 1659 was filed. However, in the Children and Family Law Committee, there was a concern that the bill as originally submitted may have gone a bit too far. For example, if a child had been denied a visit to the other parent on every other Christmas, the remedy would be for each of those Christmases to be made up. In other words, if the parenting plan called for the child to visit one parent every other Christmas and it was denied twice, upon conviction of defiance of the plan, the first parent would now have the child for four consecutive Christmases. A bit much we thought. Also, the bill as originally written would force the perpetrator, upon conviction, to pay a fine of \$500 for every day of noncompliance. The amendment lowered this to just one \$500 payment for noncompliance. No sledgehammer. Also, the amendment gave more discretion to the judge. Reading over this amendment, yes, more discretion to the judge because as we all know, no two court cases are alike. So, I believe the amendment we just passed made a good bill much better and much more reasonable. Over the years in my professional capacity, I've had witnessed firsthand not only the utter sadness of parents and grandparents who've been denied appropriate visits with their children, but also, I have noted psychological and emotional scars in the children denied appropriate visitation. So, I asked my staff counselors what does DSM-5 say? This is the Diagnostic and Statistical Manual of Mental Disorders 5th Edition published in 2013, which is the taxonomic and diagnostic tool published by the American Psychiatric Association. In their Section V 995.51 we find what is called pathogenic parenting syndrome appearing in children. Sometimes when parents weaponize the child as a way of wreaking vengeance against the other parent too often, this creates an observable level of psychopathology in the child and as such is deemed psychological child abuse. All of this and much more in great clinical and scientific detail confirms what so many of us have observed in some cases where a parenting plan is willfully disregarded. I believe that HB 1659 as amended gives the courts a better enforcement mechanism against the disregarding of court ordered parenting plans. Mister Speaker, I hope my colleagues will push the green button. And while I know this phrase has become somewhat of a cliché here, I think this is true. We need to do this for the children. Thank you, Mister Speaker.

Speaker Packard: Rep. Sweeney 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 the majority committee report of Ought to Pass as Amended on HB 1659. This is a roll call vote. The Chair recognizes Rep. Long for a parliamentary inquiry.

Representative Long: Thank you, Mister Speaker. If I know that custody matters are of best interest of the child and this bill prevents the court from considering it. And if I also believe that there are a lot of people that came that are going through this issue and this bill does not address them because this bill doesn't become effective or does not address anything prior to January, any order prior to January of 2025, then would I press the red button? Thank you, Mister Speaker.

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

Representative Nelson: Thank you, Mister Speaker and good morning. If I know that when parents weaponize the child as a way to get back at the child's other parent, it leaves lasting scars on the child's emotional wellbeing. And if I know that if there are no repercussions for misconduct, the likelihood that the offense will be repeated increases. And if I know that this bill as amended will help the courts enforce the parenting plan, that when adhered to properly, it is in the best interest of the child, then would I not, Mister Speaker, why would I not, Mister Speaker, press the green to pass the bill as amended?

Speaker Packard: The motion before us is the majority committee report of Ought to Pass as Amended on HB 1659. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 198 voting Yea, 174 voting Nay, the majority committee report was adopted.

REGULAR CALENDAR CONT'D

HB 1528, relative to reporting by the northern border alliance program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alissandra Murray for Criminal Justice and Public Safety. This bill, as amended by committee, aligns required reporting statute with state police protocol regarding the new Northern Border Alliance program. This will ensure the governor and legislature receive adequate reporting from the program to ensure proper financial resourcing. Vote 19-1.

Amendment (0737h)

Amend the bill by replacing section 1 with the following:

1 Northern Border Alliance Program; Reporting. Amend RSA 21-P:69, IV to read as follows:

IV. The program shall include semi-annual reporting, to the governor, senate president, and speaker of the house of representatives, which includes measurable program results and a detailed accounting of program funding and uses. ***The report shall also include the number of persons arrested, persons cited, and persons subjected to a field stop or warning. For persons in each of the categories, the aggregate data shall also include the municipality and country where each such person resides. For persons who are arrested or cited, the report shall also include the race of such persons to the extent such information is indicated on the complaint, summons, or citation.*** The first report shall be submitted on or before December 31, 2023.

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.

PROTEST - HB 1528

In accordance with Part 2, Article 24 of the New Hampshire Constitution, I motion for my dissent to the vote just taken by the House on HB 1528 to be entered into the House Journal. The reason for my dissent is the bill serves to gather data by police agencies with the perceived innocence of "the data is already being gathered." In truth, the data we wish to have is: is the person being encountered a foreign national? If so, what is their country of origin? Asking for an encountered person's race does nothing but prove or disprove that police are or are not racially profiling the persons they choose to detain for questioning.

Jason A. Janvrin, Representative

Rockingham District 40 (Seabrook/Hampton)

MOTION TO REMOVE FROM THE TABLE

Rep. Roy moved that **HB 1336**, relative to employees' firearms in locked vehicles, be removed from the table. On a division vote, with 189 members having voted in the affirmative, and 183 in the negative, the motion was adopted.

Rep. Roy moved Ought to Pass and offered floor amendment (1271h).

Floor Amendment (1271h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Storage of Firearms. Amend RSA 159 by inserting after section 26 the following new subdivision:

Storage of Firearms

159:27 Stored Firearms in Vehicles.

I. Any public or private employer that receives public funds from the federal or state government or any subdivision thereof, whether such funds are in the form of payment for contractual services, grants, or in any other form however denominated, and irrespective of the amount or level of such funding, or any agent of such an employer, shall not:

(a) Prohibit an employee who may legally possess a firearm from storing a firearm or ammunition in the employee's vehicle while entering or exiting the employer's property or while the vehicle is parked on the employer's property as long as the vehicle is locked, and the firearm or ammunition is not visible.

(b) Take any adverse action against any employee who stores a firearm or ammunition in accordance with this section.

II. Any employer or agent of any employer is prohibited from requiring an employee to disclose whether or not the employee is storing a firearm or ammunition in the employee's vehicle, and no searches of the employee's vehicle for a firearm or ammunition may be undertaken except by a law enforcement officer pursuant to a warrant or pursuant to a recognized exception to the warrant requirement.

III. An employer or an agent of an employer may not be held liable in any civil action for any damages for any economic loss, injury, or death resulting from or arising out of another person's actions involving a firearm or ammunition stored pursuant to this section, including, but not limited to, the theft of a firearm from an employee's vehicle, unless the employer or an agent of the employer intentionally solicited or procured the other person's injurious actions.

IV. This section applies to the state or any municipality as an employer when the state or municipal employee's vehicle is on property owned or leased by the state or municipality.

V. This section shall not be construed to authorize an employee to carry a firearm in any place where carrying a firearm is prohibited by law.

AMENDED ANALYSIS

This bill prohibits certain employers from banning employees' storage of firearms or ammunition in their locked vehicles, and prohibits all employers from inquiring into or searching for firearms or ammunition in the locked vehicles. This bill further provides civil immunity to employers for any economic loss, injury, or death that results from an employer's adherence to this law.

The question being adoption of floor amendment (1271h).

Rep. Meuse spoke against.

Rep. Roy spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 172

YEAS - 201

BELKNAP

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

Bogert, Steven
Dumais, Russell
O'Hara, Travis
St. Clair, Charlie

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Terry, Paul

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
Trottier, Douglas

CARROLL

Avellani, Lino
Crawford, Karel
Peternel, Katy

Belcher, Mike
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

CHESHIRE

Hunt, John
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold
King, Seth

Durkin, Sean
Tierney, James

Kelley, Eamon

Ouellet, Mike

GRAFTON

Berezhny, Lex
Rocheft, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill

Abare, Kimberly
King, Bill

Alexander, Joe
Baroody, Benjamin

Ammon, Keith
Berry, Ross

Boehm, Ralph
Corcoran, Travis
Erf, Keith
Goley, Jeffrey
Kennedy, Stephen
Lascelles, Richard
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wheeler, Jonah

Calabro, Karen
Creighton, Jim
Fedolfi, Jim
Gorski, Ted
Kenny, Catherine
Leishman, Peter
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom
Wherry, Robert

Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Healey, Robert
Kofalt, Jim
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Cole, Brian
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

Aylward, Deborah
Gerhard, Jason
Mason, James
Gould, Sherry
Walsh, Thomas

McGuire, Carol
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Testerman, Dave

Cambrils, Jose
Hoell, J.R.
Polozov, Yuri
See, Alvin
Wolf, Dan

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Read, Ellen
Spillane, James
Cahill, Tim
Tudor, Paul
Vose, Michael
Yokela, Josh

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Roy, Terry
Summers, James
Dolan, Tom
Vallone, Mark
MacDonald, Wayne

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Vandecasteele, Susan
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Doucette, Fred
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Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
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Soti, Julius
Sytek, John
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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 - 172

BELKNAP

Huot, David

CARROLL

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CHESHIRE

Abbott, Michael
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Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Alistandra	Nutting-Wong, Allison	Beauchemin, Paige	Beaulieu, Jane
Booras, Efstathia	Bouchard, Donald	Bouldin, Amanda	Bradley, Amy
Chretien, Jacqueline	Cornell, Patricia	Ford, Damond	Darby, Will
Devine, Shelley	DiSilvestro, Linda	Dutzy, Sherry	Elberger, Susan
Davis, Fred	Freitas, Mary	Gibbons, Candace	Gregg, Alicia
Grill, Jessica	Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary
Herbert, Christopher	Jeady, Jean	Smith, Juliet	Juris, Louis
Foxx, Loren	Lanza, Judi	Leapley, Nicole	LeClerc, Daniel
Lloyd, Christal	Long, Patrick	Howard, Molly	Murray, Megan
Mangipudi, Latha	McGhee, Kat	Ming, Ben	Morton, Jennifer
Murphy, Nancy	Nutter-Upham, Frances	Pedersen, Michael	Petrigno, Peter
Plamondon, Marc	Preece, David	Newman, Ray	Raymond, Heather
Rombeau, Catherine	Rung, Rosemarie	Ryan, Linda	Newman, Sue
Seibert, Christine	Sofikitis, Catherine	Spier, Carry	Staub, Kathy
Telerski, Laura	Tellez, Trinidad	Vail, Suzanne	Veilleux, Daniel
Dolan, William	Thomas, Wendy	Wilhelm, Matthew	

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McWilliams, Rebecca	Myler, Mel	Richards, Beth	Roesener, James
Schamberg, Thomas	Schuett, Dianne	Schultz, Kristina	Shurtleff, Steve
Wallner, Mary Jane			

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Maggiore, Jim	Malloy, Dennis	Manos, Zoe	McBeath, Rebecca
Meuse, David	Muns, Chris	O'Neil, Candice	Rafter, Hal
Raynolds, Ned	Simpson, Alexis	Turer, Eric	Ward, Gerald

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LaMontagne, Jessica	Levesque, Cassandra	Smith, Marjorie	Schmidt, Peter
Pare, Gail	Selig, Loren	Southworth, Thomas	Wall, Janet

SULLIVAN

Sullivan, Brian	Cloutier, John	Damon, Hope	Merchant, Gary
Palmer, William			

and floor amendment (1271h) was adopted.

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

On a division vote, with 197 members having voted in the affirmative, and 176 in the negative, the motion of Ought to Pass with Amendment was adopted, and the bill was ordered to third reading.

REGULAR CALENDAR CONT'D**HB 1205**, relative to women's school sports. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Protecting fairness in women's sports is a women's rights issue. Women worked for years to get Title IX passed in 1972 to ban sex discrimination in federally funded education programs and athletics. Since 2020, 23 states have passed laws related to transgender females competing against biological females. This bill, as amended, applies to only grades 5-12 interscholastic or club teams and limits participants based on biological sex. This does not apply to student eligibility on intramural teams designated as mixed or co-ed. The bill also provides for a cause of action if a student is deprived of athletic opportunities, is subjected to retaliation, or suffers any direct or indirect harm. The committee heard that nobody has been denied scholarships or injured in competition involving transgender females. The truth, however, is that girls have been injured. In Massachusetts this year, three girls were injured in a basketball game causing the team to forfeit, and a West Virginia girl was injured in volleyball and was still suffering a year later. There is an ongoing federal legal case involving girls in Connecticut who lost scholarship opportunities in track. This bill is very simply about fairness, integrity, and safety in female competition.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: This is another bill to discriminate against transgender youth that make up less than 1% of the school population and even less of the athletic teams. All middle and

high school sports are governed by the National Federation of Interscholastic Athletics that oversees competition for safety, fairness, sets guidelines, determines eligibility of participants, and adopts rules for the sport. These organizations are made up of representatives of professionals in education, medicine, athletics, sports management, athletic training, and officiating, not politicians. The New Hampshire Interscholastic Athletic Association has concluded “that it would be fundamentally unjust and contrary to applicable State and Federal laws to preclude a student from participation on a gender specific sports teams that is consistent with the public gender identity of that student for all other purposes.” For eligibility purposes, “the school district submits a roster to the NHIAA that verifies that the student listed on a gender specific sports team is entitled to participation on that team due to their gender identity and the school district has determined that the expression on the student’s gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics.” We should let them do their job. Every student’s physical and mental ability in sports differs from another regardless of the gender of the students. What separates the successful athlete is the development of skill, coach ability, work ethic, and competitive spirit. This is what college programs consider when offering scholarships. We have seen a great deal of misinformation, but the truth is no one has been denied a scholarship or suffered an injury that was a result of the participation of a transgendered person. This bill, as amended, strips away federal law and denies constitutional protections to discriminate against transgender youth and their families. It further allows lawsuits to be brought against the student, family, and the schools if the transgender child participates in athletics. While transgender students have many obstacles to face in life and at school, middle and high school sports should not be one of them.

Rep. Linda Tanner

Rep. Cordelli moved Ought to Pass and offered amendment (0973h).

Amendment (0973h)

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

1 New Subdivision; School Athletics. Amend RSA 193 by inserting after section 40 the following new subdivision:

School Athletics

193:41 School Athletics.

I. In this subdivision, “school” means a public high school in which any combination of grades 9 through 12 are taught or a public middle school in which any combination of grades 5 through 8 are taught. This shall not apply to students in any grade kindergarten through fourth grade.

II.(a) An interscholastic sport activity or club athletic team sponsored by a public school or a private school whose students or teams compete against a public school must be expressly designated as one of the following based on the biological sex at birth of intended participants:

- (1) Males, men, or boys;
- (2) Females, women, or girls; or
- (3) Coed or mixed.

(b) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

III. For purposes of this subdivision, the sex of a student for the purpose of determining eligibility to participate in an interscholastic sport activity or club athletic team shall be determined by the student’s biological sex on the student’s official birth certificate or certificate issued upon adoption, and is considered to have correctly stated the student’s biological sex only if the certificate was:

- (a) Issued at or near the time of the student’s birth; or
- (b) Modified to correct any type of scrivener or clerical error in the student’s biological sex.

IV. If a birth certificate provided by a student pursuant to paragraph III does not appear to be the student’s original birth certificate or does not indicate the student’s sex upon birth, then the student must provide other evidence indicating the student’s sex at the time of birth. The student or the student’s parent or guardian must pay any costs associated with providing the evidence required.

V. The state board of education, each local school board, and each governing body of a public charter school shall adopt and enforce policies to ensure compliance with this subdivision in the public schools governed by each respective entity.

VI. This subdivision shall not be construed to restrict the eligibility of a student to participate in intramural activities designated as coed or mixed.

VII. A government entity, any licensing or accrediting organization, or an athletic association or organization shall not entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic sport activities or club athletic teams for students of the female sex.

193:42 School Athletics; Causes of Action.

I. Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a school knowingly violating RSA 193:41 shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school.

II. Any student who is subject to retaliation or other adverse action by a school or athletic association or organization as a result of reporting a violation of RSA 193:41 to an employee or representative of the school or athletic association or organization, or to any state or federal agency with oversight of schools in the state, shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school or athletic association or organization.

III. Any school that suffers any direct or indirect harm as a result of a violation of RSA 193:41 shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the government entity, licensing or accrediting organization, or athletic association or organization.

IV. All civil actions must be initiated within 2 years after the harm occurred. Persons or organizations who prevail on a claim brought pursuant to this subdivision shall be entitled to monetary damages, including for any psychological, emotional, and physical harm suffered, reasonable attorneys' fees and costs, and any other appropriate relief.

2 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

3 Effective Date. This act shall be effective 30 days after passage.

The question being adoption of amendment (0973h).

On a division vote, with 190 members having voted in the affirmative, and 177 in the negative, the amendment (0973h) was adopted.

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

Rep. Simpson spoke against.

Rep. Peternel spoke in favor.

Rep. Peternel requested a roll call; sufficiently seconded.

YEAS 189 - NAYS 182

YEAS - 189

BELKNAP

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

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

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCart, Nikki
Beaudoin, Richard
Varney, Peter

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
Tierney, James

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rochefort, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

Aures, Cyril
McGuire, Dan

Aylward, Deborah
Gerhard, Jason

McGuire, Carol
Hill, Gregory

Cambrils, Jose
Hoell, J.R.

Leavitt, John
Boyd, Stephen
Testerman, Dave

Mason, James
Seaworth, Brian
Wood, Clayton

Moffett, Michael
See, Alvin

Polozov, Yury
Walsh, Thomas

ROCKINGHAM

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

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

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

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
Wallace, Scott

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

Bickford, David
Harrington, Michael
Newton, Clifford

Burnham, Claudine
Horgan, James
Phinney, Brandon

STRAFFORD

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

NAYS - 182 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Jones, Philip
Schapiro, Joe

Ames, Richard
Faulkner, Barry
Monteil, Renee
Tatro, Bruce

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

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

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Alistandra
Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine

Nutting-Wong, Allison
Booras, Efstathia
Calabro, Karen
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Howard, Molly
Ming, Ben
O'Brien, Michael
Preece, David
Rung, Rosemarie

Baroody, Benjamin
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Murray, Megan
Morton, Jennifer
Pedersen, Michael
Newman, Ray
Ryan, Linda

Beauchemin, Paige
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Judy, Jean
Lanza, Judi
Lloyd, Christal
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue

Seibert, Christine
Telerski, Laura
Dolan, William

Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Spier, Carry
Vail, Suzanne
Wilhelm, Matthew

Staub, Kathy
Veilleux, Daniel

MERRIMACK

Turcotte, Alisson
Ebel, Karen
Hicks, Matthew
McWilliams, Rebecca
Gould, Sherry
Shurtleff, Steve

Brennan, Angela
Gallager, Eric
Lane, Connie
Myler, Mel
Schamberg, Thomas
Soucy, Timothy

Caplan, Tony
Gibbs, Merryl
Luneau, David
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

Carey, Lorrie
Hall, Muriel
MacKay, James
Roesener, James
Schultz, Kristina

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Vandecasteele, Susan

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turer, Eric

STRAFFORD

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

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

Rep. Vandecasteele voted Nay and intended to vote Yea.

MOTION TO PRINT DEBATE

Rep. Cordelli moved that the debate on **HB 1205**, relative to women's school sports, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 1205

Speaker Packard: Rep. Cordelli moves Ought to Pass and offers amendment (0973h). We have a debate on the amendment. We have a division on the amendment. Members take your seats. The motion before us is amendment (0973h). Members need to be in their seats. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 190 voting Yea, 177 voting Nay, the amendment is adopted. We are now on to Ought to Pass as Amended. The Chair recognizes Rep. Simpson.

Representative Simpson: Thank you, Mister Speaker. I rise in opposition to the OTP/A motion on HB 1205 and I would ask my colleagues supporting this bill to reconsider their position for three key reasons. I have significant concerns. First with student privacy concerning government documents. Second with conflicts with federal law and a potential loss of federal funding for school districts and third, with issues of gender equality. First, HB 1205 as amended requires that every single student athlete from 5th grade, which is typically 10 years old, through 12th grade must provide their birth certificate to be eligible to participate in any sport, any sport. There is no explanation in the bill as to who collects the birth certificate, who verifies it, whether it needs to be stored at the school district for a certain period of time, how often it needs to be shown or if the documentation is destroyed after a period of time. This bill requires private documents to be submitted with no steps to maintain family privacy. According to the bill, if the parents do not feel comfortable bringing in the birth certificate, because after all we are Granite Staters and we care deeply about privacy, the parents who want their child to participate in sports must provide other evidence. But there is no specification in this bill of what other evidence is acceptable. So, a student may need to disrobe in front of a school official to prove who they are so they can participate in sports for fun with their friends. We should all be gravely concerned about the privacy implications and potential violations of this bill. The second significant concern is how HB 1205 conflicts with federal Title IX law. Title IX says that no person shall on the basis of sex be excluded from participation under any education program or activity. HB 1205 explicitly states that girls' sports teams "shall not be open to students of the male sex." But Title IX says students cannot be excluded

based on sex from any activity. This means that to comply with Title IX, schools under HB 1205 will not be eligible for federal funding if they offer a girl's team but not a corresponding boy's team. As this bill says that boys cannot play on teams that are designated for girls only. Let's use volleyball as an example. If a school district does not have enough boys to fill a boys volleyball team, but the district offers a girls volleyball team, if HB 1205 were to pass, boys would be excluded based on sex from participating in this activity. Excluding boys from a girl's team, if there is no boy's volleyball team, is a violation of Title IX. To be clear, HB 1205 is in direct violation of Title IX and federal funding to school districts could be withheld. However, this bill does offer a solution to this conflict with federal law. Girls' teams could instead be designated as co-ed, but we should ask ourselves what could happen if all girls' teams are designated co-ed in order to comply with federal law. It is safe to assume that more cisgender boys would participate which could then limit the opportunities of girls and bump girls off the starting roster. The supporters of this bill claim to care about protecting women, yet in their apparent quest to exclude transgender students from participating, they are directly harming cisgender girls. This isn't about transgender athletes. Passage of this bill would encourage or even require districts to eliminate girls' sports in order to comply with Title IX federal law so they can continue to receive federal funding. This brings me to the third concern, protecting gender equality. Title IX ensures that all students have access to an activity and cannot be excluded based on their sex. Title IX protects student athletes insuring they can participate in the sport at their school if it is offered, even if it's not offered for their specific gender. Title IX is how girls were able to start participating in sports in the first place so they could have protections and access so they would not be excluded by boys only teams. HB 1205 sends New Hampshire back to before Title IX was passed in 1972. We would be responsible for eliminating opportunities for student athletes across the state by passing a law in direct conflict with Title IX. I also want to address a story that's been told in the public hearing and the executive session for this bill. The story is about a field hockey game in which a girl was injured. She was hit in the face by a field hockey ball, and it was a significant injury. This story has been used to blame a transgender girl, but that's not the truth. The student who hit the ball is a cisgender boy. Born a boy. Identifies as a boy. Has no question he is a boy. The student is not transgender. Pointing to that story as a reason to pass this bill is misleading. That story has been misrepresented to target transgender girls. It is not true. Here is the reality. Anyone who has played sports know injuries happen all of the time. My son was a baseball pitcher. In his time as a pitcher, he threw a lot of strikes, stuck out a lot of batters. He also threw a lot of balls, walked batters and like every single pitcher in baseball and softball, he has hit batters. Under no circumstances was he blamed for the injury nor was he ever the subject of intense media scrutiny or the target of harassment or attacks by peers, coaches, parents or the general public. Think back to when you played sports. You must have pulled calf muscles, torn ACLs, jammed fingers or like me, been hit by a baseball and a softball. We should not blame any student athlete for an injury regardless of their gender. We would also never have rules or pass laws that exclude students who are much taller than others from playing basketball because they have an advantage. We wouldn't exclude students who are stronger than others from wrestling because they might pin their opponents in seconds. We wouldn't exclude athletes who have longer wingspans like Michael Phelps from swimming. We wouldn't exclude athletes who've played on private teams since they were little who might have more experience than their peers and are at an advantage. This bill targets a small group of student athletes claiming there is a categorical advantage when there is not, and it comes with significant consequences for all student athletes. And finally, as I know this is a concern for some of my colleagues, there have been zero transgender athletes in the United States to receive an athletic scholarship for college. Zero. Not just in New Hampshire. Not just in New England. In the entire United States. Transgender student athletes are not taking away opportunities from cisgender student athletes. They are participating for all of the same reasons my son played baseball and throws the javelin. They are participating for the same reasons your kids and grandkids play soccer and football and ice hockey, to learn a lot of important life lessons from sports, like leadership, confidence, self respect and what it means to be part of a team. Every student in New Hampshire deserves those opportunities and should not be excluded, harassed or targeted for wanting those same opportunities. I urge this body to vote down the Ought to Pass motion. Thank you.

Speaker Packard: The Chair recognizes Rep. Peternel.

Representative Peternel: Thank you, Mister Speaker. Ten years ago, my daughter came to me after cross country practice and said mom, there's a transgender on my team. This isn't fair. What can we do? I asked her if she wanted to make a federal case out of it because I was pretty sure that's what it would take and just last week, 16 female athletes filed a federal lawsuit against the National Collegiate Athletic Association for allowing biological men to compete in women's college sports. Why is this bill necessary and other's just like it across the country? Because in 2010, GLSEN, the gay, lesbian and straight education network in conjunction with the women's sports foundation, the National Center for Lesbian Rights and It Take a Team published a report to provide guidance to high school and collegiate athletic programs about implementing policy to allow transgender student athletes fair, respectful and legal access to school sports teams. These policies were adopted by state and collegiate athletic associations before athletes and parents knew what was even happening. The New Hampshire Interscholastic Athletic Association was among the first to adopt

the policy creating a situation where the only method of recourse for displaced girls is to file a lawsuit or to quit the team. How is that fair to girls? I am not here to argue whether everyone has a right to access sports teams. We all want equal access to sports. But a girl should not be displaced by a boy on a team designated for girls. In committee, we heard testimony that transgender athletes are trying to be their authentic selves and find the self esteem, camaraderie and fun that women and girls experience on sports teams. We received testimony about girls losing to boys who would have been ranked far lower had they competed as boys and the chance of girls losing scholarships and championships to boys who are competing as girls. Girls and women have been severely injured by boys and men competing as women in their sports. We've even heard testimony from a colleague that it really didn't matter if a transgender athlete competed in girls high jump because it was an obscure sport that few would watch. This is insulting. Scholarship and championship losses are concerning but what about the girls who are cut from teams or on the junior varsity team because they have been displaced from varsity by a biological male. What about the girls whose self esteem and mental health suffers because they can't live out their true authentic selves? These girls work hard to train and practice only to have their dreams crushed. By allowing biological males to compete in women's sports, we are telling our girls and women that they don't matter, that they need to put their own goals and dreams aside for a boy or a man to take their place, that they need to remain silent in the face of injustice. We owe our daughters and granddaughters more than this. Please support Ought to Pass on HB 1205 and Mister Speaker, I request a roll call.

Speaker Packard: Rep. Peternel 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 House will be in order. The motion before us is Ought to Pass as Amended on HB 1205. This is going to be a roll call vote. The Chair recognizes Rep. Woodcock for a parliamentary inquiry.

Representative Woodcock: Thank you, Mister Speaker. If I know that this bill has absolutely nothing to do with the NCAA federal suit. This only applies to New Hampshire students aged 10 to grades 12. If I know that this bill also requires that those same students submit their birth certificate or undergo a personal investigation by school officials to prove what their body actually looks like to participate in any school sport. And if I know that HB 1205 would discriminate against a group of students in direct violation of Title IX, jeopardize school districts from being able to receive federal funds, which on the average is about \$165 million a year. Finally, if I know that all of New Hampshire students regardless of gender, race, sexual orientation, sex, religion, economic status deserve the opportunity to learn those important life lessons in sports like leadership, confidence, self respect, what it means to be part of a team, would I now press the red button so that another motion could be offered? Thank you, Mister Speaker.

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

Representative Ladd: Thank you very much, Mister Speaker. If I know this bill protects the future of women and girls' sports and will be the demise, if we don't pass it, of Title IX. If I know by permitting biological men who identify as girls to participate in women and girls' sports, creates both unfairness and severe safety issues. And if I know that it is scientifically a fact that on average males are stronger, faster and larger than average females. And lastly, if I also know by continuing to allow males who identify as girls or women to participate in women's athletics, it will lead to the end of girls sports and significantly reverse the gains women have made since the implementation of Title I, would I then press the green button in support of my granddaughter who captained the indoor and outdoor track teams at Orono, my daughter who ran for Texas A&M and my other daughter who was point guard for Elmira College when they won the championship in basketball? Thank you.

Speaker Packard: The motion before us is Ought to Pass as Amended on HB 1205. 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. 189 voting Yea, 182 voting Nay, the 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 189-182, the House adopted the motion of Ought to Pass with Amendment on **HB 1205**, relative to women's school sports.

Rep. Sweeney spoke against.

On a division vote, with 178 members having voted in the affirmative, and 194 in the negative, the motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sweeney moved that the House reconsider its action whereby, on a division vote of 197-176, the House adopted the motion of Ought to Pass with Amendment on **HB 1336**, relative to employees' firearms in locked vehicles.

Rep. Sweeney spoke against.

On a division vote, with 177 members having voted in the affirmative, and 195 in the negative, the motion failed.

REGULAR CALENDAR CONT'D**HB 1650-FN**, relative to the approval of alternative programs for granting credit leading to graduation.
WITHOUT RECOMMENDATION

Statement in support of Ought to Pass: This bill establishes minimum standards and an approval process for alternative programs for granting credit leading to graduation from a public school under what is commonly known as the "learn everywhere" program. Because there are no minimum standards or approval processes defined in statute now, the State Board of Education has approved programs that fail to meet rigorous academic standards used by public schools. To be sure these programs meet the high standards used in public schools, the bill requires the Department of Education to convene an ad-hoc committee of educators to review and report on all applications prior to being considered for approval by the State Board of Education. The bill also requires these programs which are open to all public school students to comply with state and federal anti-discrimination laws and have internal anti-discrimination policies and practices in place. The State Board of Education shall annually review all programs for ongoing compliance with these anti-discrimination policies.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: This bill requires all alternative learning programs for granting credit leading to graduation to comply with state and federal anti-discrimination laws and establishes a committee to evaluate applications for alternative programs. Any entity offering an educational program approved under this section shall have policies that are required of school districts and charter schools set forth under RSA 193:39. The State Board of Education shall annually review all entities that offer an educational program approved under this section for continued compliance with all state and federal anti-discrimination laws, including any policies mandated by this section. Businesses already have to follow state and federal anti-discrimination laws. This bill is unnecessary and would waste the time of businesses who are interested in helping educate our youth. Currently there are many small businesses offering hands-on opportunities for our students, such as having students work on construction sites. Asking these small businesses, especially those with an out-of-state parent company who would have to comply, to create an anti-discrimination policy when they are already required to follow all state and federal laws, may just convince them that it isn't worth their time and effort to help these kids. The sponsor was aware of no instances of violation. Further, the State Board of Education is not the proper entity to determine if these businesses follow all state and federal anti-discrimination laws and their own policies. The Human Rights Commission would be much better suited. All this bill would do is limit learning opportunities.

Rep. Alicia Leka

Rep. Luneau moved Ought to Pass.

MOTON TO INDEFINITELY POSTPONE

Rep. Sweeney moved that **HB 1650-FN**, relative to the approval of alternative programs for granting credit leading to graduation, be Indefinitely Postponed.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 192 - NAYS 182**YEAS - 192****BELKNAP**

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

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

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

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
Tierney, James

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rocheport, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

Aures, Cyril
McGuire, Dan
Leavitt, John
Boyd, Stephen
Walsh, Thomas

Aylward, Deborah
Gerhard, Jason
Mason, James
Gould, Sherry
Testerman, Dave

McGuire, Carol
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Wood, Clayton

Cambrils, Jose
Hoell, J.R.
Polozov, Yury
See, Alvin

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

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

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

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

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**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Monteil, Renee
Tatro, Bruce

Ames, Richard
Faulkner, Barry
Newell, Jodi
Toll, Amanda

Harvey, Cathryn
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Fox, Dru
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Aissandra
 Beaulieu, Jane
 Bradley, Amy
 Ford, Damond
 Dutzy, Sherry
 Gibbons, Candace
 Hamer, Heidi
 Jeudy, Jean
 Lanza, Judi
 Lloyd, Christal
 Mangipudi, Latha
 Murphy, Nancy
 Petrigno, Peter
 Raymond, Heather
 Newman, Sue
 Staub, Kathy
 Veilleux, Daniel
 Wilhelm, Matthew

Nutting-Wong, Allison
 Booras, Efsthathia
 Calabro, Karen
 Darby, Will
 Elberger, Susan
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Smith, Juliet
 Leapley, Nicole
 Long, Patrick
 McGhee, Kat
 Nutter-Upham, Frances
 Plamondon, Marc
 Rombeau, Catherine
 Seibert, Christine
 Teterski, Laura
 Dolan, William

Baroody, Benjamin
 Bouchard, Donald
 Chretien, Jacqueline
 Devine, Shelley
 Davis, Fred
 Gregg, Alicia
 Heath, Mary
 Juris, Louis
 LeClerc, Daniel
 Howard, Molly
 Ming, Ben
 O'Brien, Michael
 Preece, David
 Rung, Rosemarie
 Sofikitis, Catherine
 Tellez, Trinidad
 Thomas, Wendy

Beauchemin, Paige
 Bouldin, Amanda
 Cornell, Patricia
 DiSilvestro, Linda
 Freitas, Mary
 Grill, Jessica
 Herbert, Christopher
 Foxx, Loren
 Leishman, Peter
 Murray, Megan
 Morton, Jennifer
 Pedersen, Michael
 Newman, Ray
 Ryan, Linda
 Spier, Carry
 Vail, Suzanne
 Wheeler, Jonah

MERRIMACK

Turcotte, Alisson
 Ebel, Karen
 Hicks, Matthew
 McWilliams, Rebecca
 Schamberg, Thomas
 Soucy, Timothy

Brennan, Angela
 Gallagher, Eric
 Lane, Connie
 Myler, Mel
 Schuett, Dianne
 Wallner, Mary Jane

Caplan, Tony
 Gibbs, Merryl
 Luneau, David
 Richards, Beth
 Schultz, Kristina
 Wolf, Dan

Carey, Lorrie
 Hall, Muriel
 MacKay, James
 Roesener, James
 Shurtleff, Steve

ROCKINGHAM

Balboni, Peggy
 Grossman, Gaby
 Murray, Kate
 Maggiore, Jim
 Meuse, David
 Reynolds, Ned
 Vallone, Mark

DiLorenzo, Charlotte
 Grote, Jaci
 Knab, Allison
 Malloy, Dennis
 Muns, Chris
 Read, Ellen
 Ward, Gerald

Edgar, Michael
 Hamblet, Joan
 Cahill, Michael
 Manos, Zoe
 O'Neil, Candice
 Simpson, Alexis

Gilman, Julie
 Haskins, Linda
 Paige, Mark
 McBeath, Rebecca
 Rafter, Hal
 Turer, Eric

STRAFFORD

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

Bixby, Peter
 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

Damon, Hope

Merchant, Gary

and the motion was adopted.

REGULAR CALENDAR CONT'D**HB 1654-FN**, relative to review of education freedom account service providers. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill requires educational service providers approved under the Education Freedom Account (EFA) program to comply with state and federal anti-discrimination laws and have internal anti-discrimination policies and practices in place. Today, nearly 50% of students are eligible for EFAs and providers approved under this program cost New Hampshire taxpayers more than \$25 million per year. EFA students should have the freedom to choose providers that meet their needs free of discrimination. The committee heard testimony that some taxpayer-funded providers approved under the EFA program do not accept students due to gender identity, sexual orientation, or other classes protected under state and federal anti-discrimination laws. Taxpayer-funded discrimination must stop, and the State Board of Education shall annually review all programs for ongoing compliance with anti-discrimination policies.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: This bill requires Education Freedom Account (EFA) service providers to develop and implement policies that are required of school districts and chartered public schools set forth under RSA 193:39. Additionally, the State Board of Education shall annually review EFA service providers for continued compliance with all state and federal anti-discrimination laws, including any policies under this section. To begin with, it would be impossible to ensure that large out-of-state service providers,

such as Amazon, comply with this law. Also, there are hundreds of service providers, and the State Board of Education is a group of volunteers who could make better use of their limited time than attempting this futile task. The Human Rights Commission would be better tasked with dealing with any violations of state and federal anti-discrimination laws. As of this date, no parents have complained of any discrimination by service providers. The end effect of this law would be to limit EFA students from using many service providers, including private entities, since by state law, private entities are allowed to discriminate. This is just another blatant attack on the EFA program.

Rep. Alicia Lekas

Rep. Luneau moved Ought to Pass.

MOTON TO INDEFINITELY POSTPONE

Rep. Sweeney moved that **HB 1654-FN**, relative to review of education freedom account service providers, be Indefinitely Postponed.

Rep. Granger requested a roll call; sufficiently seconded.

YEAS 191 - NAYS 183

YEAS - 191

BELKNAP

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

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

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

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
Tierney, James

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rochefort, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Abare, Kimberly
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Alexander, Joe
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

MERRIMACK

Aures, Cyril
McGuire, Dan
Leavitt, John
Boyd, Stephen
Walsh, Thomas

Aylward, Deborah
Gerhard, Jason
Mason, James
Gould, Sherry
Testerman, Dave

McGuire, Carol
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Wolf, Dan

Cambrils, Jose
Hoell, J.R.
Polozov, Yuri
See, Alvin
Wood, Clayton

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn

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

Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

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

Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

Bickford, David
Harrington, Michael
Newton, Clifford

Burnham, Claudine
Horgan, James
Phinney, Brandon

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

Huot, David

St. Clair, Charlie

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

Abbott, Michael
Eaton, Daniel
Jones, Philip
Schapiro, Joe

Ames, Richard
Faulkner, Barry
Monteil, Renee
Tatro, Bruce

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

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

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

Murray, Aissandra
Beauchemin, Paige
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Grill, Jessica
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Murray, Megan
Morton, Jennifer
Pedersen, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Nutting-Wong, Allison
Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Hamer, Heidi
Judy, Jean
Lanza, Judi
Lloyd, Christal
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Ammon, Keith
Booras, Efstathia
Calabro, Karen
Darby, Will
Elberger, Susan
Goley, Jeffrey
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William

Baroody, Benjamin
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Howard, Molly
Ming, Ben
O'Brien, Michael
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Turcotte, Alisson
Ebel, Karen
Hicks, Matthew
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Brennan, Angela
Gallager, Eric
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

Caplan, Tony
Gibbs, Merryl
Luneau, David
Richards, Beth
Schultz, Kristina

Carey, Lorrie
Hall, Muriel
MacKay, James
Roesener, James
Shurtleff, Steve

STRAFFORD

SULLIVAN

NAYS - 183 BELKNAP

CARROLL

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

MERRIMACK

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Vallone, Mark

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turer, Eric

STRAFFORD

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

Bixby, Peter
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

Damon, Hope

Merchant, Gary

and the motion was adopted.

Rep. Ammon voted Nay and intended to vote Yea.

REGULAR CALENDAR CONT'D

HR 30, urging a robust climate education in schools including current environmental and economic information. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This resolution was requested by high school student climate activists. The existing climate education standards are from 2014. This resolution encourages the state to make available an updated environment curriculum that includes a balanced history on renewable energy, fossil fuels, pollution, and socioeconomic implications of climate change. The committee heard testimony from students and environment experts reporting on economic impacts of changing climate including flooding washing out roads, warmer winters reducing winter sports and the essential tourism revenues, wet summers adversely affecting agriculture, severe storms reducing wildlife including aquatic species reported by the New Hampshire Department of Fish and Game, and expansion of tick habitat with rising incidence of tick-borne illness such as Lyme disease. There are impacts to nearly every facet of our lives here in New Hampshire. These thoughtful students recognize that the best mitigation of anxiety regarding climate change is knowledge on the issues and information on direct solutions to climate change. Committee members who support Ought to Pass understand the urgent need for this conversation and work to proceed. We also respect our obligation as the generations who created climate change to support the wisdom of these young folks with commitment to problem solving. This shouldn't be a partisan issue.

Rep. Hope Damon

Statement in support of Inexpedient to Legislate: Our committee has repeatedly heard testimony regarding significant mental health concerns in and from young people directly related to their education on "climate change." This phenomenon has an official name in psychological circles: "climate anxiety." We have known for quite some time due to studies in psychology that it is unhelpful to cause fearful, phobic, and anxious people to fixate on problems, yet this is exactly what many psychology "experts," including the association for school counselors, has advised regarding children on "climate change." They suggest leaning into the issue and affirming children's fears, thereby guaranteeing a continuation of our mental health crisis. In reality, the science behind "climate change" is highly disputed among scientists and laymen alike, and it is the general view of this portion of the committee that claims of disastrous anthropomorphic "climate emergency," as are alleged in this resolution, are wildly overstated – the results of an industry motivated by both ideology and perverse incentives around grantmaking. Finally, this resolution is plainly and unmitigatedly political, and takes aim at industries that are absolutely necessary, and will remain necessary for the foreseeable future, for the continuation and flourishing of human life, including the strong desire of our constituents to not freeze to death, while starving in the dark, in the cold New Hampshire winters.

Rep. Mike Belcher

Rep. Damon moved Ought to Pass and offered amendment (0936h).

Amendment (0936h)

Amend the resolution by replacing the eleventh and twelfth whereas clauses with the following:

Whereas, such curriculum would include:

I. An acknowledgment that human activities have caused a crisis we are working to solve today.

II. A balanced historical background on the innovations that led to the discovery and use of fossil fuels, wind, solar, energy, efficiency, and the related benefits or costs to society; and

Whereas, the climate crisis impacts New Hampshire today, including impacts such as warmer and wetter conditions, changes to extreme weather patterns and sea level rise; and
Amend the resolution by replacing the resolving clause with the following:

That the general court and by extension the New Hampshire department of health and human services, along with New Hampshire department of environmental services, work collaboratively to compile and disseminate robust climate education curricula to school districts so that teachers may be prepared to implement climate change education in their classrooms in high schools, middle schools, and elementary schools.

The question being adoption of amendment (0936h).

On a division vote, with 181 members having voted in the affirmative, and 191 in the negative, amendment (0936h) failed.

The question being Ought to Pass.

MOTON TO INDEFINITELY POSTPONE

Rep. Sweeney moved that **HR 30**, urging a robust climate education in schools including current environmental and economic information, be Indefinitely Postponed.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 191 - NAYS 183

YEAS - 191

BELKNAP

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

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

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

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
Tierney, James

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rochefort, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas

Bernardy, JD
DeSimone, Debra

Brouillard, Jacob
Donnelly, Tanya

Mannion, Dennis
Doucette, Fred

Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Pearson, Mark
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Edwards, Jess
Harb, Robert
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

Bickford, David
Harrington, Michael
Newton, Clifford

Burnham, Claudine
Horgan, James
Phinney, Brandon

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

STRAFFORD

SULLIVAN

NAYS - 183 BELKNAP

Huot, David

St. Clair, Charlie

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CARROLL

CHESHIRE

Abbott, Michael
Eaton, Daniel
Jones, Philip
Schapiro, Joe

Ames, Richard
Faulkner, Barry
Monteil, Renee
Tatro, Bruce

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

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

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Cascadden, Corinne

Kelley, Eamon

Noël, Henry

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Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Aissandra
Beaulieu, Jane
Bradley, Amy
Darby, Will
Elberger, Susan
Goley, Jeffrey
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William

Nutting-Wong, Allison
Booras, Efstathia
Calabro, Karen
Devine, Shelley
Davis, Fred
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Howard, Molly
Ming, Ben
O'Brien, Michael
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Baroody, Benjamin
Bouchard, Donald
Chretien, Jacqueline
DiSilvestro, Linda
Freitas, Mary
Grill, Jessica
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Murray, Megan
Morton, Jennifer
Pedersen, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Beauchemin, Paige
Bouldin, Amanda
Cornell, Patricia
Dutzy, Sherry
Gibbons, Candace
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Jeudy, Jean
Lanza, Judi
Lloyd, Christal
Mangipudi, Latha
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Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

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Turcotte, Alisson
Ebel, Karen
Hicks, Matthew

Brennan, Angela
Gallager, Eric
Lane, Connie

Caplan, Tony
Gibbs, Merryl
Luneau, David

Carey, Lorrie
Hall, Muriel
MacKay, James

McWilliams, Rebecca
Gould, Sherry
Shurtleff, Steve

Myler, Mel
Schamberg, Thomas
Soucy, Timothy

Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

Roesener, James
Schultz, Kristina

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Vallone, Mark

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turer, Eric

STRAFFORD

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

and the motion was adopted.

MOTION TO PRINT DEBATE

Rep. Wendy Thomas moved that the debate on **HR 30**, urging a robust climate education in schools including current environmental and economic information, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HR 30

Speaker Packard: Rep. Damon moves Ought to Pass and offers floor amendment (0936h). The question is on the amendment. All those in favor, say Aye; those opposed, Nay. There will be a division vote for clarification. Only members in the Chamber right now. Members take your seats. This is a division vote on clarification. If you are in favor of the amendment, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 181 voting Yea; 191 voting Nay, the amendment fails. For what reason does the member rise?

Representative Sweeney: Mister Speaker, I move to Indefinitely Postpone HR 30.

Speaker Packard: The motion is to Indefinitely Postpone HR 30. It will be a roll call vote. The motion before us is to Indefinitely Postpone HR 30. This is a roll call vote. The House will be in order. The Chair recognizes Rep. Quaratiello for a parliamentary inquiry.

Representative Quaratiello: Thank you, Mister Speaker. If I know that the science behind climate change is highly disputed, even among scientists and that the sort of agreement suggested by this resolution does not exist. If I believe that this resolution would promote a curriculum that would discredit traditional reliable energy industries that have not actually caused a climate crisis. If I believe that climate anxiety experienced by students today would only be worsened by this sort of crisis mentality to be pushed by the environmental curriculum this resolution proposes, would I now press the green button?

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

Representative Damon: Thank you, Mister Speaker. If I know that the adverse effects of climate change on the New Hampshire economy are clearly established, are profound and growing, including loss of jobs that are needed to keep our young people here. And if I know that this House Resolution is simply allowing passionate, informed students to work towards factual climate change education, which would reduce their anxiety. And if I know these youth are watching our votes today looking for hope and positive change and deserve to see our democratic processes fully play out and have this discussion this bill deserves, would I now enthusiastically press the red button for a powerful statement against Indefinite Postponement?

Speaker Packard: The motion before us is Indefinite Postponement on HR 30. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. You have to be in your seat. 191 voting Yea; 183 voting Nay, HR 30 is Indefinitely Postponed.

MOTION TO REMOVE FROM THE TABLE

Rep. Noble moved that **HB 147**, relative to membership of the advisory committee on the education of students with disabilities, be removed from the table.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 185**YEAS - 190
BELKNAP**

Bean, Harry
Comtois, Barbara
O'Hara, Travis
Terry, Paul

Bogert, Steven
Dumais, Russell
Ploszaj, Tom
Trottier, Douglas

Bordes, Mike
Harvey-Bolia, Juliet
Beaudoin, Richard
Varney, Peter

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
Tierney, James

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rochefort, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolff, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

Cambrils, Jose
Hoell, J.R.
Polozov, Yuri
Walsh, Thomas

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

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Milz, David
Piemonte, Tony
Pratt, Kevin
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Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

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

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Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

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 - 185**BELKNAP**

Huot, David

Nagel, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

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Abbott, Michael
Eaton, Daniel
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Hoyt, Tommy
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Murray, Aissandra
Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Hamer, Heidi
Judy, Jean
Lanza, Judi
Lloyd, Christal
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Nutting-Wong, Allison
Booras, Efsthia
Calabro, Karen
Darby, Will
Elberger, Susan
Goley, Jeffrey
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Tellerski, Laura
Dolan, William

Baroody, Benjamin
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Howard, Molly
Ming, Ben
O'Brien, Michael
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Freitas, Mary
Grill, Jessica
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Foxy, Loren
Leishman, Peter
Murray, Megan
Morton, Jennifer
Pedersen, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

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Ebel, Karen
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McWilliams, Rebecca
Gould, Sherry
Shurtleff, Steve

Brennan, Angela
Gallager, Eric
Lane, Connie
Myler, Mel
Schamberg, Thomas
Soucy, Timothy

Caplan, Tony
Gibbs, Merryl
Luneau, David
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

Carey, Lorrie
Hall, Muriel
MacKay, James
Roesener, James
Schultz, Kristina
Wolf, Dan

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Vallone, Mark

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turner, Eric

STRAFFORD

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

and the motion was adopted.

Rep. Noble moved Ought to Pass and offered floor amendment (1272h).

Floor Amendment (1272h)

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

1 Advisory Committee on the Education of Students with Disabilities. RSA 186-C:3-b, II and III are repealed and reenacted to read as follows:

II. The committee shall be composed of individuals involved in, or concerned with, the education of children with disabilities. A majority of the committee membership shall be composed of individuals with disabilities or parents of children with disabilities. The committee membership shall be as follows:

(a) Fourteen individuals with disabilities or parents of children with disabilities (ages birth through 26), appointed by the governor.

(b) One individual with disabilities who may have received special education services and who may be a high school student, appointed by the governor.

(c) One teacher who is a special education teacher, appointed by the governor.

(d) One administrator of a public special education program, appointed by the governor.

(e) One representative of a private school approved for special education, appointed by the governor.

(f) One representative of a chartered public school, appointed by the governor.

(g) One representative of an institution of higher education that prepares special education and related services personnel, appointed by the governor.

(h) One state and a local educational official who are responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq, appointed by the governor.

(i) One representative from the department of health and human services responsible for foster care, recommended by the commissioner of the department of health and human services and appointed by the governor.

(j) One representative of the department of health and human services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the commissioner of the department of health and human services, and appointed by the governor.

(k) Representatives from the state juvenile and adult corrections agencies, both of whom are responsible for administering the provision of special education or special education and related services, appointed by the governor.

(l) One licensed health care provider who specializes in working with children.

(m) One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities, appointed by the governor.

(n) One non-voting state education official from the departments of education, appointed by the commissioner of education, to serve in a technical support role.

III.(a) Committee members shall be appointed to staggered 2-year terms, and members may succeed themselves.

(b) A chairperson and a clerk shall be selected by a majority of the committee members on an annual basis.

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

The question being adoption of floor amendment (1272h).

Rep. Balboni spoke against.

Rep. Noble spoke in favor.

On a division vote, with 191 members having voted in the affirmative, and 183 in the negative, floor amendment (1272h) was adopted.

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

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 192 - NAYS 183

YEAS - 192

BELKNAP

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

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

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
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Avellani, Lino
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Costable, Michael
McConkey, Mark

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Filiault, Shaun
Santonastaso, Matthew

Hunt, John
Thackston, Dick

Qualey, James
Toll, Amanda

Rhodes, Jennifer
Nutting, Zachary

COOS

Davis, Arnold
Tierney, James

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rocheport, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

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Lekas, Alicia
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Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

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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

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

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Thomas, Douglas
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Perez, Kristine
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Wallace, Scott

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Pratt, Kevin
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Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
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Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
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Soti, Julius
Sytek, John
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Vose, Michael
Yokela, Josh

Mannion, Dennis
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Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

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Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

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

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Monteil, Renee
Tatro, Bruce

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
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Alistandra
Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Hamer, Heidi
Judy, Jean
Lanza, Judi
Lloyd, Christal
Perez, Maria
Morton, Jennifer
Pedersen, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Nutting-Wong, Allison
Booras, Efstathia
Calabro, Karen
Darby, Will
Elberger, Susan
Goley, Jeffrey
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Long, Patrick
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Baroody, Benjamin
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William

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Bouldin, Amanda
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DiSilvestro, Linda
Freitas, Mary
Grill, Jessica
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Murray, Megan
Ming, Ben
O'Brien, Michael
Preece, David
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Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

MERRIMACK

Turcotte, Alisson
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Hicks, Matthew
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Brennan, Angela
Gallager, Eric
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

Caplan, Tony
Gibbs, Merryl
Luneau, David
Richards, Beth
Schultz, Kristina
Wolf, Dan

Carey, Lorrie
Hall, Muriel
MacKay, James
Roesener, James
Shurtleff, Steve

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Vallone, Mark

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turer, Eric

STRAFFORD

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

Bixby, Peter
Fitzpatrick, Daniel
Horriggan, 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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

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

REGULAR CALENDAR CONT'D

HB 1074, relative to campaign contributions by limited liability companies. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as amended, requires that a political contribution by a limited liability company (commonly referred to as an “LLC”) be allocated to its members for purposes of determining whether a member has exceeded contribution limits in the New Hampshire statutes. The amendment corrected the statutory references in the bill. The bill clarifies that members of LLC’s are subject to the same campaign contribution limits to politicians as are individuals and corporations under state law - \$15,000 for individuals and corporations during the election phase of a campaign. There is no mention of LLC’s in New Hampshire campaign finance laws. Presently each LLC is treated as its own individual donor for the purpose of direct campaign contributions, regardless of who controls it. So, a donor can give the maximum contribution to a candidate and then set up unlimited numbers of LLC’s and give as much as that donor wishes to a candidate – well in excess of the \$15,000 statutory cap. This is known as the “LLC loophole” and is used by candidates of both parties to raise funds well over the statutory limits set for individuals and corporations. Under this bill, if an LLC donates to a candidate, then it must disclose the names and percentage ownership of each member to the candidate, which will then be attributed to the member’s contribution limits under New Hampshire law. This bill provides transparency to prevent wealthy individuals and corporations from having undue influence in elections due to a loophole in New Hampshire’s campaign finance laws. The bill does not violate Citizens United or its progeny – that case permits limits on spending by corporations and partnership-like entities. This bill does not prevent free speech; it requires individuals and corporations to abide by the contribution limits in New Hampshire law.

Rep. Connie Lane

Statement in support of Inexpedient to Legislate: This bill is a further attempt to erode the rights of New Hampshire’s small business owners. Over 90% of the state’s businesses are classified as small and the vast majority choose to incorporate via a limited liability company. These entities engage in extensive economic activity, employing most workers in the state and providing Granite Staters with economic paths to prosperity. In order to protect their livelihoods, many donations are made from these companies to support or defeat candidates of their choosing. To target them specifically seems unjust, unfair, inequitable and an affront to the many small business owners of the state who wish to participate in the political process, have their voices heard, and ensure that their livelihood is not under attack by politicians in Concord.

Rep. Ross Berry

Rep. Lane moved Ought to Pass and offered amendment (0630h).

Amendment (0630h)

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

1 Legal Status of Limited Liability Company. Amend RSA 304-C:19, I to read as follows:

I. A limited liability company formed under this act shall be a legal entity separate and distinct from its members, ***except that political contributions made by a domestic or foreign limited liability company shall be allocated to the members of the limited liability company, as provided in RSA 664:4-c, for the purpose of determining compliance of donors with the contribution limits set forth in RSA 664:4, IV.***

2 New Section; Contribution by Limited Liability Company. Amend RSA 664 by inserting after section 4-b the following new section:

664:4-c Contribution by Limited Liability Company.

I. For the purpose of reporting contributions and determining whether a member of a limited liability company, as defined in RSA 304-C:14, has exceeded the contribution limits set forth in RSA 664:4, IV, a contribution made by a domestic or foreign limited liability company shall be attributed to its member or members as if the contribution were made by those members on the basis of their percentage membership interests, and shall be attributed to those members for the purpose of reporting contributions and determining whether those members have exceeded the contribution limits set forth in RSA 664:4, IV. For a single member limited liability company, the entire contribution shall be attributed to the member.

(a) If a member of a limited liability company is itself a limited liability company, then the portion of the contribution allocated to that member shall be allocated among its members on the basis of their percentage membership interests and shall be attributed to those members for the purpose of reporting contributions and determining whether those members have exceeded the contribution limits set forth in RSA 664:4, IV.

(b) If a member of a limited liability company is a corporation, then the portion of the contribution allocated to the corporation shall be attributed to the corporation for the purpose of reporting contributions and determining whether that corporation has exceeded its contribution limits under RSA 664:4, IV.

II. When a limited liability company contributes, it shall provide the recipient of the contribution with the names and addresses of all members, and the names and addresses of all members of any member, and the amount of the contribution attributed to each member, or the member’s members, as applicable.

Amendment (0630h) was adopted.

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

MOTON TO INDEFINITELY POSTPONE

Rep. Sweeney moved that **HB 1074**, relative to campaign contributions by limited liability companies, be Indefinitely Postponed.

Rep. Germana requested a roll call; sufficiently seconded.

YEAS 191 - NAYS 185**YEAS - 191****BELKNAP**

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

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

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

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
Tierney, James

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rochefort, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

Cambrils, Jose
Hoell, J.R.
Polozov, Yuri
Walsh, Thomas

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

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

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

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

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 - 185**BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Monteil, Renee
Tatro, Bruce

Ames, Richard
Faulkner, Barry
Newell, Jodi
Toll, Amanda

Harvey, Cathryn
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Fox, Dru
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Alissandra
Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Hamer, Heidi
Jeudy, Jean
Lanza, Judi
Lloyd, Christal
Perez, Maria
Morton, Jennifer
Pedersen, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Nutting-Wong, Allison
Booras, Efstathia
Calabro, Karen
Darby, Will
Elberger, Susan
Goley, Jeffrey
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Long, Patrick
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Baroody, Benjamin
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William

Beauchemin, Paige
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Grill, Jessica
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Murray, Megan
Ming, Ben
O'Brien, Michael
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

MERRIMACK

Turcotte, Alisson
Ebel, Karen
Hicks, Matthew
McWilliams, Rebecca
Gould, Sherry
Shurtleff, Steve

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Gallager, Eric
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Myler, Mel
Schamberg, Thomas
Soucy, Timothy

Caplan, Tony
Gibbs, Merryl
Luneau, David
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Wallner, Mary Jane

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

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Vallone, Mark

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Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turer, Eric

STRAFFORD

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

and the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sweeney moved that the House reconsider its action whereby, on a roll call vote of 192-183, the House adopted the motion of Ought to Pass with Amendment on **HB 147**, relative to membership of the advisory committee on the education of students with disabilities.

Rep. Sweeney spoke against.

On a division vote, with 182 members having voted in the affirmative, and 194 in the negative, the motion failed.

The House recessed at 12:10 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

HB 1098, relative to ballots delivered to elder care facilities. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill is enabling legislation that permits the clerk, assistant clerk, or clerk pro tem of a municipality to go to an assisted living facility and help with the absentee ballot process for the residents. Currently this task is being done by the workers of the facility and while this bill does not prohibit that or require that the function be done by the previously mentioned parties, it does clarify that they may process absentee ballots at the facility. Many of these voters would prefer to do this with a bona-fide election official and not a nurse or other assistant who may not be familiar with the complexities of the voting processes and protections for voters in these facilities. This bill will increase voter participation for voters in those facilities and decrease unintended consequences when casting an absentee ballot.

Rep. Ross Berry

Statement in support of Inexpedient to Legislate: This well-meaning bill, based largely on the story of a single incident, adds employees of government—clerks, assistant clerks, and clerks pro tem—to the types of individuals who may deliver absentee ballots to residents of elder care facilities but also asserts that said clerks et al. shall assist in marking said ballots. It adds these agents of the state to the categories of individuals designated as delivery agents in RSA 657:17. It furthermore posits a vague “reporting” of inconsistencies requirement (without indicating who does the reporting) that seems to negate or be inconsistent with some of the other existing provisions of RSA 657:17. The all-important rights of eligible voters domiciled in elder care facilities are already well-protected and well-defined in statute, as are the procedures for absentee voting from such locations. This bill does very little to enhance those procedures and nothing to maintain those protections. A very similar bill has been found Inexpedient to Legislate in the past, and this current iteration deserves the same fate.

Rep. Gerald Ward

Rep. Berry moved Ought to Pass.

On a division vote, with 192 members having voted in the affirmative, and 175 in the negative, the motion of Ought to Pass was adopted and the bill was ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Huot moved that **HB 1414-FN**, relative to the Gunstock Area Commission and ski resort, be made a Special Order as the next order of business.

Rep. Huot spoke in favor.

On a division vote, with 236 members having voted in the affirmative, and 137 in the negative, the motion was adopted by the necessary three-fifths vote.

SPECIAL ORDER

HB 1414-FN, relative to the Gunstock Area Commission and ski resort. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John MacDonald for the Majority of Municipal and County Government. This bill would greatly increase the current requirement that Gunstock pay 1.75%, an amount established in a House Bill sponsored by members of the 2020 Belknap County Delegation of gross revenues, to the county increasing that amount to 3%. It would

also require that the meetings of the Gunstock Area Commission be recorded and posted. The Gunstock Area Commission has an established meeting policy already requiring that be done for their meetings. Additionally, the Gunstock Area Commission would be required every five years to contract a firm other than the firm which conducts the annual audit to, following the first forensic audit, conduct a forensic audit of a random year in the preceding five-year period. Passing this legislative requirement could be described as an unfunded mandate and could be an estimated cost of \$50,000. The proposed forensic audit appears to be due to an investigation concerning two donations made by Gunstock to a political campaign. The New Hampshire Attorney General's Office conducted an investigation concerning the incidents and noted "we do not find you had any intent to violate the law and anticipate closing this matter following your submission of an acceptable remediation plan." The commission is in the process of submitting that plan. It is believed that the commission is reviewing the check register at every monthly meeting. The majority of the Belknap County Delegation does not support this legislation and voted to oppose it in an 11-4 vote. This bill was unanimously opposed by both the Belknap County Commissioners and the Gunstock Area Commission. All of the concerns in this bill have been or can be addressed at the local level by the members of the Belknap Delegation and the citizens they represent. Vote 15-5. Rep. Tim Cahill for the Minority of Municipal and County Government. A lack of proper oversight led to an investigation which uncovered campaign finance violations. Some believe more government accountability is justified when trust has been breached. This legislation seeks to do just that, working to restore public trust in the Gunstock Area Commission by using the tool of an occasional forensic audit and live streaming of public commission meetings. Public oversight and government transparency are the key elements this act hopes to accomplish. A third piece of the bill would increase the amount of money that is returned to the taxpayers for the financial investment and risk they shoulder in the ski resort operation.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Comtois spoke against.

MOTION TO LAY ON THE TABLE

Rep. Maria Perez moved that **HB 1414-FN**, relative to the Gunstock Area Commission and ski resort, be laid on the table.

Rep. Maria Perez requested a roll call; not sufficiently seconded.

On a division vote, with 45 members having voted in the affirmative, and 329 in the negative, the motion failed.

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

Rep. Tim Cahill spoke against.

MOTON TO INDEFINITELY POSTPONE

Rep. Weber moved that **HB 1414-FN**, relative to the Gunstock Area Commission and ski resort, be Indefinitely Postponed.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 230 - NAYS 143

YEAS - 230

BELKNAP

Bean, Harry
Huot, David
Trotter, Douglas

Bogert, Steven
Harvey-Bolia, Juliet

Bordes, Mike
Nagel, David

Coker, Matthew
O'Hara, Travis

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
McConkey, Mark

Paige, David
Peternel, Katy

MacDonald, John
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Jones, Philip
Tatro, Bruce

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

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

Fox, Dru
Hunt, John
Schapiro, Joe

COOS

Cascadden, Corinne
King, Seth

Kelley, Eamon

Noël, Henry

Ouellet, Mike

GRAFTON

Almy, Susan
Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

Baldwin, Heather
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Bolton, Bill
Fracht, David
Massimilla, Linda
Stringham, Jerry

Brown, Carroll
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

HILLSBOROUGH

Murray, Aissandra
 Beauchemin, Paige
 Booras, Efstathia
 Calabro, Karen
 Darby, Will
 Elberger, Susan
 Gibbons, Candace
 Hamer, Heidi
 Jeudy, Jean
 Lanza, Judi
 Leishman, Peter
 Murray, Megan
 McGough, Tim
 Nutter-Upham, Frances
 Petrigno, Peter
 Newman, Ray
 Ryan, Linda
 Sofikitis, Catherine
 Tellez, Trinidad
 Thomas, Wendy

Nutting-Wong, Allison
 Beaulieu, Jane
 Bouchard, Donald
 Chretien, Jacqueline
 Devine, Shelley
 Davis, Fred
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Smith, Juliet
 Lascelles, Richard
 Lloyd, Christal
 Perez, Maria
 Ming, Ben
 O'Brien, Michael
 Plamondon, Marc
 Raymond, Heather
 Newman, Sue
 Spier, Carry
 Vail, Suzanne
 Wheeler, Jonah

Alexander, Joe
 Berry, Ross
 Bouldin, Amanda
 Cornell, Patricia
 DiSilvestro, Linda
 Freitas, Mary
 Gregg, Alicia
 Healey, Robert
 Juris, Louis
 Leapley, Nicole
 Long, Patrick
 Mangipudi, Latha
 Morton, Jennifer
 Pauer, Diane
 Plett, Fred
 Rombeau, Catherine
 Seibert, Christine
 Staub, Kathy
 Veilleux, Daniel
 Wilhelm, Matthew

Boyd, Bill
 Boehm, Ralph
 Bradley, Amy
 Ford, Damond
 Dutzy, Sherry
 Griffin, Gerald
 Grill, Jessica
 Heath, Mary
 Foxx, Loren
 LeClerc, Daniel
 Howard, Molly
 McGhee, Kat
 Murphy, Nancy
 Pedersen, Michael
 Preece, David
 Rung, Rosemarie
 Sheehan, Vanessa
 Telerski, Laura
 Dolan, William

MERRIMACK

Turcotte, Alisson
 Caplan, Tony
 Gibbs, Merryl
 Leavitt, John
 McWilliams, Rebecca
 Gould, Sherry
 Shurtleff, Steve
 Wolf, Dan

Aures, Cyril
 Carey, Lorrie
 Hall, Muriel
 Luneau, David
 Myler, Mel
 Schamberg, Thomas
 Soucy, Timothy

Brennan, Angela
 Ebel, Karen
 Hicks, Matthew
 MacKay, James
 Richards, Beth
 Schuett, Dianne
 Walsh, Thomas

Cambrils, Jose
 Gallagher, Eric
 Lane, Connie
 Mason, James
 Roesener, James
 Schultz, Kristina
 Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
 Edgar, Michael
 Hamblet, Joan
 Janigian, John
 Kuttub, Katelyn
 Malloy, Dennis
 Meuse, David
 Piemonte, Tony
 Sweeney, Joe
 Turer, Eric

DiLorenzo, Charlotte
 Gilman, Julie
 Harley, Tina
 Janvrin, Jason
 Cahill, Michael
 Manos, Zoe
 Muns, Chris
 Rafter, Hal
 Tripp, Richard
 Vallone, Mark

Donnelly, Tanya
 Grossman, Gaby
 Haskins, Linda
 Murray, Kate
 Paige, Mark
 McBeath, Rebecca
 O'Neil, Candice
 Reynolds, Ned
 True, Chris
 Ward, Gerald

Dunn, Ron
 Grote, Jaci
 Nelson, Jodi
 Knab, Allison
 Maggiore, Jim
 Melvin, Charles
 Osborne, Jason
 Simpson, Alexis
 Tudor, Paul
 Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
 Cannon, Gerri
 Grassie, Chuck
 Howland, Allan
 Smith, Marjorie
 Southworth, Thomas

Bay, Luz
 Conlin, Bill
 Howard, Heath
 Kenney, Cam
 Schmidt, Peter
 Wall, Janet

Bixby, Peter
 Fitzpatrick, Daniel
 Horgan, James
 LaMontagne, Jessica
 Pare, Gail

Rich, Cecilia
 Smith, Geoffrey
 Horrigan, Timothy
 Levesque, Cassandra
 Selig, Loren

SULLIVAN

Sullivan, Brian
 Palmer, William

Cloutier, John
 Rollins, Skip

Damon, Hope
 Stone, Jonathan

Merchant, Gary

NAYS - 143**BELKNAP**

Comtois, Barbara
 Beaudoin, Richard
 Varney, Peter

Dumais, Russell
 Smart, Lisa

McCarter, Nikki
 St. Clair, Charlie

Ploszaj, Tom
 Terry, Paul

CARROLL

Avellani, Lino
 Crawford, Karel

Belcher, Mike
 Smith, Jonathan

Cordelli, Glenn
 Brown, Richard

Costable, Michael

CHESHIRE

Germana, Nicholas
 Santonastaso, Matthew

Parshall, Lucius
 Thackston, Dick

Qualey, James
 Nutting, Zachary

Rhodes, Jennifer

COOS

Davis, Arnold

Tierney, James

GRAFTONBerezhny, Lex
Sellers, JohnGreeson, Jeffrey
Simon, Matthew

Ladd, Rick

Rocheport, David

HILLSBOROUGHLekas, Alicia
Baroody, Benjamin
Creighton, Jim
Gagne, Larry
Kennedy, Stephen
Lewicke, John
Notter, Jeanine
Seidel, Sheila
Tenczar, JeffreyAbare, Kimberly
Colcombe, Riché
Cushman, Leah
Gorski, Ted
Kenny, Catherine
Mazur, Lisa
Post, Lisa
Sirois, Shane
Ulery, JordanAmmon, Keith
Cole, Brian
Kelley, Diane
Herbert, Christopher
Kofalt, Jim
McLean, Mark
Reid, Karen
Lekas, Tony
Wherry, RobertKing, Bill
Corcoran, Travis
Erf, Keith
Infantine, William
Gould, Linda
Noble, Kristin
Renzullo, Andrew
Mannion, Tom**MERRIMACK**Aylward, Deborah
Hill, Gregory
Boyd, Stephen
Wood, ClaytonMcGuire, Carol
Hoell, J.R.
Seaworth, BrianMcGuire, Dan
Moffett, Michael
See, AlvinGerhard, Jason
Polozov, Yury
Testerman, Dave**ROCKINGHAM**Ball, Lorie
Thomas, Douglas
Edwards, Jess
Harb, Robert
Khan, Aboul
Lundgren, David
McMahon, Charles
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Cahill, Tim
Vose, MichaelBernardy, JD
DeSimone, Debra
Emerick, Tracy
Hobson, Deb
Walsh, Lilli
Lynn, Bob
Milz, David
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
MacDonald, WayneBrouillard, Jacob
Doucette, Fred
Foote, Charles
Perez, Kristine
Layon, Erica
Pearson, Mark
Ford, Oliver
Potucek, John
Roy, Terry
Summers, James
Vandecasteele, Susan
Wallace, ScottMannion, Dennis
Drago, Mike
Guthrie, Joseph
Katsakiores, Phyllis
Love, David
McDonnell, Valerie
Phillips, Emily
Pratt, Kevin
Pearson, Stephen
Sytek, John
Verville, Kevin
Yokela, Josh**STRAFFORD**Bailey, Glenn
Granger, Michael
Newton, CliffordBickford, David
Harrington, Michael
Phinney, BrandonBurnham, Claudine
Kaczynski, Thomas
Potenza, KelleyConnor, James
Turcotte, Len**SULLIVAN**Aron, Judy
Stapleton, Walter

Drye, Margaret

Smith, Steven

Spilsbury, Walter

and the motion was adopted.

REGULAR CALENDAR CONT'D**HB 1099**, relative to partisan school district elections. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill just makes the school district law consistent with municipal law. Towns have had this in law since 1979. This bill is enabling as is the town law. By having the party affiliation specified, it would increase the turnout as is needed in school district elections and the residents would know what the policies are of the candidates. This bill does not require a candidate to adopt the party designation if the district has chosen to enter into a partisan voting system.

Rep. Ralph Boehm

Statement in support of Inexpedient to Legislate: This bill enables partisan school district elections that will likely contribute to increased divisiveness at the local level and empower political parties over people. The committee heard testimony that explained a complicated party caucus or nominating papers process, by which a candidate could get their name on the ballot as a party's nominee. Those in favor of Inexpedient to Legislate have concerns about overcomplicating and over-politicizing traditionally nonpartisan community-focused elections, of which it is often challenging to even find candidates willing to run. While there is a statute (RSA 669:12) that enables towns to adopt partisan elections, not a single town has chosen to do so since the statute was written into law in 1979. This provides evidence that voters do not want partisan elections at the local level, let alone for school district elections as this bill seeks to do. Some committee members have heard from constituents that are tired of hyperpartisanship and divisive rhetoric seeping into traditionally

nonpartisan community elections. Additionally, the committee heard testimony that highlighted concerns about possible unintended consequences for students, teachers, curriculum, and budgets. For these reasons, we urge inexpedient to legislate.

Rep. Angela Brennan

Rep. Berry moved Ought to Pass and offered floor amendment (1196h).

Floor Amendment (1196h)

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

2 New Section; Additional Requirements for Official Partisan Ballot System in Cooperative School Districts. Amend RSA 671 by inserting after section 19 the following new section:

671:19-a Additional Requirements for Official Partisan Ballot System in Cooperative School Districts. In a cooperative school district that has adopted the partisan official ballot system pursuant to RSA 671:30-a, this section outlines additional requirements to RSA 669:49. The clerk of the political party accepting a declaration of office for a candidate for an at-large school district office shall, within 2 business days, provide a copy of the declaration of office to the clerks of the same political party in the other towns of the pre-existing districts. For each school district officer elected at-large, the votes from all caucuses of the same political party in the towns of pre-existing districts shall be combined by the clerks of the political party and a plurality of votes shall be sufficient to nominate a candidate for the school district office. After the caucuses, certificates of nomination shall be made and shall indicate the name and domicile of each candidate, the at-large office for which the person is nominated and the political principles or party they represent, and shall be signed by the chairman and clerk of the caucus or convention for the town where the candidate is domiciled; and, when practicable, such certificates of nomination shall be signed by each candidate; but the absence of the signature of the candidate shall not invalidate a certificate of nomination.

3 Preparation of Ballots; By School District Clerk. Amend RSA 671:20 to read as follows:

671:20 By School District Clerk. the school district clerk shall prepare ballots for school district elections in the same manner as town clerks for non-partisan *or partisan* town elections, as provided in RSA 669:23 and 669:24, except that the ballot shall be of a different color than any other ballot used at the election.

4 Official Ballot System; Conduct of Election; Elections at School District Meeting. Amend RSA 671:30 to read as follows:

671:30 ~~[Non-Partisan]~~ **Official** Ballot System. Every school district in the state, except one having a special statute relative to election of its district offices, *or one that has adopted a partisan ballot system pursuant to RSA 671:30-a*, shall use the non-partisan ballot system for the election of district officers, in the same manner as in towns as provided in RSA 669:19-669:25, except that all references to towns or town clerks shall be read to refer to school districts or school district clerks.

5 New Sections; Partisan Ballot System. Amend RSA 671 by inserting after section 30 the following new sections:

671:30-a Partisan Ballot System. Every school district in the state that has adopted a partisan ballot system pursuant to RSA 671:30-b, shall use the partisan ballot system for the election of district officers, in the same manner as in towns as provided in RSA 669:18, RSA 669:22 through RSA 669:29, and RSA 669:37 through RSA 669:53, except that all references to towns or town clerks shall be read to refer to school districts or school district clerks. A plurality shall elect in school districts using the partisan ballot system.

671:30-b Partisan Official Ballot System; Method of Adoption. Any school district may vote to adopt the partisan official ballot system for election of school district officers under an article in the warrant for any school district meeting, and may rescind such action in like manner. The partisan ballot system shall not be in effect until the school district election first following the school district meeting at which such system is adopted. A plurality shall elect in school districts using the partisan ballot system.

6 Composition of Cooperative School Boards. Amend RSA 195:19-a, VII to read as follows:

VII. Whenever the bylaws or articles of agreement provide for the election of cooperative school board members pursuant to this chapter, said election shall be with the use of the ~~[non-partisan]~~ **official** ballot system under RSA [669] **671**.

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

The question being adoption of floor amendment (1196h).

On a division vote, with 187 members having voted in the affirmative, and 186 in the negative, floor amendment (1196h) was adopted.

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

On a division vote, with 185 members having voted in the affirmative, and 188 in the negative, the motion of Ought to Pass with Amendment failed.

Rep. Brennan moved Inexpedient to Legislate.

MOTION TO LAY ON THE TABLE

Rep. Sweeney moved that **HB 1099**, relative to partisan school district elections, be laid on the table. On a division vote, with 188 members having voted in the affirmative, and 186 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1119, relative to absentee ballots. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the Majority of Election Law. As amended, this bill consolidates the reasons a voter may request an absentee ballot on the Monday before an election that will be impacted by a weather storm. It does not expand the eligibility qualifications for requesting an absentee ballot and remains only eligible for use the day before an election when there is a severe weather concern, which has only been used for town elections. Vote 19-1.

Rep. Katelyn Kuttub for the Minority of Election Law. A decision in the New Hampshire Supreme Court case Daniel Richard v. Christopher Sununu, et al., No. 2023-0097 is currently pending. In this case, it was argued that the expansion of absentee voting by the legislature for reasons beyond physical disability and absence from town as per Part 1, Article 11, exceeds the authority of the constitution, and is therefore unconstitutional. With this case pending, debating this bill would be in direct conflict with Mason's Manual Section 111: "Any matter awaiting adjudication before a judicial tribunal should not be debated or discussed in a legislative body." For this reason, the minority of the committee strongly urges this bill not be debated until an opinion is issued by the New Hampshire Supreme Court.

Majority Amendment (0767h)

Amend the bill by replacing section 1 with the following:

1 Elections; Forms; Absentee Voting. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form.

The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I hereby declare that (check one):

☐ I am a duly qualified voter who is currently registered to vote in this town/ward.

☐ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

☐ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

☐ I am confined in a penal institution for a misdemeanor or while awaiting trial.

☐ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

☐ I cannot appear in public on election day because of observance of a religious commitment.

☐ I am unable to vote in person due to a disability.

☐ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment" shall include the care of children and infirm adults, with or without compensation.

For use only on the Monday immediately prior to the election: I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place. [and either (check one):

☐ I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.

☐ I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.]

☐ ***I would otherwise vote in person but I have concerns for my safety traveling in the storm.***

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

_____ Presidential Primary to be held on

_____ (MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

_____ State Primary to be held on

_____ (MM/DD/YYYY)

_____ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

_____ (Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

_____ (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

_____ (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Phone Number :

Applicant's Email Address:

Applicant's Signature:

Date Signed:

_____ (MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature

Print Name

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

Majority committee amendment was adopted.

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

Rep. McCarter requested a roll call; sufficiently seconded.

YEAS 282 - NAYS 92

YEAS - 282

BELKNAP

Bogert, Steven
Harvey-Bolia, Juliet
St. Clair, Charlie

Coker, Matthew
Nagel, David
Trottier, Douglas

Dumais, Russell
O'Hara, Travis
Varney, Peter

Huot, David
Beaudoin, Richard

CARROLL

Buco, Thomas
MacDonald, John
Woodcock, Stephen

Burroughs, Anita
Smith, Jonathan

Crawford, Karel
McAleer, Chris

Paige, David
McConkey, Mark

CHESHIRE

Abbott, Michael
Eaton, Daniel
Jones, Philip
Qualey, James
Thackston, Dick

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

Harvey, Cathryn
Germana, Nicholas
Newell, Jodi
Schapiro, Joe
Weber, Lucy

Fox, Dru
Hunt, John
Parshall, Lucius
Tatro, Bruce
Nutting, Zachary

COOS

Cascadden, Corinne
King, Seth

Kelley, Eamon
Tierney, James

Noël, Henry

Ouellet, Mike

GRAFTON

Almy, Susan
Brown, Carroll
Hakken-Phillips, Mary
Massimilla, Linda
Stavis, Laurel

Baldwin, Heather
Cormen, Thomas
Hoyt, Tommy
Morse, Corinne
Stringham, Jerry

Berezhny, Lex
Fellows, Sallie
Ladd, Rick
Muirhead, Russell
Sykes, George

Bolton, Bill
Fracht, David
Lovett, Peter
Rocheft, David

HILLSBOROUGH

Murray, Alissandra
Ammon, Keith
Beaulieu, Jane
Bouldin, Amanda
Colcombe, Riché
Creighton, Jim
DiSilvestro, Linda
Freitas, Mary
Gorski, Ted
Harriott-Gathright, Linda
Judy, Jean
Gould, Linda
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Notter, Jeanine
Petrigno, Peter
Preece, David
Rung, Rosemarie
Seidel, Sheila
Mannion, Tom
Vail, Suzanne
Wheeler, Jonah

Nutting-Wong, Allison
Boyd, Bill
Berry, Ross
Bradley, Amy
Cole, Brian
Ford, Damond
Dutzy, Sherry
Griffin, Gerald
Gregg, Alicia
Healey, Robert
Smith, Juliet
Lanza, Judi
Leishman, Peter
Murray, Megan
Ming, Ben
Nutter-Upham, Frances
Plamondon, Marc
Newman, Ray
Ryan, Linda
Sofikitis, Catherine
Telerski, Laura
Veilleux, Daniel
Wilhelm, Matthew

Abare, Kimberly
Baroody, Benjamin
Booras, Efstathia
Calabro, Karen
Corcoran, Travis
Darby, Will
Elberger, Susan
Gibbons, Candace
Grill, Jessica
Heath, Mary
Juris, Louis
Lascelles, Richard
Lloyd, Christal
Perez, Maria
Morton, Jennifer
O'Brien, Michael
Plett, Fred
Raymond, Heather
Newman, Sue
Spier, Carry
Tellez, Trinidad
Dolan, William

Alexander, Joe
Beauchemin, Paige
Bouchard, Donald
Chretien, Jacqueline
Cornell, Patricia
Devine, Shelley
Davis, Fred
Goley, Jeffrey
Hamer, Heidi
Herbert, Christopher
Foxy, Loren
Leapley, Nicole
Long, Patrick
Mangipudi, Latha
Murphy, Nancy
Pedersen, Michael
Post, Lisa
Rombeau, Catherine
Seibert, Christine
Staub, Kathy
Ulery, Jordan
Thomas, Wendy

MERRIMACK

Turcotte, Alisson
Carey, Lorrie
Hall, Muriel
Leavitt, John
McWilliams, Rebecca
Boyd, Stephen
Schultz, Kristina
Wallner, Mary Jane

Aylward, Deborah
Ebel, Karen
Hicks, Matthew
Luneau, David
Myler, Mel
Gould, Sherry
See, Alvin

Brennan, Angela
Gallager, Eric
Hoell, J.R.
MacKay, James
Richards, Beth
Schamberg, Thomas
Shurtleff, Steve

Caplan, Tony
Gibbs, Merry
Lane, Connie
Mason, James
Roesener, James
Schuett, Dianne
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
DeSimone, Debra
Edgar, Michael
Gilman, Julie
Harb, Robert
Janigian, John
Knab, Allison
Lynn, Bob
Malloy, Dennis
McMahon, Charles
O'Neil, Candice
Potucek, John

Ball, Lorie
DiLorenzo, Charlotte
Edwards, Jess
Grossman, Gaby
Harley, Tina
Murray, Kate
Walsh, Lilli
Cahill, Michael
Manos, Zoe
Meuse, David
Osborne, Jason
Prudhomme-O'Brien, Katherine

Mannion, Dennis
Donnelly, Tanya
Emerick, Tracy
Grote, Jaci
Haskins, Linda
Katsakiores, Phyllis
Layon, Erica
Paige, Mark
McBeath, Rebecca
Milz, David
Piemonte, Tony
Rafter, Hal

Thomas, Douglas
Doucette, Fred
Foote, Charles
Hamblet, Joan
Nelson, Jodi
Khan, Aboul
Lundgren, David
Maggiore, Jim
McDonnell, Valerie
Muns, Chris
Popovici-Muller, Daniel
Raynolds, Ned

Read, Ellen
Sweeney, Joe
Turer, Eric
MacDonald, Wayne

Roy, Terry
Sytek, John
Vallone, Mark
Ward, Gerald

Simpson, Alexis
Cahill, Tim
Vandecasteele, Susan
Yokela, Josh

Summers, James
Dolan, Tom
Verville, Kevin

STRAFFORD

Bailey, Glenn
Burnham, Claudine
Fitzpatrick, Daniel
Horgan, James
LaMontagne, Jessica
Schmidt, Peter
Southworth, Thomas

Bay, Luz
Rich, Cecilia
Smith, Geoffrey
Horrigan, Timothy
Levesque, Cassandra
Pare, Gail
Wall, Janet

Bickford, David
Cannon, Gerri
Grassie, Chuck
Howland, Allan
Smith, Marjorie
Phinney, Brandon

Bixby, Peter
Conlin, Bill
Howard, Heath
Kenney, Cam
Newton, Clifford
Selig, Loren

SULLIVAN

Aron, Judy
Merchant, Gary
Stone, Jonathan

Sullivan, Brian
Palmer, William

Cloutier, John
Rollins, Skip

Damon, Hope
Spilsbury, Walter

NAYS - 92

BELKNAP

Bean, Harry
Ploszaj, Tom

Bordes, Mike
Smart, Lisa

Comtois, Barbara
Terry, Paul

McCarter, Nikki

CARROLL

Avellani, Lino
Peternel, Katy

Belcher, Mike
Brown, Richard

Cordelli, Glenn

Costable, Michael

CHESHIRE

Filiault, Shaun

Santonastaso, Matthew

COOS

Davis, Arnold

GRAFTON

Greeson, Jeffrey

Sellers, John

Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Kelley, Diane
Kennedy, Stephen
Mazur, Lisa
Pauer, Diane
Sirois, Shane

King, Bill
Erf, Keith
Kenny, Catherine
McGough, Tim
Reid, Karen
Lekas, Tony

Boehm, Ralph
Gagne, Larry
Kofalt, Jim
McLean, Mark
Renzullo, Andrew
Tenczar, Jeffrey

Cushman, Leah
Infantine, William
Lewicke, John
Noble, Kristin
Sheehan, Vanessa
Wherry, Robert

MERRIMACK

Aures, Cyril
Gerhard, Jason
Seaworth, Brian
Wood, Clayton

McGuire, Carol
Hill, Gregory
Walsh, Thomas

Cambrils, Jose
Moffett, Michael
Testerman, Dave

McGuire, Dan
Polozov, Yuri
Wolf, Dan

ROCKINGHAM

Bernardy, JD
Guthrie, Joseph
Kuttab, Katelyn
Ford, Oliver
Quaratiello, Arlene
Tripp, Richard
Wallace, Scott

Brouillard, Jacob
Hobson, Deb
Love, David
Phillips, Emily
Pearson, Stephen
True, Chris
Weyler, Kenneth

Drago, Mike
Janvrin, Jason
Pearson, Mark
Porcelli, Susan
Soti, Julius
Tudor, Paul

Dunn, Ron
Perez, Kristine
Melvin, Charles
Pratt, Kevin
Spillane, James
Vose, Michael

STRAFFORD

Ankarberg, Aidan
Kaczynski, Thomas

Connor, James
Turcotte, Len

Granger, Michael
Potenza, Kelley

Harrington, Michael

SULLIVAN

Drye, Margaret

Smith, Steven

Stapleton, Walter

and the majority committee report was adopted, and the bill was ordered to third reading.
Reps. Phinney and Verville voted Yea and intended to vote Nay.

HB 1147, relative to permissible campaign contributions by business organizations and labor unions. **WITH-
OUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: In effect, the bill extends the current restriction on political donations by labor unions, to all business organizations (not including sole proprietorships) prohibiting businesses and unions equally from making political contributions, unless the contributions are made through a separate segregated fund, that is funded solely with voluntary political donations. The House should support OTP to even the playing field for corporations and labor unions regarding campaign donations.

Rep. Joan Hamblet

Statement in support of Inexpedient to Legislate: The reasons corporations are treated differently than labor unions in campaign finance is because no one is forced to be a part of a corporation as a part of their job function. Unions will continue to be held to a different standard until New Hampshire adopts worker choice measures, where members may voluntarily join or leave a labor union. Unions have a captive audience that is not given freedom of association, and thus the state has a compelling interest in making sure that political funds are not, in effect, coerced from the membership. If supporters of this bill want equality in treatment, then they should support worker freedom which removes the freedom of association concerns, and thus the need for segregated funds.

Rep. Ross Berry

Rep. Hamblet moved Ought to Pass and offered amendment (0638h).

Amendment (0638h)

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

1 Political Expenditures and Contributions; Prohibited Political Contributions; Segregated Account Exception. Amend RSA 664:4, II to read as follows:

II.(a) By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions, or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization; **or by any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. The provisions of this paragraph shall not apply to sole proprietorships.**

(b) Nothing in this paragraph shall prohibit the establishment, by any union or organization that is subject to subparagraph II(a), of a political committee that operates independently of such union or organization, provided the committee's expenditures and contributions are made through a separate, segregated fund consisting only of voluntary contributions solicited from individuals who are employees, officers, shareholders, directors, partners, or members of such union or organization.

2 Repeal. RSA 664:4, I, relative to prohibited political contributions of partnerships, is repealed. Amendment was adopted.

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

MOTON TO INDEFINITELY POSTPONE

Rep. Sweeney moved that **HB 1147**, relative to permissible campaign contributions by business organizations and labor unions, be Indefinitely Postponed.

On a division vote, with 187 members having voted in the affirmative, and 186 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1149, relative to domicile residency, voter registration, investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency." **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: Supporters of Ought to Pass believe that the existing law creates unnecessary barriers for citizens seeking to exercise their constitutional right to vote, including the elderly, young adults, and the homeless. This bill will restore our voting laws to where they were before these barriers were adopted. There was no evidence of widespread fraud when the existing law was adopted, so it was not necessary. Supporters of Ought to Pass want to make voting both secure and easy to access for all voters in New Hampshire.

Rep. Connie Lane

Statement in support of Inexpedient to Legislate: This bill attempts to revert New Hampshire's elections back to the "honor system" of voting, where IDs are not required to register to vote, and ballots come with a pinky-promise that the person is telling the truth that they live where they say they live. It is a direct attack on the integrity of the election and lives in the fantasy world that there is never any voter fraud and no-bad actors. The supporters of Inexpedient to Legislate refuse to ignore the dozens of cases of documented and convicted instances of voter fraud and choose to stand by a process that is supported by the overwhelming majority of Granite Staters.

Rep. Ross Berry

Rep. Lane moved Ought to Pass.

MOTON TO INDEFINITELY POSTPONE

Rep. Sweeney moved that **HB 1149**, relative to domicile residency, voter registration, investigation of voter verification letters, and relative to the terms “resident,” “inhabitant,” “residence,” and “residency,” be Indefinitely Postponed.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 184**YEAS - 190****BELKNAP**

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

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

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

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
Rocheport, David

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gorski, Ted
Kenny, Catherine
Lewicke, John
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Healey, Robert
Kofalt, Jim
Perez, Maria
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Griffin, Gerald
Infantine, William
Gould, Linda
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

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

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

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Janvrin, Jason
Kuttub, Katelyn
Lundgren, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

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**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Eaton, Daniel
Monteil, Renee
Tatro, Bruce

Ames, Richard
Faulkner, Barry
Newell, Jodi
Toll, Amanda

Harvey, Cathryn
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Fox, Dru
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Alissandra
Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Hamer, Heidi
Jeudy, Jean
Lanza, Judi
Lloyd, Christal
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Nutting-Wong, Allison
Booras, Efstathia
Calabro, Karen
Darby, Will
Elberger, Susan
Goley, Jeffrey
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William

Baroody, Benjamin
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Gregg, Alicia
Heath, Mary
Juris, Louis
LeClerc, Daniel
Howard, Molly
Ming, Ben
O'Brien, Michael
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Beauchemin, Paige
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Grill, Jessica
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Murray, Megan
Morton, Jennifer
Pedersen, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

MERRIMACK

Turcotte, Alisson
Ebel, Karen
Hicks, Matthew
McWilliams, Rebecca
Gould, Sherry
Shurtleff, Steve

Brennan, Angela
Gallager, Eric
Lane, Connie
Myler, Mel
Schamberg, Thomas
Soucy, Timothy

Caplan, Tony
Gibbs, Merryl
Luneau, David
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

Carey, Lorrie
Hall, Muriel
MacKay, James
Roesener, James
Schultz, Kristina
Wolf, Dan

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Vallone, Mark

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turer, Eric

STRAFFORD

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1264-FN, relative to the definition of accessible voting systems. **OUGHT TO PASS WITH AMENDMENT.** Rep. Robert Wherry for Election Law. Accessible voting systems are currently in place only for state elections with a federal office on the ballot and are generally not made available at polling locations for local elections. As a result, with very few exceptions, individuals with disabilities are not universally afforded equal opportunities to vote privately and independently as individuals without disabilities in local elections, which in violation of the Americans with Disabilities Act (ADA) and its implementing regulations. This bipartisan bill ensures that each polling place has at least one accessible voting system. The amendment allows the accessible voting systems to be made available through a pilot agreement with the Secretary of State for the use of accessible voting systems in local elections. Cities, towns, and school districts will bear the cost of programming and transferring the accessible voting systems under guidance provided by the Secretary of State, eliminating the need for a fiscal note as required under the original bill. Vote 20-0.

Amendment (1041h)

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

3 New Section; Accessible Voting Systems. Amend RSA 659 by inserting after section 20-a the following new section:

659:20-b Accessible Voting Systems.

I. Every city, every town, and every school district which has adopted an official ballot system shall:

(a) Ensure that each polling place has at least one accessible voting system.

(b) Enter into a pilot agreement with the secretary of state for the use of accessible voting systems in local elections.

(c) Bear the cost of programming for the city, town, or school district election with the vendor chosen and contracted with by the secretary of state, including any transfer of the system to and from the vendor.

(d) Store and maintain the accessible voting system or systems in a secure manner following election security guidance issued by the secretary of state.

II. The secretary of state shall:

(a) Enter into a pilot program agreement with cities and towns and provide accessible voting systems for use in city, town, and school elections.

(b) Provide guidance for programming the local ballots onto the accessible voting systems.

(c) Provide security guidance for the local storage and maintenance of the accessible voting system or systems used for city, town, and school district elections.

4 Repeal. The following are repealed:

I. RSA 659:20-b, I(b) relative to cities, towns, and school districts entering into a pilot agreement with the secretary of state for the use of accessible voting systems in local elections.

II. RSA 659:20-b, II(a) relative to cities, towns, and school districts entering into a pilot program with the secretary of state for the use of accessible voting systems for use in local elections.

5 Effective Date.

I. Section 4 of this act shall take effect June 30, 2025.

II. The remainder of 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.

(Rep. Steven Smith in the Chair)

REGULAR CALENDAR CONT'D

HB 1523, revising the moderator's worksheet for counting votes in elections. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass with Amendment: As amended, this bill makes modifications to the newly enacted pre-election certificate to account for an inventory of ballots, including those that have been sent for absentee voting. There is a large concern that there are not significant ballot inventory control pro-

cedures in place, and this would account for all ballots that have been given to the municipality, including those uncast absentee ballots. This information is already maintained in the state's system but is inaccessible to the public and should be a part of the standard reporting process.

Rep. Claudine Burnham

Statement in support of Inexpedient to Legislate: The intent of this bill is to amend the pre-election certificate to record the blank election-day ballots received by the city and town clerks from the Secretary of State's office and delivered to the polling places before polls open on election day. However, the bill does not account for the absentee ballots that are returned to the polling place on election day. This renders the certificate confusing and unworkable. The information that the bill wants to disclose is already available on Electionet, so there is full accountability of all absentee ballots received at the clerk's office from the Secretary of State without this confusing form. Thus, this bill is not necessary. The bill also attempts to modify the moderator's post-election certificate (formerly the moderator's worksheet) in several ways, including adding a section for an inventory of regular ballots and absentee ballots. There is already an inventory of cast ballots and absentee ballots on this form. Including this inventory on the moderator's post election certificate would clutter the form with unnecessary information. The conclusion is that this bill is not necessary or workable. If voters want to see inventories showing the entire processing of all ballots, this can be accomplished in a different way.

Rep. Joan Hamblet

Rep. Burnham moved Ought to Pass and offered floor amendment (1225h).

Floor Amendment (1225h)

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

AN ACT relative to the pre-election certificate.

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

1 Pre-Election Certificate. Amend RSA 658:32 to read as follows:

658:32 Pre-Election Certificate.

I. The secretary of state shall prepare and distribute to each town or ward clerk 3 copies of the pre-election certificate. When the ballots **and absentee ballots** are counted, the moderator and clerk shall certify thereon the total number of ballots **and absentee ballots** received. ***The pre-election certificate shall include, but not be limited to:***

(a) ***The number of absentee ballots received from the secretary of state's office.***

(b) ***The number of absentee ballots requested by the voters.***

(c) ***The number of absentee ballots spoiled.***

(d) ***The number of absentee ballots not returned by the voters.***

(e) ***The number of absentee ballots not used.***

II. One copy shall be retained by the moderator for his or her records; one copy shall be retained by the clerk for his or her records, and one copy shall be forwarded by the clerk to the secretary of state with the election returns pursuant to RSA 659:75.

2 New Subparagraph; Post-Election Certificate. Amend RSA 659:73, III by inserting after subparagraph (i) the following new subparagraph:

(j) The number of absentee ballots received by mail on election day.

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

AMENDED ANALYSIS

This bill includes certain categories of absentee ballots on the pre-election certificate.

The question being adoption of floor amendment (1225h).

On a division vote, with 186 members having voted in the affirmative, and 187 in the negative, floor amendment (1225h) failed.

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

On a division vote, with 185 members having voted in the affirmative, and 188 in the negative, the motion failed.

Rep. Hamblet moved Inexpedient to Legislate.

Motion was adopted.

HB 1351, prohibiting the sale and use of adhesive-based rodent traps. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Haskins for the Majority of Environment and Agriculture. The majority of the committee felt that this bill requires more study. The committee heard testimony that these traps sometimes ensnare non-target species like songbirds, snakes, and other animals. These traps are opposed by the Centers for Disease Control and Prevention, the New Hampshire Fish and Game Department, the US Fish and Wildlife Service, the American Veterinary Medical Association and other major organizations. The committee also heard testimony from a pest control company and the New Hampshire Farm Bureau that these traps are a

“tool in the toolbox.” The New Hampshire Farm Bureau is also concerned about distinguishing insect glue traps from rodent glue traps in this bill. All of this leads the majority to believe that a referral for Interim Study is warranted. Vote 15-4.

Rep. Barbara Comtois for the Minority of Environment and Agriculture. The minority believes that Interim Study is not needed. The minority believes that this bill should be found Inexpedient to Legislate. The truth is that any means of eliminating rats and mice is going to result in the end of the life of the rodent. Not all methods offer a quick death, and even snap traps can cause slow deaths to occur. The minority felt that eliminating a non-chemical based rodent control option was not prudent. People should be able to choose what types of traps they want to use based on their infestation situation. These traps are effective in capturing many rodents at once and they also prevent rodents from dying in the walls of homes. In agriculture, they are used in barns, particularly in areas where grain and other animal feed is kept as well as where crops are stored. They are also used in farm-stands, sugarhouses, and other buildings where human food is produced and/or prepared. Glue traps are also placed around commercial kitchens, food processing facilities, hospitals, schools, and many other commercial and residential settings where chemicals are inappropriate and unsafe. It is advised by manufacturers and pest control companies that these glue traps should be used indoors in order to prevent non-targeted species (birds, snakes, etc.) from getting trapped. As with all rodent control, consumers should be educated and mindful of how they are used. Furthermore, this bill bans all glue traps. These adhesive traps are vital tools to combat all levels of pest control problems, not just rodents. Glue traps are a crucial component in integrated pest management (IPM) solutions required in various states across the nation. Glue traps, boards, and strips are a major component in fly control which is crucial to public health and the safety of our food.

The question being adoption of the majority committee report of Refer for Interim Study.

Rep. Comtois spoke against.

On a division vote, with 191 members having voted in the affirmative, and 169 in the negative, the majority committee report was adopted.

HB 1335, removing Columbus Day as a holiday. INEXPEDIENT TO LEGISLATE.

Rep. Matthew Simon for Executive Departments and Administration. This is the seventh time a bill to remove or rename Columbus Day has been considered by the Executive Departments and Administration committee. The House has rejected the first six attempts, and it is the recommendation of the committee that the House do so again. Although Columbus was accused of atrocities by Francisco de Bobadilla against native peoples in the Caribbean, he was later exonerated of these charges. The crown found that the accusations were patently false and simply an attempt, by his rivals, to damage Columbus’s reputation by bringing false and slanderous accusations against him. Regardless of these accusations, however, there can be no doubt that the actions and bravery of Columbus brought the eastern hemisphere and the western hemisphere together. It is true that other explorers from the European continent had crossed the Atlantic before Columbus, but it was Columbus’s explorations that inspired the movement that eventually culminated in the creation of the United States of America: A land where people from every tribe, tongue, and nation can come to be free. Columbus Day, like Martin Luther King Jr. Day and Saint Patrick’s Day, stand as a reminder of our country’s struggle to fulfill its promise that all people have been created equal by God. These holidays represent three groups of people. Italians, African Americans and the Irish, who underwent great persecution in their attempt to assimilate into this country. They also stand as a reminder to us of our mission to “make out of many people one.” The committee believes we should continue to honor this heritage and keep Columbus Day as a holiday. Vote 14-1.

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

Rep. Wheeler requested a roll call; sufficiently seconded.

YEAS 331 - NAYS 42

YEAS - 331

BELKNAP

Bean, Harry
Comtois, Barbara
McCarter, Nikki
Beaudoin, Richard
Trottier, Douglas

Bogert, Steven
Dumais, Russell
Nagel, David
Smart, Lisa
Varney, Peter

Bordes, Mike
Huot, David
O'Hara, Travis
St. Clair, Charlie

Coker, Matthew
Harvey-Bolia, Juliet
Ploszaj, Tom
Terry, Paul

CARROLL

Avellani, Lino
Costable, Michael
McAleer, Chris
Woodcock, Stephen

Belcher, Mike
Crawford, Karel
McConkey, Mark

Buco, Thomas
MacDonald, John
Pernel, Katy

Cordelli, Glenn
Smith, Jonathan
Brown, Richard

CHESHIRE

Abbott, Michael
Faulkner, Barry
Newell, Jodi
Santonastaso, Matthew
Nutting, Zachary

Harvey, Cathryn
Filiault, Shaun
Parshall, Lucius
Tatro, Bruce

Fox, Dru
Hunt, John
Qualey, James
Thackston, Dick

Eaton, Daniel
Jones, Philip
Rhodes, Jennifer
Weber, Lucy

COOS

Davis, Arnold
King, Seth

Cascadden, Corinne
Tierney, James

Noël, Henry

Ouellet, Mike

GRAFTON

Baldwin, Heather
Cormen, Thomas
Hakken-Phillips, Mary
Massimilla, Linda
Simon, Matthew

Berezhny, Lex
Fellows, Sallie
Hoyt, Tommy
Muirhead, Russell
Stavis, Laurel

Bolton, Bill
Fracht, David
Ladd, Rick
Rocheport, David
Stringham, Jerry

Brown, Carroll
Greenson, Jeffrey
Lovett, Peter
Sellers, John
Sykes, George

HILLSBOROUGH

Lekas, Alicia
Ammon, Keith
Berry, Ross
Bradley, Amy
Corcoran, Travis
Ford, Damond
Erf, Keith
Gagne, Larry
Gregg, Alicia
Heath, Mary
Juris, Louis
Foxx, Loren
Leapley, Nicole
Lloyd, Christal
Mangipudi, Latha
McLean, Mark
Noble, Kristin
Pauer, Diane
Plett, Fred
Renzullo, Andrew
Newman, Sue
Sofikitis, Catherine
Mannion, Tom
Ulery, Jordan
Thomas, Wendy

Murray, Alissandra
Boyd, Bill
Boehm, Ralph
Calabro, Karen
Cornell, Patricia
Kelley, Diane
Davis, Fred
Gibbons, Candace
Grill, Jessica
Herbert, Christopher
Kennedy, Stephen
Gould, Linda
LeClerc, Daniel
Long, Patrick
Mazur, Lisa
Ming, Ben
Notter, Jeanine
Pedersen, Michael
Post, Lisa
Rombeau, Catherine
Seidel, Sheila
Spier, Carry
Telerski, Laura
Vail, Suzanne
Wherry, Robert

Abare, Kimberly
King, Bill
Booras, Efstathia
Colcombe, Riché
Creighton, Jim
Devine, Shelley
Freitas, Mary
Goley, Jeffrey
Hamer, Heidi
Infantine, William
Kenny, Catherine
Lanza, Judi
Leishman, Peter
Howard, Molly
McGhee, Kat
Morton, Jennifer
Nutter-Upham, Frances
Petrigno, Peter
Preece, David
Rung, Rosemarie
Sheehan, Vanessa
Staub, Kathy
Tellez, Trinidad
Veilleux, Daniel
Wilhelm, Matthew

Alexander, Joe
Baroody, Benjamin
Bouchard, Donald
Cole, Brian
Cushman, Leah
DiSilvestro, Linda
Griffin, Gerald
Gorski, Ted
Healey, Robert
Judy, Jean
Kofalt, Jim
Lascelles, Richard
Lewicke, John
Murray, Megan
McGough, Tim
Murphy, Nancy
O'Brien, Michael
Plamondon, Marc
Reid, Karen
Ryan, Linda
Sirois, Shane
Lekas, Tony
Tenczar, Jeffrey
Dolan, William

MERRIMACK

Aures, Cyril
Cambriels, Jose
Ebel, Karen
Hall, Muriel
Leavitt, John
Myler, Mel
Schamberg, Thomas
See, Alvin
Testerman, Dave

Aylward, Deborah
Caplan, Tony
Gallager, Eric
Hicks, Matthew
MacKay, James
Polozov, Yury
Schuett, Dianne
Shurtleff, Steve
Wallner, Mary Jane

Brennan, Angela
Carey, Lorrie
Gerhard, Jason
Hill, Gregory
Mason, James
Boyd, Stephen
Schultz, Kristina
Soucy, Timothy
Wolf, Dan

McGuire, Carol
McGuire, Dan
Gibbs, Merryl
Hoell, J.R.
Moffett, Michael
Gould, Sherry
Seaworth, Brian
Walsh, Thomas
Wood, Clayton

ROCKINGHAM

Balboni, Peggy
Mannion, Dennis
Donnelly, Tanya
Edgar, Michael
Gilman, Julie
Hamblet, Joan
Hobson, Deb
Murray, Kate
Knab, Allison
Love, David
Paige, Mark
Manos, Zoe
Meuse, David
Ford, Oliver

Ball, Lorie
Thomas, Douglas
Doucette, Fred
Edwards, Jess
Grossman, Gaby
Harb, Robert
Nelson, Jodi
Perez, Kristine
Kuttab, Katelyn
Lundgren, David
Pearson, Mark
McDonnell, Valerie
Milz, David
Osborne, Jason

Bernardy, JD
DeSimone, Debra
Drago, Mike
Emerick, Tracy
Grote, Jaci
Harley, Tina
Janigian, John
Katsakiores, Phyllis
Walsh, Lilli
Lynn, Bob
Maggiore, Jim
McMahon, Charles
Muns, Chris
Packard, Sherman

Brouillard, Jacob
DiLorenzo, Charlotte
Dunn, Ron
Foote, Charles
Guthrie, Joseph
Haskins, Linda
Janvrin, Jason
Khan, Aboul
Layon, Erica
Cahill, Michael
Malloy, Dennis
Melvin, Charles
O'Neil, Candice
Phillips, Emily

Piemonte, Tony
 Prudhomme-O'Brien, Katherine
 Pearson, Stephen
 Summers, James
 Dolan, Tom
 Turer, Eric
 Vose, Michael
 Yokela, Josh

Porcelli, Susan
 Quaratiello, Arlene
 Simpson, Alexis
 Sweeney, Joe
 Tripp, Richard
 Vallone, Mark
 MacDonald, Wayne

Potucek, John
 Read, Ellen
 Soti, Julius
 Sytek, John
 True, Chris
 Vandecasteele, Susan
 Wallace, Scott

Pratt, Kevin
 Roy, Terry
 Spillane, James
 Cahill, Tim
 Tudor, Paul
 Verville, Kevin
 Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
 Bixby, Peter
 Conlin, Bill
 Grassie, Chuck
 Kaczynski, Thomas
 Schmidt, Peter
 Southworth, Thomas

Bailey, Glenn
 Burnham, Claudine
 Connor, James
 Howard, Heath
 Levesque, Cassandra
 Pare, Gail
 Wall, Janet

Bay, Luz
 Rich, Cecilia
 Fitzpatrick, Daniel
 Harrington, Michael
 Smith, Marjorie
 Potenza, Kelley

Bickford, David
 Cannon, Gerri
 Granger, Michael
 Horgan, James
 Newton, Clifford
 Selig, Loren

SULLIVAN

Aron, Judy
 Drye, Margaret
 Spilsbury, Walter

Sullivan, Brian
 Merchant, Gary
 Stapleton, Walter

Cloutier, John
 Palmer, William
 Stone, Jonathan

Damon, Hope
 Rollins, Skip

NAYS - 42 CARROLL

Burroughs, Anita

Paige, David

CHESHIRE

Ames, Richard
 Toll, Amanda

Germana, Nicholas

Monteil, Renee

Schapiro, Joe

COOS

Kelley, Eamon

GRAFTON

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HILLSBOROUGH

Nutting-Wong, Allison
 Chretien, Jacqueline
 Harriott-Gathright, Linda
 Raymond, Heather

Beauchemin, Paige
 Darby, Will
 Smith, Juliet
 Seibert, Christine

Beaulieu, Jane
 Dutzy, Sherry
 Perez, Maria
 Wheeler, Jonah

Bouldin, Amanda
 Elberger, Susan
 Newman, Ray

MERRIMACK

Turcotte, Alisson
 Richards, Beth

Lane, Connie
 Roesener, James

Luneau, David

McWilliams, Rebecca

ROCKINGHAM

McBeath, Rebecca
 Ward, Gerald

Popovici-Muller, Daniel

Rafter, Hal

Raynolds, Ned

STRAFFORD

Smith, Geoffrey
 LaMontagne, Jessica

Horrigan, Timothy
 Phinney, Brandon

Howland, Allan

Kenney, Cam

and the committee report was adopted.

HB 1411-FN, relative to requiring agencies and their contractors to accept cash payments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jaci Grote for the Majority of Executive Departments and Administration. This bill requires all state agencies and contractors to accept cash payments. It is unnecessary, since all agencies already do accept cash payments. In some cases, such as turnpike tolls, it requires extra effort, but there are multiple ways for someone who relies on cash to make a payment. Vote 17-3.

Rep. Carroll Brown for the Minority of Executive Departments and Administration. This bill proposed that all state agencies be required to accept cash payments for any transaction with that agency. There are certain situations where a person may not have a bank account, debit card, checkbook, or any other way to pay a charge at a state agency or anywhere. While people in these situations can get a money order or cash card, they may not be able to do so in a timely fashion when doing business at a state agency, or often cannot even afford the cost of a money order. The sponsor wanted to ensure that anyone in this situation is able to pay with cash if that is their only option. Additionally, there were members of the committee who noted there are

people who, while not in difficult financial circumstances, simply want to deal in cash and should be able to do so if that is their preference. State agencies are public service entities and, as such, it is their charge to assure that all people using state services can complete their business in the most convenient and efficient way. It was noted that the Commissioner of Administrative Services stated, outside of the hearing process, that all state agencies do already accept cash payments, however, the trend in businesses is now often to only provide for online payments with a credit or bank card. As such, the minority strongly feels that the passage of this bill will assure that payments by cash are available at every state agency and that this remains so into the future.

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

Rep. Comtois spoke against.

Rep. Grote spoke in favor.

On a division vote, with 306 members having voted in the affirmative, and 63 in the negative, the majority committee report was adopted.

HB 1347, relative to administration of the New Hampshire refugee resettlement program. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jim Kofalt for the Majority of Health, Human Services and Elderly Affairs. The sponsor's intent for this bill was to ensure that state services to US Citizens and legal immigrants would not be denied or delayed as a result of those same resources being allocated to people who are in the US illegally. Unfortunately, both the title and the content of the bill do not align with the sponsor's intent. However, the majority believes that this topic is worthy of further discussion. Vote 13-7.

Rep. Joe Schapiro for the Minority of Health, Human Services and Elderly Affairs. At the hearing, the prime sponsor himself acknowledged that the bill, as introduced, was not suitable for further amendment or for an Ought To Pass recommendation. Nevertheless, he felt that this bill could be a building block for a future bill that prioritized New Hampshire residents who are citizens over non-citizen immigrants in regard to social safety net benefits. The majority appeared to agree and voted for Interim Study. The minority did not. Undocumented immigrants are ineligible for benefits in New Hampshire. Non-citizens lawfully residing as immigrants are eligible for extremely limited benefits, generally regulated by federal law. In fact, in 2017, New Hampshire requested a waiver from Center for Medicaid Services to deny Medicaid expansion to non-citizens, and that request was denied. Immigration, in fact, has played a major role in recent years in New Hampshire in both population growth and workforce enhancement. The minority felt that this bill was not a suitable foundation to create further immigration-related legislation and that attempting to do so would be divisive and unproductive.

The question being adoption of the majority committee report of Refer for Interim Study.

Majority committee report was adopted.

HB 1683-FN, relative to coverage of circumcision under the state Medicaid plan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for the Majority of Health, Human Services and Elderly Affairs. The majority of the committee supports ending Medicaid payment for circumcisions which are not medically necessary. While arguments have been made for and against the medical necessity of routine circumcision, the fact remains that Medicaid is intended for only medically necessary care. The amendment removes the prior authorization language in the original bill and adds a catch-all provision for any medically necessary need not specifically listed. Ritual religious circumcisions are typically not conducted in hospitals and are therefore not reimbursed. Purely religious desire for circumcision is not medically necessary and therefore is not an appropriate use of state Medicaid funds. This bill does not preclude a private charity from filling any need for religious, non-medically necessary circumcisions. As amended, this bill honors the intent of the Medicaid program. Vote 14-6.

Rep. Joe Schapiro for the Minority of Health, Human Services and Elderly Affairs. This bill will deny Medicaid reimbursement for routine, male infant circumcision. While the minority agrees that circumcision of male newborns is an elective procedure which should be decided upon by parents after educating themselves about the benefits and risks, we do not feel that it is an appropriate role for the legislature to dictate medical practice. Male circumcision has long been culturally accepted and research has shown that there are a number of potential health benefits including: reduced urinary tract infections (UTIs), lower risk of penile cancer, and reductions in the spread of AIDS and other STDs. Parents, including low-income parents, should have the right to make this important health care decision for their children without intrusion from politicians. Instead, this bill will create a two-tier system where those with private insurance can exercise their parental rights unencumbered by concerns about health care expenses, and the poor will be left to consider the financial costs associated with their decision. The minority feels that those with strong moral and/or emotional opposition to circumcision should exercise their right to educate the public about their point of view. In fact, they have already done so quite effectively, resulting in a rather dramatic decrease in the rates of circumcision.

Majority Amendment (0573h)

Amend RSA 167:3-n, IV as inserted by section 2 of the bill by inserting after subparagraph (j) the following new subparagraph:

(k) Or any diagnosed condition for which a circumcision is deemed medically necessary by a physician or other health care provider licensed in New Hampshire.

Amend RSA 167:3-n as inserted by section 2 of the bill by deleting paragraph V.

Majority committee amendment was adopted.

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

Reps. Schapiro and Beauchemin spoke against.

Reps. Wayne MacDonald, Phillips and Read spoke in favor.

On a division vote, with 178 members having voted in the affirmative, and 197 in the negative, the majority committee report failed.

Rep. Schapiro moved the minority committee report of Inexpedient to Legislate.

MOTION TO LAY ON THE TABLE

Rep. Sweeney moved that **HB 1683-FN**, relative to coverage of circumcision under the state Medicaid plan, be laid on the table.

Rep. Phillips requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 187**YEAS - 188****BELKNAP**

Bean, Harry
Dumais, Russell
O'Hara, Travis
Terry, Paul

Bordes, Mike
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Coker, Matthew
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

Comtois, Barbara
Nagel, David
Smart, Lisa

CARROLL

Avellani, Lino
Crawford, Karel
Brown, Richard

Belcher, Mike
MacDonald, John

Cordelli, Glenn
McConkey, Mark

Costable, Michael
Peternel, Katy

CHESHIRE

Filiault, Shaun
Santonastaso, Matthew

Hunt, John
Nutting, Zachary

Parshall, Lucius

Qualey, James

COOS

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
Ladd, Rick
Simon, Matthew

Brown, Carroll
Massimilla, Linda

Greeson, Jeffrey
Rocheffort, David

Hoyt, Tommy
Sellers, John

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Creighton, Jim
Elberger, Susan
Gagne, Larry
Judy, Jean
Gould, Linda
McGough, Tim
O'Brien, Michael
Renzullo, Andrew
Lekas, Tony
Vail, Suzanne

Abare, Kimberly
King, Bill
Cushman, Leah
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Pauer, Diane
Seidel, Sheila
Mannion, Tom
Wheeler, Jonah

Alexander, Joe
Berry, Ross
Kelley, Diane
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lewicke, John
Noble, Kristin
Plett, Fred
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

Ammon, Keith
Colcombe, Riché
Dutzy, Sherry
Griffin, Gerald
Infantine, William
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Post, Lisa
Sirois, Shane
Ulery, Jordan

MERRIMACK

Aures, Cyril
Carey, Lorrie
Leavitt, John
Seaworth, Brian
Testerman, Dave

Aylward, Deborah
McGuire, Dan
Moffett, Michael
See, Alvin
Wood, Clayton

McGuire, Carol
Gerhard, Jason
Polozov, Yury
Shurtleff, Steve

Cambrils, Jose
Hill, Gregory
Boyd, Stephen
Walsh, Thomas

ROCKINGHAM

Ball, Lorie	Bernardy, JD	Brouillard, Jacob	Mannion, Dennis
Thomas, Douglas	DeSimone, Debra	Donnelly, Tanya	Doucette, Fred
Drago, Mike	Dunn, Ron	Edwards, Jess	Emerick, Tracy
Guthrie, Joseph	Harb, Robert	Harley, Tina	Hobson, Deb
Nelson, Jodi	Janigian, John	Janvrin, Jason	Perez, Kristine
Katsakiores, Phyllis	Khan, Aboul	Kuttab, Katelyn	Walsh, Lilli
Layon, Erica	Love, David	Lundgren, David	Lynn, Bob
McDonnell, Valerie	McMahon, Charles	Melvin, Charles	Osborne, Jason
Packard, Sherman	Phillips, Emily	Piemonte, Tony	Popovici-Muller, Daniel
Porcelli, Susan	Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine
Quaratiello, Arlene	Read, Ellen	Pearson, Stephen	Soti, Julius
Spillane, James	Summers, James	Sweeney, Joe	Sytek, John
Cahill, Tim	Tripp, Richard	True, Chris	Tudor, Paul
Vose, Michael	MacDonald, Wayne	Wallace, Scott	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Ankarberg, Aidan	Bailey, Glenn	Bickford, David	Burnham, Claudine
Connor, James	Fitzpatrick, Daniel	Granger, Michael	Harrington, Michael
Horgan, James	Howland, Allan	Kaczynski, Thomas	Turcotte, Len
Newton, Clifford	Schmidt, Peter	Phinney, Brandon	Potenza, Kelley

SULLIVAN

Aron, Judy	Sullivan, Brian	Drye, Margaret	Merchant, Gary
Rollins, Skip	Spilsbury, Walter	Stone, Jonathan	

NAYS - 187**BELKNAP**

Bogert, Steven	Huot, David	St. Clair, Charlie
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CARROLL

Buco, Thomas	Burroughs, Anita	Paige, David	Smith, Jonathan
McAleer, Chris	Woodcock, Stephen		

CHESHIRE

Abbott, Michael	Ames, Richard	Harvey, Cathryn	Fox, Dru
Eaton, Daniel	Faulkner, Barry	Germana, Nicholas	Jones, Philip
Monteil, Renee	Newell, Jodi	Rhodes, Jennifer	Schapiro, Joe
Tatro, Bruce	Thackston, Dick	Toll, Amanda	Weber, Lucy

COOS

Cascadden, Corinne	Kelley, Eamon	Noël, Henry
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GRAFTON

Almy, Susan	Baldwin, Heather	Bolton, Bill	Cormen, Thomas
Fellows, Sallie	Fracht, David	Hakken-Phillips, Mary	Lovett, Peter
Morse, Corinne	Muirhead, Russell	Stavis, Laurel	Stringham, Jerry
Sykes, George			

HILLSBOROUGH

Murray, Alissandra	Nutting-Wong, Allison	Baroody, Benjamin	Beauchemin, Paige
Beaulieu, Jane	Boehm, Ralph	Booras, Efstathia	Bouchard, Donald
Bouldin, Amanda	Bradley, Amy	Calabro, Karen	Chretien, Jacqueline
Cole, Brian	Corcoran, Travis	Cornell, Patricia	Ford, Damond
Darby, Will	Devine, Shelley	DiSilvestro, Linda	Davis, Fred
Freitas, Mary	Gibbons, Candace	Goley, Jeffrey	Gregg, Alicia
Grill, Jessica	Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary
Herbert, Christopher	Smith, Juliet	Juris, Louis	Foxx, Loren
Lanza, Judi	Leapley, Nicole	LeClerc, Daniel	Leishman, Peter
Lloyd, Christal	Long, Patrick	Howard, Molly	Murray, Megan
Perez, Maria	Mangipudi, Latha	McGhee, Kat	Ming, Ben
Morton, Jennifer	Murphy, Nancy	Nutter-Upham, Frances	Pedersen, Michael
Petrigno, Peter	Plamondon, Marc	Preece, David	Newman, Ray
Raymond, Heather	Reid, Karen	Rombeau, Catherine	Rung, Rosemarie
Ryan, Linda	Newman, Sue	Seibert, Christine	Sofikitis, Catherine
Spier, Carry	Staub, Kathy	Telerski, Laura	Tellez, Trinidad
Veilleux, Daniel	Dolan, William	Thomas, Wendy	Wilhelm, Matthew

MERRIMACK

Turcotte, Alisson
Gallager, Eric
Hoell, J.R.
Mason, James
Roesener, James
Schultz, Kristina

Brennan, Angela
Gibbs, Merryl
Lane, Connie
McWilliams, Rebecca
Gould, Sherry
Soucy, Timothy

Caplan, Tony
Hall, Muriel
Luneau, David
Myler, Mel
Schamberg, Thomas
Wallner, Mary Jane

Ebel, Karen
Hicks, Matthew
MacKay, James
Richards, Beth
Schuett, Dianne
Wolf, Dan

ROCKINGHAM

Balboni, Peggy
Gilman, Julie
Haskins, Linda
Paige, Mark
Manos, Zoe
Muns, Chris
Raynolds, Ned
Turer, Eric
Ward, Gerald

DiLorenzo, Charlotte
Grossman, Gaby
Murray, Kate
Pearson, Mark
McBeath, Rebecca
O'Neil, Candice
Roy, Terry
Vallone, Mark

Edgar, Michael
Grote, Jaci
Knab, Allison
Maggiore, Jim
Meuse, David
Ford, Oliver
Simpson, Alexis
Vandecasteele, Susan

Foote, Charles
Hamblet, Joan
Cahill, Michael
Malloy, Dennis
Milz, David
Rafter, Hal
Dolan, Tom
Verville, Kevin

STRAFFORD

Bay, Luz
Conlin, Bill
Horrigan, Timothy
Smith, Marjorie
Wall, Janet

Bixby, Peter
Smith, Geoffrey
Kenney, Cam
Pare, Gail

Rich, Cecilia
Grassie, Chuck
LaMontagne, Jessica
Selig, Loren

Cannon, Gerri
Howard, Heath
Levesque, Cassandra
Southworth, Thomas

SULLIVAN

Cloutier, John

Damon, Hope

Palmer, William

Stapleton, Walter

and the motion was adopted.

MOTION TO PRINT DEBATE

Rep. Arnold Davis moved that the debate on **HB 1683-FN**, relative to coverage of circumcision under the state Medicaid plan, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 1683-FN

Speaker Steven Smith: The question is Ought to Pass with Amendment. The Chair recognizes Rep. Wayne MacDonald to speak for the committee report.

Representative Wayne MacDonald: Thank you, Mister Speaker. Mister Speaker, the Medicaid program, its appropriation, implementation and coverage provisions have been a major topic of conversations in this chamber. As we all well remember, the debate in committees and on this House floor about a seven-year expansion involved a great deal of discussion. Medical coverage for those in need is indeed an important matter and deserves our attention. However, the Medicaid program is about procedures and treatment that are medically necessary, and circumcision is not always such a procedure. The majority respects those who believe in the procedure being performed, whether it be for religious or other reasons. The purpose of this bill is not to ban it altogether. Mister Speaker and colleagues, I ask that you press the green button and support the bipartisan majority recommendation of Ought to Pass as Amended. Thank you, Mister Speaker.

Speaker Steven Smith: Rep. Schapiro is recognized to speak against the committee report.

Representative Schapiro: Thank you, Mister Speaker. Of all the things I thought I would never do before I joined the legislature, making a speech about circumcision to 400 of my peers probably tops the list. Nevertheless, here I am asking you to oppose HB 1683, a bill that would end coverage in the Medicaid program for routine circumcision of male infants. Currently, New Hampshire Medicaid reimburses for circumcision at birth as an elective procedure. It is not considered cosmetic because there is ample research showing potential medical benefits such as reduction in penile cancers and reduced rates of HIV transmission. It is also not considered an urgent required procedure. It is elective. It is a choice, a parental choice and I'm here today to ask you not to take that parental choice, that parental prerogative, dare I say that parental right away. Passing this bill would be an intrusion into the freedom of New Hampshire parents to make medical decisions for their families. Using Medicaid as a tool, this bill will legislate the practice of medicine, something we try to avoid in Health, Human Services and Elderly Affairs. One time it might be something you value. Sometimes it's something that your adversary values. The reality is there is no end. That's why we try to keep healthcare decisions between patients and providers. This bill fails that test. Perhaps the most important reason to oppose HB 1683 is the issue of healthcare equity. Passage of this bill will allow wealthy people, or people with private health insurance to make a choice about circumcision unencumbered by financial concerns while low-income Granite Staters, including low-income Muslim and Jewish Granite Staters will have to consider the financial consequences of their decision. Now, I know that some of you will say that the amendment to this bill will

allow for broad doctor discretion and ironically that a bill that intends to prohibit reimbursement for routine male infant circumcision will actually allow it if a healthcare provider deems it medically necessary. This, however, is just not the case. The attorney for the Medicaid program at the HHS informs me that, as written, the amendment does not even apply to infants and in no way clarifies what will be covered and what will not be covered. Some testified that parents at a vulnerable moment having just giving birth are unprepared to make a decision about circumcision, that more education is needed, a fair and balanced presentation of the pros and cons of circumcision. I totally agree. Unlike when my kids were born, virtually every parent knows the sex of their child early on in pregnancy. In fact, anti-circumcision activists have been very, very successful in this regard. Rates of male circumcision have dropped dramatically over the past three decades. In wrapping up, I would ask you to put aside any personal feelings you might have about circumcision. Some of you clearly have very strong feelings about it and some, like myself, thought about it for a short period before their children were born. In my case I ended up having two daughters and then didn't give it much thought until now. There is no right or wrong decision about male circumcision. It is a deeply personal decision and should be made with adequate information and with counsel from family, medical providers and clergy, if relevant. Please push the red button to defeat the OTP/A motion so that another motion can be made, and medical freedom can be preserved. Thank you and I would request a division vote.

Speaker Steven Smith: Rep. Phillips is recognized to speak in support of the report. Sorry, does the member yield to a question?

Representative Phillips: Thank you, Mister Speaker. The state is spending over \$100,000 a year in billing codes paying for medically unnecessary, non therapeutic elective surgeries, namely infant circumcisions. This does not include fees for providers, supplies, facilities and the 11% revision rate where children return for corrective procedures after botched jobs. Across our nation, 18 states have eliminated Medicaid coverage for infant circumcisions. Since 1996, infant circumcisions have not been publicly insured service through Canada or the UK. The decision to drop coverage in these states has always been based on the lack of valid medical indications for the procedure. Routine circumcision is not recommended by any national medical organization in the world. The Centers for Medicare and Medicaid services have defined circumcision performed at parental requests as elective surgery. The United States Congress appropriates Medicaid funds to states only for medically necessary services. Social, cultural, religious and ethnic traditions are the primary factors and not medical ones that parents cite when making the decision to circumcise their newborn sons. The American Academy of Pediatrics and the American Medical Association have declined to recommend it as a routine practice. As a result, the national circumcision rates have now dropped to 55%. This is evidence that this surgery is not an essential component of newborn care when nearly half of today's parents are not choosing circumcision. It can no longer be defended as a standard of care in the United States or New Hampshire. Medicaid funding coverage implies an endorsement of routine circumcision when no such endorsement actually exists in New Hampshire. Why would a young and uninformed parent decline to accept something ordered, offered by a doctor for free? Why would a doctor not recommend it when he is certain to get Medicaid reimbursement for the service? Circumcision is the only surgery performed on children without a diagnosis and it is the most common one performed on them. Circumcision performed at parental request is something other than medicine and it cannot stand up to objective budget scrutiny because it cannot meet Medicaid's criteria of medically necessary. Please vote green.

Speaker Steven Smith: Rep. Beauchemin is recognized to speak against the committee report.

Representative Beauchemin: Thank you, Mister Speaker. Thank you, everybody. My name is Paige Beauchemin and I have been a registered women's health and psychiatric nurse for nearly 15 years. I'm a childbirth and newborn care educator and an expert in maternal mental health. I'm also the nurse in the hospital, whether I love it or not, my job is to bring the baby to the doctor to be circumcised. I come to you today with that experience urging you to oppose this bill, even though the amendment passed. First, I'd like to say I truly appreciate my colleague across the aisle. The underlying intent of this bill is right on the money. We desperately need better public health education about the risks of circumcision. In fact, I myself have spent my career educating families so that they can make a truly informed decision about circumcising or not circumcising their babies. My primary concern with this particular bill is that it does not take into account that currently, most parents in New Hampshire specifically, expect to circumcise their son and this bill will suddenly and unexpectedly have that option stripped from them without warning. I worry how an abrupt ban will impact parents and healthcare systems who are unprepared for a change like this. A better option for addressing the prevalence of unnecessary circumcision would be to improve public health education instead of just banning it. As a clinician I am fully aware circumcision is not medically necessary, but unfortunately its not just that cut and dry. Sorry. The facts remain that the topic has been debated for years and even now as we started debating in our own bodies, many healthcare professionals are still unclear about whether or not circumcision is medically necessary or not. The majority of people in New Hampshire either still believe that circumcision is medically necessary or at the very least, and this is from my experience working with them, it's a very deeply invested cultural norm and its important to them and their identity. If many healthcare providers don't even have the accurate information, how are parents supposed to get the correct information?

Now we heard the statistic that circumcision is down to about 55%. That's true but that's a national figure. In New Hampshire, 76% of boys get circumcised and in other states it's down to 10-50% based on a really great job of public education. So, it really is, when we are looking at 76%, it's realistic to say that when most parents in New Hampshire go to have their baby, they are assuming that they will circumcise their son and that they will have that option. Now for just a minute, if any of you are parents, think back to the first day you held that newborn baby in your arms. How you might have been scared about what kind of parent you were going to be. How you desperately wanted to do everything you could possibly do to take care of your baby in the best way that you knew how. Anybody who is a parent knows you didn't know how, but you learned. Now, imagine that the nurse told you that the care that you believed your baby needed would not be available to you because of your low income because that is what I'm going to have to say to people in the room with them if we pass this right now. How would that have affected you in that moment, exhausted and just learning how to be a new parent? How would it have affected your self worth? These are the kinds of moments that stick with people for a lifetime and can have long term impacts on maternal mental. The birth and immediate postpartum experience significantly impacts the risk of postpartum mental health issues and I fear that suddenly banning circumcisions could have detrimental effects on many of our mothers, especially those with Medicaid coverage who are already often at a higher risk for mental health conditions. Some of you might brush off this idea but having interviewed thousands of pregnant and postpartum women about their stories of birth trauma and associated postpartum depression and anxiety, I can assure you this is a sincere concern. It's true, we should absolutely work as a bipartisan body to decrease unnecessary circumcision in the State of New Hampshire but banning it only for the Granite Staters who are low income doesn't even address the problem of misinformation about circumcision and it has a potential to do more harm than good. I suggest that instead we start with a robust public health campaign and work towards bringing those circumcision numbers down organically, like so many other states have done. Let's take the time to explore other options more closely along with healthcare professionals so that we can develop a solution that relies on education and collaboration instead of force. Thank you.

Speaker Steven Smith: Does the member yield to a question?

Representative Beauchemin: No, I do not. Thank you.

Speaker Steven Smith: Rep. Ellen Read is recognized to speak in support of the committee report.

Representative Read: Thank you, Mister Speaker. This won't be a surprise to anyone I don't think but I am a huge proponent of socialized healthcare, a huge proponent. Circumcision, medically unnecessary circumcision on infant boys is the only elective, cosmetic, medically unnecessary procedure that we spend taxpayer money on. It's also the only cultural and the only religious based procedure that we spend taxpayer money on. I want to be really clear, it's not a religious procedure as it is done in the hospital because in order for it to be a religious procedure, it has to be done at a certain time, like eight days after birth and by a certain clergy person. So that's not what's happening. What's happening is it has become a cultural norm that we do not question, but we are, in effect, the only country that does this routinely by default. Eighty percent of the men of the world are not circumcised and they are doing okay. In fact, it's not just we are the only country, human beings are the only species we claim that it is medically necessary to do this at birth. Other species that are born with foreskin, dogs, cats, horses, you name it, they seem to get along just fine. In fact, it's purely cultural and...

Speaker Steven Smith: The member will suspend for a minute. Noise level is rising steadily. Let's descend it steadily. Thank you.

Representative Read: Thank you, Mister Speaker. One in 16,000 uncircumcised men end up needing a circumcision for medical reasons later in life, but 11% of circumcised infants have some form of complication, including the need for revision surgeries. Some of those infants end up being children that have long lasting negative medical impacts from those complications. What it really comes down to is choice and bodily autonomy and we talk a lot about those concepts here. Now I know that a previous speaker just said this is a parental choice, but it's not a parental choice when that child becomes an adult and that choice has been taken away from them because if you choose to circumcise your infant, they don't get to choose to be uncircumcised when they are older. If you don't circumcise then they get to make that choice when they are older. Another thing I want to bring up is the fact that Medicaid does not cover female genital mutilation. Now, here's the thing about that before you say well that's different. Some of it is very, very different. Some forms of female genital mutilation are extremely severe, however, the most common form in the world is analogous exactly to circumcision. It is the removal of the clitoral hood. We do not cover that with taxpayer money. Also, it's illegal to do it at all on a female child in this country. So female infants have protections that not only do we not extend to male infants, we actually pay for those male infants to have healthy tissue removed from healthy babies, healthy tissue removed from healthy babies. The truth of the matter is I'm a strong proponent of socialized medicine so I believe that the money that's being spent removing healthy tissue from healthy babies should be spent on medically necessary treatment for children. Now I appreciate the previous speaker who wanted to make a point about the access for the poor to this procedure, but we would never want to increase access for the removal of the clitoral hood, for example. We wouldn't want to increase access for that. Seventeen

states do not use Medicaid funds to cover unnecessary circumcision and the sky is not falling in those states. There is no trauma to parents in those states. There is no discrimination in those states and in fact, the wealthy around the world, as far as men go, tend to be uncircumcised so it's not really an issue of poverty versus money. It's an issue of right and wrong and how we treat newborn baby boys. With that, thank you.

Speaker Steven Smith: The question is on the majority committee report of Ought to Pass as Amended on HB 1683. Are you ready for the question? I thought so. This will be a division vote. Members take your seats. The question is on the majority committee report of Ought to Pass as Amended on HB 1683. Rep. Schapiro is recognized for a parliamentary inquiry.

Representative Schapiro: Thank you, Mister Speaker. Mister Speaker, if I know that one's vote on this bill should have nothing to do with one's personal feelings about circumcision. And Mister Speaker, if I know this bill will intrude upon and diminish parent's rights to make healthcare decisions for their children. And Mister Speaker, if I know that it is an insult to New Hampshire citizens to believe that citizens will use circumcision merely because it is free and or doctors will do circumcisions to make money off of it. And If I know that in the long run, persuasion is more effective than force, would I then urge you, Mister Speaker, to push the red button to defeat the OTP/A motion so a new motion may be made? Thank you.

Speaker Steven Smith: Rep. Phillips is recognized for a parliamentary inquiry

Representative Phillips: Thank you, Mister Speaker. If I know that Medicaid uses finite resources to cover only medically necessary procedures and no public health organization claims circumcision is medically necessary. And if I know that in executive hearings, we learned that private insurance such as Anthem do not cover elective infant circumcisions. And if I know this legislation has strong bipartisan support and passed committee with a 14-6 vote in favor of OTP. And, lastly, Mister Speaker, if I know that foreskin is not a birth defect and nobody wants less penis, would I press the green button?

Speaker Steven Smith: The House will be in order. I'm just going to wait. I'd like to go home really bad, but I'm just going to wait until the House is in order. The question is on the majority committee report of Ought to Pass as Amended on HB 1683. This is a division vote. If you are in favor, press the green button, opposed, press the red. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 178 in the affirmative, 197 in the negative, the motion is defeated. Rep. Schapiro moves Inexpedient to Legislate. For what reason does Rep. Postpone rise?

Representative Sweeney: I would move to table.

Speaker Steven Smith: My bad. Rep. Sweeney moves that HB 1683 be laid on the table. Are you ready for that question? Rep. Phillips requests a roll call. Is that sufficiently seconded? It is. This will be a roll call vote. Members take your seats. The question is whether to lay HB 1683 on the table. Rep. Schapiro is recognized for a parliamentary inquiry.

Representative Schapiro: Thank you, Mister Speaker. If I know that the majority of this body, whatever their personal feelings are about circumcision, believe that people should have the right to make their own decisions for their own families. And if I know, Mister Speaker, that people do not feel that there should be further disparities for low-income Medicaid recipients, would I then push the red button so that the tabling motion will be defeated, and we can make a more proper motion? Thank you.

Speaker Steven Smith: The question is whether to lay HB 1683 on the table. This is a roll call vote. If you are in favor, press the green button, opposed press the red. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 188 in the affirmative, 187 in the negative, HB 1683 is laid on the table.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

HB 1002, relative to fees for records under the right-to-know law. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Cam Kenney for the Majority of Judiciary. This bill, as amended, would charge a fee for records under the right-to-know Law, allowing charges if the time to make a record available exceeds 10 hours. This represents a significant change to the right-to-know law that many stakeholders—including the American Civil Liberties Union of New Hampshire, the Josiah Bartlett Center, Americans for Prosperity-New Hampshire, Right-to-Know-NH, the New England First Amendment Coalition, the New Hampshire Press Association, the New Hampshire Union Leader, and the New Hampshire Bulletin—oppose because of fears that it will significantly hinder government transparency and accountability. Given the substantial impact the bill could have on the right-to-know law, it is imperative that we take the necessary time to thoroughly examine its implications and aim to find consensus. But this bill is not there yet. More time is needed to fully study such a proposal and its consequences. By way of background, while this bill, as introduced, initially passed the House, concerns raised by citizens and many of the above-referenced stakeholders highlighted potential unintended consequences. These concerns prompted calls for the bill to be recommitted to the Judiciary Committee for further refinement. Following recommitment to the committee by the full House, the committee diligently considered two carefully drafted amendments, and Representative Kuttub should be commended for her efforts

in drafting these proposals. The first, negotiated with many stakeholders and committee members, aimed to address stakeholder concerns by (i) allowing for labor costs for commercial/for-profit requests, and (ii) adopting a way for public bodies to address “vexatious requests,” including by providing the public body with the ability to seek legal relief against a perceived “vexatious request.” Stakeholders were supportive of the bulk of this proposal. Unfortunately, however, this amendment garnered less support within the committee than the original bill. Subsequently, amendment 2024-0930h was proposed. This amendment generally reverts back to the framework of the original bill but seeks to (i) address issues surrounding indigent individuals, (ii) establish a timeframe for the ombudsman or court to decide on the reasonableness of the requests, and (iii) provide protections for public bodies acting in good faith during the redaction process. Although 19 committee members voted to adopt 0930h based on the belief that it improved the original bill, concerns persisted regarding the rushed timeline and the need for further deliberation given the complex and transformative nature of the bill’s proposal. Legitimate concerns raised by stakeholders who continue to oppose this amendment highlight the importance of needing to assess this issue further. For example, they have expressed concerns that the bill does not have a public interest exemption (as do some other states) and places the burden on the requester (not the public body) to go to the ombudsman or the court if they disagree with the public body’s labor costs estimate. They also have argued that the second amendment’s language giving a requester the opportunity to appeal a labor cost estimate to the ombudsman continues to be insufficient to limit the bill’s impact on transparency, especially where the ombudsman is only one person, and the ombudsman law lapses on July 1, 2025. Public records laws, as many on the committee recognized, are complex. While proponents of the concept behind this bill have stated that approximately 37 other states have labor costs regimes, this issue is not so simple. Even those states that have labor cost regimes have varying approaches, with some having protections for transparency that do not exist in this bill, as amended. Some states, for example, charge for copies of documents for commercial requests (Kentucky, Arkansas, etc.) or have provisions that allow for the limitation of certain labor charges where the records are in the public interest (e.g., Connecticut, Alaska, Maine, etc.). Even under the analogous federal Freedom of Information Act, fee waivers can be granted when a requester can show that “the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S. Code § 552(a)(4)(A)(iii). This bill contains no such protections designed to support transparency, and the need for these protections needs to be more carefully evaluated. Given the complexity of these issues and the varying approaches states take, this is precisely the type of legislation where a genuine and serious study process should be conducted. While some may view the decision to refer for Interim Study as a means to halt the bill, committee members have expressed genuine interest in refining the legislation over a necessary and extended period of time. Accordingly, opting for referral for Interim Study presents the best path forward. It ensures adequate time for examination and negotiation, with the potential of ultimately leading to a compromise solution that addresses the needs of all stakeholders. By affording the committee this needed time, we can strive to achieve a consensus-driven outcome that upholds transparency while safeguarding against potential pitfalls. Vote 11-9.

Rep. Katelyn Kuttub for the Minority of Judiciary. With the amendment adopted by the overwhelming majority vote of the committee, this bill offers a balanced solution to a complex problem. It allows public bodies to charge up to \$25 per hour for right to know requests in excess of 10 hours. There is no charge for the first 10 hours in a month, and the clock resets each month. Forty-two states currently charge for records requests. Of those states, the most amount of free hours offered are Massachusetts and Nebraska, which offer the first four hours free. Part 1 Article 8 of the New Hampshire Constitution specifically states that governmental records “shall not be unreasonably restricted.” However, the current statute does nothing to define what is reasonable. There were several examples of large-scale right to know requests which had each cost \$10,000+ to various municipalities and school districts for attorney redactions of private information from emails. Depending on the size of the municipality, this can be quite costly to taxpayers. In the town of Roxbury, for example, one of these requests would result in raising taxes for each taxpayer by \$201.38, assuming a home valuation of \$500,000. Meanwhile, if the person who put in the request didn’t live in the district, they’d be paying nothing themselves. When you consider that’s only one request: what if it was 10 requests and resulted in \$2,013.82 to each of these taxpayers? Or 100 of them and \$20,138.20? When you further consider that charter schools could also be the subject of these requests, with no tax base to pull from when needed, they could literally be bankrupt over a large request. On many occasions, requestors never even came to pick up the records from their large-scale requests. This is enabling legislation only, so each governmental body can decide for itself whether to adopt the bill’s provisions. And, before adopting the bill, each governmental body would have to create a policy to include consistent practices and a waiver of costs for indigent parties. If a party seeks a determination about whether the number of hours the governmental body says it needs to respond to the request is reasonable, the bill requires that a determination be made by the right to know ombudsman or the superior court within 10 business days. It adds a clause that bodies aren’t liable if they act in good faith to redact information, and something is missed. The committee heard testimony that some

bodies are over-redacting in fear of missing something. There is already no punishment in statute, but this is providing clarifying language. It also explicitly allows for the use of automated redaction software/tools. The Attorney General's office is in support of the bill and believes it provides proper balance to create greater efficiency in the processing of requests, while helping to deter requests which are overly broad and impede governmental business.

The question being adoption of the majority committee report of Refer for Interim Study.

Rep. Kenney spoke against.

On a division vote, with 105 members having voted in the affirmative, and 266 in the negative, the majority committee report failed.

Rep. Kuttub moved the minority committee report of Ought to Pass and offered floor amendment (1173h).

Floor Amendment (1173h)

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

1 Right-to-Know; Fees for Records. Amend RSA 91-A:4, IV to read as follows:

IV.(a) Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release.

(b) If a public body or agency is unable to make a governmental record available for immediate inspection and copying the public body or agency shall, within 5 business days of a request:

(1) Make such record available;

(2) Deny the request; or

(3) Provide a written statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay, **and an itemized estimate of the cost of making the record available if a charge would be incurred under paragraph VIII.**

(c) A public body or agency denying the request in whole or in part shall provide a written statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(d) If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. No cost or fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form, **except as provided in paragraph VIII.** Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

(e) A public body or agency may suggest to the requestor a reasonable modification of the scope of the request, if doing so would enable the body or agency to produce records sought more efficiently and affordably.

(f) A public body or agency responsible for responding to a records request shall not be liable for damages in a civil action caused by its fault or by fault attributable to it, arising out of disclosure of information exempt from disclosure pursuant to this chapter, provided that the public body or agency acted in good faith to redact any information that may be exempt from disclosure, unless the public body or agency can be shown to have acted in a wanton or reckless manner. The use of automated software to produce redactions or other automated processes to speed production in concert with spot checks shall qualify as good faith.

2 New Paragraphs; Fees for Records. Amend RSA 91-A:4 by inserting after paragraph VII the following new paragraphs:

VIII. A reasonable per electronic communication charge in addition to the actual cost of providing the copy under paragraph IV(d) may be made for requests for electronic communications in excess of 250 communications. Per electronic communication charges may not exceed \$1.00 per communication and may be charged whether the records are delivered in hard copy or electronically. No charge may be incurred for the first 250 electronic communications. For the purposes of this paragraph, attachments to electronic communications shall be considered part of a single communication, and e-mails and responses under a single subject line shall be considered a single communication. Text or chat message threads regarding the same topic shall be considered a single communication unless exceeding 50 individual messages at which point each additional group of 50 messages shall be considered another single message. The public body or agency shall create a policy so that practices are transparent, uniform, and consistent, including a provision consistent with paragraph IX for the waiver of such fees for requestors who are deemed indigent, or who can demonstrate that such fees would present a financial hardship. Multiple requests from any person or entity to the same public body within a 30 day time period shall be considered one request. If a party believes that the estimated cost to make the records available is unreasonable or that a waiver under paragraph IX was improperly denied by the public

body or agency, the party may seek relief according to RSA 91-A:7-b for a determination of whether the cost is reasonable or whether any waiver under paragraph IX applies. The burden shall be on the public body in establishing that the cost to make the records available is reasonable. A determination shall be made within 10 business days.

IX. The public body or agency shall waive any per electronic communication charge provided for in paragraph VIII for search or retrieval when the person requesting the records is an indigent individual as established by the federal poverty line or if the disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor, except media requestors. Media requestors are organizations or individuals who publish information in accepted digital, print, or broadcast formats and to standards generally recognized by professional news organizations that do not serve primarily as a platform to promote the interest and/or opinions of a special interest group, government, individual or cause.

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

The question being adoption of floor amendment (1173h).

Rep. Kenney spoke in favor.

Rep. Granger requested a roll call; sufficiently seconded.

YEAS 345 - NAYS 24

YEAS - 345

BELKNAP

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

Bogert, Steven
Dumais, Russell
O'Hara, Travis
St. Clair, Charlie

Bordes, Mike
Huot, David
Ploszaj, Tom
Terry, Paul

Coker, Matthew
Harvey-Bolia, Juliet
Beaudoin, Richard
Trottier, Douglas

CARROLL

Belcher, Mike
Crawford, Karel
McAleer, Chris
Woodcock, Stephen

Buco, Thomas
Paige, David
McConkey, Mark

Burroughs, Anita
MacDonald, John
Peternel, Katy

Cordelli, Glenn
Smith, Jonathan
Brown, Richard

CHESHIRE

Abbott, Michael
Eaton, Daniel
Hunt, John
Parshall, Lucius
Thackston, Dick

Ames, Richard
Faulkner, Barry
Jones, Philip
Santonastaso, Matthew
Toll, Amanda

Harvey, Cathryn
Filiault, Shaun
Monteil, Renee
Schapiro, Joe
Weber, Lucy

Fox, Dru
Germana, Nicholas
Newell, Jodi
Tatro, Bruce

COOS

Davis, Arnold
Ouellet, Mike

Cascadden, Corinne
King, Seth

Kelley, Eamon
Tierney, James

Noël, Henry

GRAFTON

Almy, Susan
Cormen, Thomas
Hakken-Phillips, Mary
Massimilla, Linda
Simon, Matthew

Baldwin, Heather
Fellows, Sallie
Hoyt, Tommy
Morse, Corinne
Stavis, Laurel

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

Brown, Carroll
Greeson, Jeffrey
Lovett, Peter
Rocheft, David
Sykes, George

HILLSBOROUGH

Lekas, Alicia
Alexander, Joe
Beauchemin, Paige
Bouchard, Donald
Chretien, Jacqueline
Cornell, Patricia
Darby, Will
Elberger, Susan
Griffin, Gerald
Gorski, Ted
Harriott-Gathright, Linda
Infantine, William
Kennedy, Stephen
Gould, Linda
LeClerc, Daniel

Murray, Alissandra
Boyd, Bill
Beaulieu, Jane
Bouldin, Amanda
Colcombe, Riché
Creighton, Jim
Devine, Shelley
Erf, Keith
Gagne, Larry
Gregg, Alicia
Healey, Robert
Jeudy, Jean
Kenny, Catherine
Lanza, Judi
Leishman, Peter

Nutting-Wong, Allison
King, Bill
Boehm, Ralph
Bradley, Amy
Cole, Brian
Cushman, Leah
DiSilvestro, Linda
Davis, Fred
Gibbons, Candace
Grill, Jessica
Heath, Mary
Smith, Juliet
Kofalt, Jim
Lascelles, Richard
Lewicke, John

Abare, Kimberly
Baroody, Benjamin
Booras, Efstathia
Calabro, Karen
Corcoran, Travis
Ford, Damond
Dutzy, Sherry
Freitas, Mary
Goley, Jeffrey
Hamer, Heidi
Herbert, Christopher
Juris, Louis
Foxy, Loren
Leapley, Nicole
Lloyd, Christal

Long, Patrick
Mazur, Lisa
Ming, Ben
Notter, Jeanine
Pedersen, Michael
Post, Lisa
Reid, Karen
Ryan, Linda
Sheehan, Vanessa
Lekas, Tony
Ulery, Jordan
Wheeler, Jonah

Howard, Molly
McGhee, Kat
Morton, Jennifer
Nutter-Upham, Frances
Petrigno, Peter
Preece, David
Renzullo, Andrew
Newman, Sue
Sofikitis, Catherine
Mannion, Tom
Vail, Suzanne
Wherry, Robert

Murray, Megan
McGough, Tim
Murphy, Nancy
O'Brien, Michael
Plamondon, Marc
Newman, Ray
Rombeau, Catherine
Seibert, Christine
Spier, Carry
Telerski, Laura
Veilleux, Daniel
Wilhelm, Matthew

Mangipudi, Latha
McLean, Mark
Noble, Kristin
Pauer, Diane
Plett, Fred
Raymond, Heather
Rung, Rosemarie
Seidel, Sheila
Staub, Kathy
Tellez, Trinidad
Thomas, Wendy

MERRIMACK

Turcotte, Alisson
McGuire, Carol
McGuire, Dan
Hall, Muriel
Lane, Connie
Mason, James
Polozov, Yury
Schamberg, Thomas
See, Alvin
Testerman, Dave

Aures, Cyril
Cambriis, Jose
Ebel, Karen
Hicks, Matthew
Leavitt, John
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Shurtleff, Steve
Wallner, Mary Jane

Aylward, Deborah
Caplan, Tony
Gallager, Eric
Hill, Gregory
Luneau, David
Moffett, Michael
Roesener, James
Schultz, Kristina
Soucy, Timothy
Wolf, Dan

Brennan, Angela
Carey, Lorrie
Gibbs, Merry
Hoell, J.R.
MacKay, James
Myler, Mel
Boyd, Stephen
Seaworth, Brian
Walsh, Thomas
Wood, Clayton

ROCKINGHAM

Balboni, Peggy
Mannion, Dennis
Donnelly, Tanya
Edwards, Jess
Grossman, Gaby
Harley, Tina
Janigian, John
Knab, Allison
Lundgren, David
Pearson, Mark
McBeath, Rebecca
Milz, David
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Pearson, Stephen
Sytek, John
True, Chris
Vandecasteele, Susan
Ward, Gerald

Ball, Lorie
Thomas, Douglas
Doucette, Fred
Emerick, Tracy
Grote, Jaci
Haskins, Linda
Murray, Kate
Kuttab, Katelyn
Lynn, Bob
Maggiore, Jim
McDonnell, Valerie
Muns, Chris
Phillips, Emily
Potucek, John
Rafter, Hal
Simpson, Alexis
Cahill, Tim
Tudor, Paul
Verville, Kevin
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Drago, Mike
Foote, Charles
Guthrie, Joseph
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Cahill, Michael
Malloy, Dennis
McMahon, Charles
O'Neil, Candice
Piemonte, Tony
Pratt, Kevin
Raynolds, Ned
Soti, Julius
Dolan, Tom
Turer, Eric
MacDonald, Wayne
Yokela, Josh

Brouillard, Jacob
DiLorenzo, Charlotte
Edgar, Michael
Gilman, Julie
Hamblet, Joan
Nelson, Jodi
Khan, Aboul
Love, David
Paige, Mark
Manos, Zoe
Meuse, David
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Read, Ellen
Summers, James
Tripp, Richard
Vallone, Mark
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Bixby, Peter
Conlin, Bill
Granger, Michael
Horgan, James
Kenney, Cam
Smith, Marjorie
Potenza, Kelley

Bailey, Glenn
Burnham, Claudine
Connor, James
Grassie, Chuck
Horrigan, Timothy
Turcotte, Len
Schmidt, Peter
Selig, Loren

Bay, Luz
Rich, Cecilia
Fitzpatrick, Daniel
Howard, Heath
Howland, Allan
LaMontagne, Jessica
Pare, Gail
Southworth, Thomas

Bickford, David
Cannon, Gerri
Smith, Geoffrey
Harrington, Michael
Kaczynski, Thomas
Levesque, Cassandra
Phinney, Brandon
Wall, Janet

SULLIVAN

Aron, Judy
Drye, Margaret
Spilsbury, Walter

Sullivan, Brian
Merchant, Gary
Stapleton, Walter

Cloutier, John
Palmer, William
Stone, Jonathan

Damon, Hope
Rollins, Skip

NAYS - 24 BELKNAP

McCarter, Nikki

CARROLL

Avellani, Lino

Costable, Michael

CHESHIRE

Qualey, James

Rhodes, Jennifer

Nutting, Zachary

GRAFTON

Berezhny, Lex Sellers, John

HILLSBOROUGH

Ammon, Keith Kelley, Diane Fedolfi, Jim Sirois, Shane
Tenczar, Jeffrey

MERRIMACK

Gerhard, Jason

ROCKINGHAM

Dunn, Ron Harb, Robert Janvrin, Jason Katsakiores, Phyllis
Melvin, Charles Roy, Terry Spillane, James Sweeney, Joe
Vose, Michael

STRAFFORD

Newton, Clifford
and floor amendment (1173h) was adopted.

The question being adoption of the minority committee report of Ought to Pass with Amendment.
Rep. Granger requested a roll call; sufficiently seconded.

YEAS 268 - NAYS 106**YEAS - 268****BELKNAP**

Bean, Harry Bogert, Steven Bordes, Mike Coker, Matthew
Huot, David Harvey-Bolia, Juliet O'Hara, Travis St. Clair, Charlie
Terry, Paul

CARROLL

Buco, Thomas Burroughs, Anita Crawford, Karel Paige, David
MacDonald, John McAleer, Chris Woodcock, Stephen

CHESHIRE

Abbott, Michael Ames, Richard Harvey, Cathryn Fox, Dru
Eaton, Daniel Faulkner, Barry Filiault, Shaun Germana, Nicholas
Hunt, John Jones, Philip Monteil, Renee Newell, Jodi
Parshall, Lucius Schapiro, Joe Tatro, Bruce Thackston, Dick
Toll, Amanda Weber, Lucy

COOS

Davis, Arnold Cascadden, Corinne Kelley, Eamon Noël, Henry
Ouellet, Mike Tierney, James

GRAFTON

Almy, Susan Baldwin, Heather Bolton, Bill Brown, Carroll
Fellows, Sallie Fracht, David Hakken-Phillips, Mary Hoyt, Tommy
Ladd, Rick Lovett, Peter Massimilla, Linda Morse, Corinne
Muirhead, Russell Stavits, Laurel Stringham, Jerry Sykes, George

HILLSBOROUGH

Nutting-Wong, Allison Abare, Kimberly Alexander, Joe Boyd, Bill
King, Bill Baroody, Benjamin Beauchemin, Paige Beaulieu, Jane
Boehm, Ralph Booras, Efsthathia Bouchard, Donald Bouldin, Amanda
Bradley, Amy Calabro, Karen Chretien, Jacqueline Cornell, Patricia
Creighton, Jim Ford, Damond Darby, Will Devine, Shelley
DiSilvestro, Linda Dutzy, Sherry Elberger, Susan Davis, Fred
Freitas, Mary Griffin, Gerald Gagne, Larry Gibbons, Candace
Goley, Jeffrey Gregg, Alicia Grill, Jessica Hamer, Heidi
Harriott-Gathright, Linda Healey, Robert Heath, Mary Herbert, Christopher
Infantine, William Judy, Jean Smith, Juliet Juris, Louis
Kennedy, Stephen Foxx, Loren Gould, Linda Lanza, Judi
Lascelles, Richard Leapley, Nicole LeClerc, Daniel Leishman, Peter
Lewicke, John Lloyd, Christal Long, Patrick Howard, Molly
Murray, Megan Mangipudi, Latha McGhee, Kat McGough, Tim
Ming, Ben Morton, Jennifer Murphy, Nancy Notter, Jeanine
Nutter-Upham, Frances O'Brien, Michael Pauer, Diane Pedersen, Michael
Petrigno, Peter Plamondon, Marc Plett, Fred Post, Lisa
Preece, David Newman, Ray Raymond, Heather Reid, Karen

Renzullo, Andrew
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Rombeau, Catherine
Seibert, Christine
Tellerski, Laura
Dolan, William

Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

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Turcotte, Alisson
Caplan, Tony
Gerhard, Jason
Lane, Connie
McWilliams, Rebecca
Roesener, James
Seaworth, Brian
Wallner, Mary Jane

Aures, Cyril
Carey, Lorrie
Gibbs, Merryl
Luneau, David
Moffett, Michael
Schamberg, Thomas
Shurtleff, Steve
Wolf, Dan

Aylward, Deborah
Ebel, Karen
Hall, Muriel
MacKay, James
Myler, Mel
Schuett, Dianne
Soucy, Timothy

Brennan, Angela
Gallager, Eric
Hicks, Matthew
Mason, James
Richards, Beth
Schultz, Kristina
Testerman, Dave

ROCKINGHAM

Balboni, Peggy
DiLorenzo, Charlotte
Emerick, Tracy
Grote, Jaci
Haskins, Linda
Murray, Kate
Kuttab, Katelyn
Lynn, Bob
Maggiore, Jim
McMahon, Charles
O'Neil, Candice
Rafter, Hal
Sytek, John
Turer, Eric
Wallace, Scott

Ball, Lorie
Doucette, Fred
Foote, Charles
Hamblet, Joan
Hobson, Deb
Katsakiores, Phyllis
Walsh, Lilli
Cahill, Michael
Malloy, Dennis
Meuse, David
Potucek, John
Raynolds, Ned
Dolan, Tom
Vallone, Mark
Ward, Gerald

Thomas, Douglas
Edgar, Michael
Gilman, Julie
Harb, Robert
Nelson, Jodi
Khan, Aboul
Love, David
Paige, Mark
Manos, Zoe
Milz, David
Pratt, Kevin
Pearson, Stephen
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

DeSimone, Debra
Edwards, Jess
Grossman, Gaby
Harley, Tina
Janigian, John
Knab, Allison
Lundgren, David
Pearson, Mark
McBeath, Rebecca
Muns, Chris
Prudhomme-O'Brien, Katherine
Simpson, Alexis
True, Chris
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Burnham, Claudine
Connor, James
Howard, Heath
Kenney, Cam
Schmidt, Peter
Wall, Janet

Bay, Luz
Rich, Cecilia
Fitzpatrick, Daniel
Harrington, Michael
LaMontagne, Jessica
Pare, Gail

Bickford, David
Cannon, Gerri
Smith, Geoffrey
Horrigan, Timothy
Levesque, Cassandra
Selig, Loren

Bixby, Peter
Conlin, Bill
Grassie, Chuck
Howland, Allan
Smith, Marjorie
Southworth, Thomas

SULLIVAN

Sullivan, Brian
Merchant, Gary
Stone, Jonathan

Cloutier, John
Palmer, William

Damon, Hope
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

NAYS - 106

BELKNAP

Comtois, Barbara
Ploszaj, Tom
Varney, Peter

Dumais, Russell
Beaudoin, Richard

McCarter, Nikki
Smart, Lisa

Nagel, David
Trottier, Douglas

CARROLL

Avellani, Lino
Smith, Jonathan

Belcher, Mike
McConkey, Mark

Cordelli, Glenn
Peternel, Katy

Costable, Michael
Brown, Richard

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

Nutting, Zachary

COOS

King, Seth

GRAFTON

Berezhny, Lex
Sellers, John

Cormen, Thomas
Simon, Matthew

Greeson, Jeffrey

Rocheport, David

HILLSBOROUGH

Lekas, Alicia
Colcombe, Riché
Kelley, Diane

Murray, Alissandra
Cole, Brian
Erf, Keith

Ammon, Keith
Corcoran, Travis
Fedolfi, Jim

Berry, Ross
Cushman, Leah
Gorski, Ted

Kenny, Catherine
McLean, Mark
Sirois, Shane
Ulery, Jordan

Kofalt, Jim
Noble, Kristin
Lekas, Tony
Wherry, Robert

Perez, Maria
Seidel, Sheila
Mannion, Tom

Mazur, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

MERRIMACK

McGuire, Carol
Hoell, J.R.
See, Alvin

Cambriels, Jose
Leavitt, John
Walsh, Thomas

McGuire, Dan
Polozov, Yury
Wood, Clayton

Hill, Gregory
Boyd, Stephen

ROCKINGHAM

Bernardy, JD
Drago, Mike
Perez, Kristine
Ford, Oliver
Popovici-Muller, Daniel
Roy, Terry
Sweeney, Joe
Vose, Michael

Brouillard, Jacob
Dunn, Ron
Layon, Erica
Osborne, Jason
Porcelli, Susan
Soti, Julius
Cahill, Tim
Yokela, Josh

Mannion, Dennis
Guthrie, Joseph
McDonnell, Valerie
Phillips, Emily
Quaratiello, Arlene
Spillane, James
Tudor, Paul

Donnelly, Tanya
Janvrin, Jason
Melvin, Charles
Piemonte, Tony
Read, Ellen
Summers, James
Vandecasteele, Susan

STRAFFORD

Bailey, Glenn
Turcotte, Len

Granger, Michael
Newton, Clifford

Horgan, James
Phinney, Brandon

Kaczynski, Thomas
Potenza, Kelley

SULLIVAN

Aron, Judy

Rollins, Skip

Smith, Steven

and the minority committee report was adopted, and the bill was ordered to third reading.
Reps. Gerhard and Love voted Yea and intended to vote Nay.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kuttub moved that the House reconsider its action whereby, on a roll call vote of 268-106, the House adopted the minority committee report of Ought to Pass with Amendment on **HB 1002**, relative to fees for records under the right-to-know law.

Rep. Kuttub spoke against.

Motion failed.

REGULAR CALENDAR CONT'D

HB 1082, relative to professional limited liability company (PLLC) assistant manager status. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric Turer for Judiciary. This bill addresses an issue in RSA Chapter 304-D: Professional Limited Liability Companies (PLLCs) as it relates to single member practices. Under current law, all persons that serve as a “manager” (corporate director) of a PLLC must be a “qualified person” (member of the subject profession). This creates a dilemma in which the corporate entity is unable to operate if the sole manager becomes “unqualified” by death, incapacitation, or loss of professional standing. The corporation is also unable to create a succession plan that does not involve an agreement with another qualified member of the profession, who is not part of the practice, to step in to dissolve the practice, or to have it dissolved in probate. This bill would allow the appointment of an “assistant manager” who is not a qualified person, but who will be allowed to assume the corporate powers of the manager, for up to one year, if the manager becomes disqualified. This assistant manager would not be allowed to operate in any professional capacity, but could take a range of corporate actions to preserve the financial and community value of the corporation, including contracting professional services, selling the corporation, conversion to a different structure, etc. An amendment clarified that this statute will not supersede any professional or ethical standards or guidance governing the subject profession. Vote 16-4.

Amendment (1060h)

Amend the bill by replacing section 1 with the following:

1 Professional Limited Liability Companies; Officers and Managers. Amend RSA 304-D:12 to read as follows:
304-D:12 Officers and Managers.

Except as otherwise provided by the licensing laws of this state and rules adopted under these laws or by any licensing authority in this state, each manager of a professional limited liability company, if any, and all the officers, if any, ***shall be qualified persons with respect to the professional limited liability company, with the exception of any of the following:*** [other than] the secretary or an assistant secretary, [and] the treasurer or an assistant treasurer, ***and/or the assistant manager in the case of a single-member professional limited liability company*** [shall be qualified persons with respect to the professional limited liability company]. ***In the case of a single-member professional limited liability company, unless the***

operating agreement provides otherwise, and subject to RSA 304-D:5, upon the manager's death, incapacity, or becoming a disqualified person, the assistant manager may, for a period of up to one year after the date of the manager's death, incapacity, or becoming a disqualified person, exercise all of the manager's rights held by the manager immediately before the manager's death, incapacity, or becoming a disqualified person. Consistent with RSA 304-D:5, this section does not authorize the assistant manager to perform any professional duties or exercise any professional judgment within the scope of the subject profession. Nothing contained in this section shall supersede any professional or ethical standards or guidance governing the subject profession.

AMENDED ANALYSIS

This bill amends the law to permit a single-member professional limited liability company to designate an assistant manager, who is not a qualified person, to manage the PLLC in the case of the death, incapacity, or disqualification of the manager for certain purposes.

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 1115, relative to the termination of tenancy at the expiration of the tenancy or lease term. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Cam Kenney for the Majority of Judiciary. For the last 39 years nearly all New Hampshire tenants have been protected by the statutory requirement that a landlord establish "good cause" for eviction regardless of whether they have a lease. This bill would rip a hole in this vital protection that has served to balance the interests of landlords and tenants for nearly four decades. It would allow landlords to evict a tenant without any reason beyond the culmination of a lease term six months or longer, placing already vulnerable tenants at even greater risk of losing their homes. It is common knowledge that New Hampshire is experiencing an historically acute housing shortage. There is a current rental vacancy of .6% – a full 5% below what would be considered a healthy housing economy. It is extraordinarily burdensome to find a place to live anywhere in the state – let alone in the community where a tenant has support. In this market, residential leases are not like other contracts where both parties have bargaining power. Rather, landlords set the terms and tenants take it or leave it. If this bill is enacted prospective tenants will only be able to access short-term leases regardless of how long they intend to make an apartment their home. They will be constantly at risk of eviction at the whim of their landlord, are likely to experience periods of homelessness, and will never achieve the housing stability that homeowners take for granted. This bill will increase housing insecurity at a time when homelessness in New Hampshire is increasing at the fastest rate in the nation. Vote 12-8.

Rep. Bob Lynn for the Minority of Judiciary. This same bill passed the House last year but died in the Senate. The bill is intended to correct an unfortunate 2005 New Hampshire Supreme Court split decision in which the majority held that the fact that the term of a lease has expired does not constitute "good cause" for evicting the tenant. The concurring opinion of Justice Nadeau persuasively argued that the effect of the decision is to re-write contracts by granting a tenant who enters a lease for a specific time, such as one year, a perpetual lease of the rental unit. The decision allows for a complete abrogation of the landlord's right under the lease contract. Far from protecting tenants, the effect of the court decision is to make it more difficult for marginal individuals to secure housing. A landlord faced with a close call as to whether to rent to a questionable person may be willing to do so if the landlord knows his exposure is only for the limited term of the lease, after which, if things have not worked out, the landlord can evict the tenant. But as the law now stands, landlords have no incentive to take such a risk because, once they accept the tenant, they cannot end the lease at the end of its stated term. Far from supporting the majority's recommendation of Inexpedient to Legislate, the current shortage of affordable housing is exactly the wrong time to disincentivize landlords from making housing available to vulnerable individuals. The ability to evict at the end of the term does not apply to short term rentals of less than six months because, absent unusual circumstances, in such cases the parties normally expect that a short term or month to month rental will be renewed at least for a six-month period. In all cases, the landlord is required to give 30 days' notice of an intent to end the lease at the end of the term. This bill will not change in any way the law with respect to any other circumstances that may constitute "good cause" for eviction.

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

Rep. Lynn spoke against.

Rep. Kenney spoke in favor.

Rep. Granger requested a roll call; not sufficiently seconded.

On a division vote, with 182 members having voted in the affirmative, and 191 in the negative, the majority committee report failed.

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

On a division vote, with 194 members having voted in the affirmative, and 180 in the negative, the minority committee report was adopted, and the bill was ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sweeney moved that the House reconsider its action whereby, on a division vote of 194-180, the House adopted the minority committee report of Ought to Pass on **HB 1115**, relative to the termination of tenancy at the expiration of the tenancy or lease term.

Rep. Sweeney spoke against.

On a division vote, with 179 members having voted in the affirmative, and 195 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 1283-FN, relative to end of life options. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Smith for the Majority of Judiciary. RSA 137-J:1 “recognizes that individual persons have the right, founded in the autonomy and sanctity of a person, to control decisions relating to the rendering of their own medical care.” RSA 137-J:1 “recognizes that individual persons have the right, founded in the autonomy and sanctity of a person, to control decisions relating to the rendering of their own medical care.” Subsequent sections of New Hampshire law lay out many options addressing end of life matters. Advance directives, durable powers of attorney, palliative care and hospice care are just some of the options that are in state law. For more than three decades, myriad versions of medical aid in dying (MAID) bills have been submitted to the legislature, and while other end of life options have been approved and enhanced, MAID was, appropriately, not added to state law. Previous legislatures were clear that they did not want to add this alternative until there had been significant opportunity to evaluate the experiences in other states. Oregon was the first state to adopt MAID, in 1998, followed by nine other states and the District of Columbia, so there are now almost three decades of experience in the United States. That experience is particularly relevant because, while other countries may have laws addressing end of life matters, their constitutions, laws, and culture differ from ours. This bill is very narrowly focused. It limits eligibility to those who have had two independent evaluations by medical professionals who have concluded that the individual is terminally ill with likely six months or less to live. These medical professionals must advise the patient of all other care alternatives, including palliative care and hospice. They must assess that the patient is mentally competent, and physically able to administer the medication themselves. They must establish that the patient is not being unduly influenced by others – whatever their relationship to the patient. It is not available to those with painful, debilitating diseases but for whom there is no expectation of death in six months or less. There are specific reporting requirements and penalties for misuse or noncompliance. The committee hearings identified several areas where the bill could be improved, and these have all been addressed in the proposed committee amendment. We eliminated the role of physician assistants and clarified the role of pharmacists. While concerns have been raised by some members of the disability community, Disability Rights Oregon reported very few complaints, all of which focused on the concern that the Oregon Act might discriminate against persons with disabilities who would seek to make use of the act but have disabilities that would prevent self-administration, thereby denying those persons to use the act. The Executive Director of Disability Rights Oregon states that never to his knowledge has a complaint come forward that a person with disabilities was coerced to make use of the act. Many of those who qualify and have received the necessary prescriptions do not fill the prescriptions, but they or their families report that they were comforted by the knowledge that they could take control of their own end of life. These are people who want to live but are destined to die in a very short time and want to die peacefully, with their family and friends able to be with them to honor their life. There is no substantiated correlation between medical aid in dying and suicide. Suicide is a public health and medical crisis that requires collective efforts to address. Suicide is frequently violent, carried out in isolation, frequently by those with unresolved mental health crises. Those who choose MAID are terminally ill and would much prefer to live, but destined to die soon, would choose to die peacefully. This alternative is likely to be considered by very few and acted on by even fewer. But it adds one alternative that, even just knowing it exists, can increase the quality of the end of life options addressing end of life matters. Vote 13-7.

Rep. Walter Stapleton for the Minority of Judiciary. The minority holds that this bill for medically assisted suicide will have far-reaching harmful effects on our culture by messaging that ending one’s life in suicide for diagnosed terminal illness is acceptable, and thereby may be interpreted by vulnerable, infirm or elderly persons that perhaps there are other severe or justifiable health or quality of life issues that might be considered down the road for that “end-of-life option.” Problems have already been reported in Canada, Netherlands, Switzerland, and some other European countries, as well as some of the 10 US states currently having assisted suicide laws. This is a dangerous door to creeping expansion and blurring the line to euthanasia, by normalizing or validating suicide. We already have a frightening problem with increasing suicide among teens, the gay community, depressed and troubled people and veterans suffering from PTSD and the trauma of war. The darkness of this practice reaches beyond a lawful sanction: there are people with serious and even terminal illness beyond the six-months criteria who yet cling to life and want as much time as possible with their family and for their final affairs. That of course means additional medical expenses to “buy time.”

What happens when health insurers may weigh authorization between treatments costing thousands or tens of thousands against a prescription of only a few hundred or thousand dollars for a self-administered death dose? And how many friends or family members will be taken unawares of some of the very disturbing complications in the dying process gone awry at the bedside? Even in states with a remaining death penalty by injection or ingestion, there are still very dreadful episodes. And how so very callously does this bill devalue the strides and wonderful care provided by hospice and palliative care? Furthermore, while the bill requires a determination for mental competency, where is the counseling for patient and family to the full understanding and complications of self-administration? The Committee heard ample testimony opposed to this as a “slippery slope,” but it’s more like a “step off the precipice.” It is also inconsistent with constitutional purpose, for the value and preservation of life is a critical element of a free society, there being no express “right” to suicide. It is an affront to the personal, ethical, and religious beliefs of so many that human life is a sacred gift from God right unto natural death. But even from a secular standpoint, it detracts from hope and trust in the wonderful hospice and palliative care that eases pain and treats the person with care and dignity to the moment of passing. How does medically assisted suicide comport with the role of the doctor as a healer who is bound by the ethical code of “do no harm?” The state must tread cautiously here against sanctioning this practice, or at the very least not do so without much further study to know of its effects, problems and implications where already implemented.

Majority Amendment (0808h)

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

1 New Chapter; End of Life Options. Amend RSA by inserting after chapter 137-L the following new chapter:

CHAPTER 137-M

END OF LIFE OPTIONS

137-M:1 Definitions. In this chapter, unless the context otherwise requires, the following definitions shall apply:

I. “Adult” means an individual 18 years of age or older.

II. “Consulting health care provider” means a health care provider who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the individual’s disease.

III. “Dispensing health care provider” means a health care provider who is authorized to dispense prescription medications.

IV. “Health care entity” means an entity or institution, other than an individual, that is licensed to provide any form of health care in the state, including a hospital, clinic, hospice agency, home health agency, long-term care facility, pharmacy, group medical practice, or any similar entity.

V. “Health care provider” means any of the following individuals authorized by law to prescribe or dispense medications to be used in medical assistance in dying:

(a) A physician licensed pursuant to RSA 329;

(b) An osteopathic physician licensed pursuant to RSA 329;

(c) An advanced practice registered nurse licensed pursuant to RSA 326-B; or

(d) A pharmacist licensed pursuant to RSA 318; provided, however, that a pharmacist shall not qualify as a prescribing health care provider under RSA 137-M:1, X or as a consulting health care provider under RSA 137-M:1, II.

VI. “Informed decision” means a decision by a mentally competent individual to request and obtain a prescription for medications pursuant to this chapter, and that the qualified individual may elect to self-administer the medications to bring about the individual’s peaceful death. The informed decision shall be based on the individual’s appreciation of the relevant facts, after being fully informed by the prescribing provider and consulting provider of:

(a) The individual’s diagnosis and prognosis;

(b) The potential risk associated with taking the medications to be prescribed;

(c) The probable result of taking the medications to be prescribed;

(d) The feasible end-of-life care and treatment options for the individual’s terminal condition, including, but not limited to comfort care, palliative care, hospice care, and pain control, and the risks and benefits of each; and

(e) The individual’s right to withdraw a request pursuant this chapter, or consent for any other treatment, at any time.

VII. “Medical assistance in dying” means the practice wherein a health care provider evaluates a request, determines qualification, performs the duties described in RSA 137-M:6 and 137-M:7 and prescribes medications to a qualified individual who may self-administer the medications to bring about a peaceful death.

VIII. “Mental capacity” means an individual’s ability to understand and appreciate health care options available to that individual, including significant benefits and risks, and to make and communicate an informed health care decision. A determination of capacity shall be made only according to professional standards of care and the provisions of RSA 137-J.

IX. "Mental health professional" means a state-licensed psychiatrist, psychologist, master social worker, psychiatric nurse practitioner or professional clinical mental health counselor.

X. "Prescribing health care provider" means a health care provider who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the individual's disease, and prescribes medical assistance-in-dying medication.

XI. "Prognosis of 6 months or less" means the terminal condition will, within reasonable medical judgment, result in death within 6 months.

XII. "Qualified individual" means an individual who has met the requirements to receive medical assistance in dying pursuant to the provisions of this chapter.

XIII. "Self-administer" means taking an affirmative, conscious, voluntary action to take the prescribed medications.

XIV. "Terminal" means a condition that is incurable and irreversible and will result in death.

137-M:2 Prescribing Health Care Provider Determination; Patient Form. A prescribing health care provider may provide a prescription for medical-assistance-in-dying medications to an individual only after the prescribing health care provider has:

I. Determined that the individual has:

- (a) Mental capacity;
- (b) A terminal condition;
- (c) Prognosis of 6 months or less, or is enrolled in Medicare-certified hospice;
- (d) Voluntarily made the request for medical assistance in dying; and
- (e) The ability to self-administer the medical assistance in dying medications.

II. Determined that the individual is making an informed decision after discussing with the individual:

- (a) The individual's medical diagnosis and prognosis;
- (b) The potential risks associated with self-administering the medical assistance in dying medications that the individual has requested the health care provider to prescribe;
- (c) The probable result of self-administering the medical assistance in dying medications to be prescribed;

(d) The individual's option of choosing to obtain the medical-assistance-in-dying medications and then deciding not to use them; and

(e) The feasible alternatives, including condition-directed treatment options, as well as hospice care and palliative care focused on relieving symptoms and reducing suffering.

III. Determined in good faith that the individual's request does not arise from coercion or undue influence by another person, institution, or other party.

IV. Noted in the individual's health record the prescribing health care provider's determination that the individual qualifies to receive medical assistance in dying.

V.(a) Confirmed that the individual is either:

- (1) Enrolled in a Medicare-certified hospice program; or
- (2) Eligible to receive medical assistance in dying after the prescribing health care provider has referred the individual to a consulting health care provider; and

(b) That the consulting health care provider has:

- (1) Examined the individual;
- (2) Reviewed the individual's relevant medical records; and
- (3) Confirmed that the consulting health care provider has independently determined and documented that the individual meets all of the requirements of RSA 137-M:2, I, II, and III.

VI. Provided substantially the following form to the individual and enters the form into the individual's health record after the form has been completed with all of the required signatures and initials:

REQUEST FOR MEDICATIONS TO END MY LIFE IN A PEACEFUL MANNER

I, (patient name), am an adult of sound mind. I am suffering from a terminal condition that is incurable and irreversible and that, according to reasonable medical judgment, will result in my death within 6 months. My health care provider has determined that the condition is in its terminal phase. (Patient Initials)

I have been fully informed of my diagnosis and prognosis, the nature of the medical-assistance-in-dying medications to be prescribed and the potential associated risks, the expected result, as well as feasible alternative, concurrent, or additional treatment opportunities, including hospice care and palliative care focused on relieving symptoms and reducing suffering. (Patient Initials)

I request that my health care provider prescribe medications and that a pharmacist dispense those medications that will end my life in a peaceful manner if I choose to self-administer the medications, and I authorize my health care provider to contact a willing pharmacist to fulfill this request. (Patient Initials)

I further understand that although most deaths occur within 3 hours, my death may take longer. My health care provider has counseled me about this possibility.

I understand that I have the right to rescind this request at any time. (Patient Initials)

I understand the full import of this request, and I expect to die if I self-administer the medical assistance in dying medications prescribed. (Patient Initials)

I make this request voluntarily, on my own without coercion or undue influence from other individuals, institutions, or other parties and without reservation.

Signed:

Date: Time:

DECLARATION OF WITNESSES:

We declare that the person signing this request:

1. is personally known to us or has provided proof of identity;
2. signed this request in our presence;
3. appears to be of sound mind and not under duress, fraud, or undue influence; and
4. is not a patient for whom either of us is a health care provider.

Witness 1:

Witness 2:

Signature:

Printed Name:

Relationship to Patient:

Date:

NOTE: No more than one witness shall be a relative by blood, marriage or adoption of the person signing this request. No more than one witness shall own, operate, or be employed at a health care facility where the person signing this request is a patient or resident.

137-M:3 Standard of Care.

I. Care that complies with this chapter meets the medical standard of care.

II. Nothing in this chapter exempts a health care provider or other medical personnel from meeting medical standards of care for an individual's treatment that the individual is willing to accept.

137-M:4 Determining Mental Capacity. If either the prescribing health care provider or the consulting health care provider has doubts as to whether the individual is mentally competent and is unable to confirm that the individual is competent of making an informed decision, the prescribing health care provider or consulting health care provider shall refer the individual to a mental health professional for a determination regarding mental capacity.

I. The mental health professional who evaluates the individual under this section shall submit to the requesting prescribing or consulting health care provider a written determination of whether the individual has the mental capacity to make informed health care decisions.

II. If the mental health professional determines that the individual does not have the mental capacity to make informed health care decisions, the individual shall not be deemed a qualified individual and the prescribing health care provider shall not prescribe medication to the individual under this chapter.

137-M:5 Waiting Period. A prescription for medical-assistance-in-dying medications shall:

I. Not be filled until 48 hours after the prescription for medical assistance in dying medications has been written, unless the qualified individual's prescribing health care provider has medically confirmed that the qualified individual may, within reasonable medical judgment, die before the expiration of the 48-hour waiting period identified herein, in which case, the prescription may be filled once the prescribing health care provider affirms that all requirements have been fulfilled pursuant to RSA 137-M:2; and

II. Indicate the date and time that the prescription for medical assistance in dying medications was written and indicate the first allowable date and time when it may be filled.

137-M:6 Eligibility and Due Diligence.

I. A mentally competent individual that meets the criteria in RSA 137-M:2 is eligible to request a prescription for medications under this chapter. The individual may make the requests in person or via telehealth pursuant to RSA 167:4-d.

II. The prescribing and consulting providers of an eligible individual shall have met all the requirements of RSA 137-M:2 and RSA 137-M:6.

III. At the time of the second consultation, the consulting health care provider shall offer the individual an opportunity to rescind the request.

IV. Requests for medical assistance in dying may be made only by the eligible individual and shall not be made by the individual's surrogate decision-maker, guardian, health care proxy, attorney-in-fact for health care, nor via advance health care directive.

V. If a requesting individual decides to transfer care to an alternative provider, the records custodian of the transferor provider shall transfer to the transferee provider all relevant medical records within 2 business days, including written documentation of the dates of the individual's request concerning medical assistance in dying.

137-M:7 Right to Know. A health care provider shall inform a terminally ill patient of all reasonable options related to the patient's care that are legally available to terminally ill patients that meet the medical standards of care for end-of-life care.

137-M:8 Immunities and Conscience-based Decisions.

I. An individual, a health care provider, health care entity, or professional organization or association shall not be subject to criminal liability, civil liability, licensing sanctions, or other professional disciplinary action for:

- (a) Participating in medical assistance in dying in good faith compliance with this chapter.
- (b) Being present when a qualified patient self-administers the prescribed medical assistance in dying medications to end the qualified individual's life in accordance with the provisions of this chapter.
- (c) Refusing, for reasons of conscience, to provide information on medical assistance in dying to a patient and refusing to refer a patient to any entity or individual who is able and willing to assist the patient in obtaining medical assistance in dying. A party who for reasons of conscience expects to refuse to participate in any part of the chapter shall so inform the qualified individual at or before the time of their request.

II. A health care entity, health insurer, managed care organization or health care provider shall not subject a person to censure, discipline, suspension, loss or denial of license, credential, privileges or membership or other penalty for participating, or refusing to participate, in the provision of medical assistance in dying in good faith compliance with the provisions of this chapter.

III. No health care provider who objects for reasons of conscience to participating in the provision of medical assistance in dying shall be required to participate in the provision of assistance in dying under any circumstance. If a health care provider is unable or unwilling to carry out an individual's request pursuant to the chapter, that health care provider shall so inform the individual at the time of the request and may refer the individual to a health care provider who is able and willing to carry out the individual's request or to another individual or entity to assist the requesting individual in seeking medical assistance in dying. The prior health care provider shall transfer, upon request, a copy of the individual's relevant medical records to the new health care provider.

IV. A health care entity that chooses not to participate in providing medical assistance in dying shall not forbid nor otherwise sanction a health care provider in its employ from providing medical assistance in dying in accordance with the this chapter unless the health care entity has given written notice to the health care provider of the prohibiting entity's written policy forbidding participation in medical assistance in dying and the health care provider participates in medical assistance in dying in violation of the policy after receiving such notice. If the health care entity's policy prohibits its health care provider employees from providing medical assistance in dying both on and off the premises of the health care entity, and whether or not the health care provider employee is acting within the course and scope of employment, the policy shall explicitly so state.

V. Nothing in this section shall be construed to prevent an individual who seeks medical assistance in dying from contracting with the individual's prescribing health care provider or consulting health care provider to act outside the course and scope of the provider's affiliation with a health care entity.

VI. Participating, or not participating, in medical assistance in dying shall not be the basis for a report of unprofessional conduct.

VII. health care entity that prohibits medical assistance in dying shall accurately and clearly articulate this in a readily accessible location on any website maintained by the entity and notify patients in writing of its policy with regard to medical assistance in dying.

137-M:9 Prohibited Acts.

I. Nothing in the chapter shall be construed to authorize a physician or any other person to end an individual's life by lethal injection, mercy killing, or euthanasia. Actions taken in accordance with this chapter shall not be construed, for any purpose, to constitute suicide, assisted suicide, euthanasia, mercy killing, homicide, or adult abuse under the law.

II. Notwithstanding any other law, a person shall not be subject to civil or criminal liability solely because the person was present when the qualified individual self-administers the prescribed assistance-in-dying medications. A person who is present may, without civil or criminal liability, or any discipline for professional licensees, assist the qualified individual by preparing the assistance-in-dying medications.

III. Any person who knowingly does any of the following with the intent to cause, interfere with, or prevent a qualified individual's death against the qualified individual's wishes shall be guilty of a class B felony:

- (a) Altering, forging, concealing, or destroying a request for a terminal prescription without the qualified individual's authorization.
- (b) Concealing or destroying a withdrawal or rescission of a request for a terminal prescription without the qualified individual's authorization.
- (c) Concealing or destroying a qualified individual's terminal prescription without the qualified individual's authorization, or preventing a qualified individual from self-administering the terminal prescription.
- (d) Coercing or exerting undue influence on a qualified individual to request or to self-administer a terminal prescription for the purpose of ending the qualified individual's life.

(e) Coercing or exerting undue influence on a qualified individual to prevent the qualified individual from requesting or self-administering a terminal prescription.

IV. Nothing in this section limits civil liability or damages arising from negligent conduct or intentional misconduct by a health care provider or health care entity.

V. The penalties specified in this chapter do not preclude criminal penalties applicable under other laws for conduct inconsistent with this chapter.

137-M:10 Reporting.

I. A health care provider who prescribes medical assistance in dying to a qualified individual in accordance with the provisions of this chapter shall provide a report of that provider's participation. The department of health and human services shall adopt rules pursuant to RSA 541-A that establish the time frames and forms for reporting pursuant to this section and shall limit the reporting of data relating to qualified individuals who received prescriptions for medical assistance in dying medications to the following:

- (a) The qualified individual's age at death;
- (b) The qualified individual's race and ethnicity;
- (c) The qualified individual's gender;
- (d) Whether the qualified individual was enrolled in hospice prior to or at the time of death;
- (e) The qualified individual's underlying medical condition; and
- (f) Whether the qualified individual self-administered the medical assistance in dying medications and, if so, the date that this occurred.

II. The department of health and human services shall promulgate an annual statistical report, containing aggregated data, on the information collected pursuant to paragraph I on the total number of medical assistance in dying medications prescriptions written statewide and on the number of health care providers who have issued prescriptions for medical assistance in dying medications during that year. Data reported pursuant to this section shall not contain individually identifiable health information and are exempt from disclosure pursuant to the right-to-know law, RSA 91-A.

137-M:11 Effect on Construction of Wills, Contracts, and Statutes.

I. No provision in a contract, will, or other agreement, whether written or oral, that would determine whether an individual may make or rescind a request pursuant to this chapter is valid.

II. No obligation owing under any currently existing contract shall be conditioned or affected by an individual's act of making or rescinding a request pursuant to this chapter.

III. It is unlawful for an insurer to deny or alter health care benefits otherwise available to an individual with a terminal disease based on the availability of medical assistance in dying or otherwise attempt to coerce an individual with a terminal disease to make a request for medical assistance-in-dying medications.

137-M:12 Insurance and Annuity Policies.

I. The sale, procurement, or issuance of a life, health, or accident insurance or annuity policy, or the rate charged for such policy shall not be conditioned upon or affected by an individual's act of making or rescinding a request for medications pursuant to this chapter.

II. A qualified individual's act of self-administering medications pursuant to this chapter does not invalidate any part of a life, health, or accident insurance, or annuity policy.

III. No insurer shall deny or alter benefits to an individual with a terminal disease, who is a covered beneficiary of a health insurance plan, based on the availability of medical assistance in dying, his or her request for medications pursuant to this chapter, or the absence of a request for medications pursuant to this chapter.

IV. Any insurer in violation of this section shall be subject to the penalties set forth in RSA 400-A:15, or such other section of Title XXXVII as may be applicable, including, but not limited to RSA 420-J and RSA 417.

137-M:13 Death Certificate.

I. Unless otherwise prohibited by law, the prescribing provider may sign the death certificate of a qualified individual who obtained and self-administered a prescription for medications pursuant to this chapter.

II. When a death has occurred in accordance with this chapter, the death shall be attributed to the underlying terminal disease.

III. Death following self-administering medications under that chapter alone does not constitute grounds for post-mortem inquiry.

IV. Death in accordance with this chapter shall not be designated suicide or homicide.

V. A qualified individual's act of self-administering medications prescribed pursuant to this chapter shall not be indicated on the death certificate.

VI. A coroner may conduct a preliminary investigation to determine whether an individual received a prescription for medications under this chapter.

2 Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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

MOTION TO LAY ON THE TABLE

Rep. Hoell moved that **HB 1283-FN**, relative to end of life options, be laid on the table.
Rep. Yokela requested a roll call; sufficiently seconded.

YEAS 155 - NAYS 217**YEAS - 155****BELKNAP**

Bean, Harry
Dumais, Russell
Ploszaj, Tom
Trottier, Douglas

Bogert, Steven
Harvey-Bolia, Juliet
Beaudoin, Richard
Varney, Peter

Coker, Matthew
McCarter, Nikki
Smart, Lisa

Comtois, Barbara
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Smith, Jonathan

Belcher, Mike
McConkey, Mark

Cordelli, Glenn
Peternel, Katy

MacDonald, John
Brown, Richard

CHESHIRE

Filiault, Shaun
Santonastaso, Matthew

Hunt, John
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

COOS

Davis, Arnold

GRAFTON

Brown, Carroll
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick
Stringham, Jerry

Rocheft, David

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Tenczar, Jeffrey

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Goley, Jeffrey
Kenny, Catherine
Lewicke, John
McLean, Mark
Plett, Fred
Seidel, Sheila
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Perez, Maria
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Wherry, Robert

MERRIMACK

Aures, Cyril
Hoell, J.R.
Polozov, Yuri
Walsh, Thomas

McGuire, Carol
Leavitt, John
Boyd, Stephen
Wood, Clayton

Cambrils, Jose
MacKay, James
Seaworth, Brian

Gallager, Eric
Moffett, Michael
See, Alvin

ROCKINGHAM

Ball, Lorie
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Janigian, John
Kuttab, Katelyn
Lundgren, David
Melvin, Charles
Porcelli, Susan
Roy, Terry
Sytek, John
Tudor, Paul
Vose, Michael

Bernardy, JD
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janvrin, Jason
Walsh, Lilli
Pearson, Mark
Osborne, Jason
Potucek, John
Pearson, Stephen
Cahill, Tim
Vallone, Mark
Wallace, Scott

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Hobson, Deb
Perez, Kristine
Layon, Erica
McDonnell, Valerie
Phillips, Emily
Pratt, Kevin
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Weyler, Kenneth

Thomas, Douglas
Drago, Mike
Foote, Charles
Nelson, Jodi
Katsakiores, Phyllis
Love, David
McMahon, Charles
Piemonte, Tony
Quaratiello, Arlene
Sweeney, Joe
True, Chris
Verville, Kevin

STRAFFORD

Smith, Geoffrey
Turcotte, Len

Granger, Michael
Potenza, Kelley

Horgan, James

Kaczynski, Thomas

SULLIVAN

Aron, Judy

Drye, Margaret

Smith, Steven

Stone, Jonathan

NAYS - 217

BELKNAP

Bordes, Mike	Huot, David	Nagel, David	St. Clair, Charlie
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CARROLL

Buco, Thomas	Burroughs, Anita	Costable, Michael	Crawford, Karel
Paige, David	McAleer, Chris	Woodcock, Stephen	

CHESHIRE

Abbott, Michael	Ames, Richard	Harvey, Cathryn	Fox, Dru
Eaton, Daniel	Faulkner, Barry	Germana, Nicholas	Jones, Philip
Monteil, Renee	Newell, Jodi	Parshall, Lucius	Schapiro, Joe
Tatro, Bruce	Thackston, Dick	Toll, Amanda	Weber, Lucy

COOS

Cascadden, Corinne	Kelley, Eamon	Noël, Henry	Ouellet, Mike
King, Seth	Tierney, James		

GRAFTON

Almy, Susan	Baldwin, Heather	Berezhny, Lex	Bolton, Bill
Cormen, Thomas	Fellows, Sallie	Fracht, David	Hakken-Phillips, Mary
Hoyt, Tommy	Lovett, Peter	Massimilla, Linda	Morse, Corinne
Muirhead, Russell	Stavis, Laurel	Sykes, George	

HILLSBOROUGH

Murray, Alissandra	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	Gibbons, Candace
Gorski, Ted	Gregg, Alicia	Grill, Jessica	Hamer, Heidi
Harriott-Gathright, Linda	Heath, Mary	Herbert, Christopher	Jeady, Jean
Smith, Juliet	Juris, Louis	Foxx, Loren	Lanza, Judi
Leapley, Nicole	LeClerc, Daniel	Leishman, Peter	Lloyd, Christal
Long, Patrick	Howard, Molly	Murray, Megan	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	Ryan, Linda	Newman, Sue
Seibert, Christine	Sofikitis, Catherine	Spier, Carry	Staub, Kathy
Lekas, Tony	Mannion, Tom	Telerski, Laura	Tellez, Trinidad
Vail, Suzanne	Veilleux, Daniel	Dolan, William	Thomas, Wendy
Wheeler, Jonah	Wilhelm, Matthew		

MERRIMACK

Turcotte, Alisson	Aylward, Deborah	Brennan, Angela	Caplan, Tony
Carey, Lorrie	McGuire, Dan	Ebel, Karen	Gerhard, Jason
Gibbs, Merryll	Hall, Muriel	Hicks, Matthew	Hill, Gregory
Lane, Connie	Luneau, David	Mason, James	McWilliams, Rebecca
Myler, Mel	Richards, Beth	Roesener, James	Gould, Sherry
Schamberg, Thomas	Schuett, Dianne	Schultz, Kristina	Shurtleff, Steve
Soucy, Timothy	Testerman, Dave	Wallner, Mary Jane	Wolf, Dan

ROCKINGHAM

Balboni, Peggy	Brouillard, Jacob	DiLorenzo, Charlotte	Edgar, Michael
Gilman, Julie	Grossman, Gaby	Grote, Jaci	Hamblet, Joan
Harley, Tina	Haskins, Linda	Murray, Kate	Khan, Aboul
Knab, Allison	Lynn, Bob	Cahill, Michael	Paige, Mark
Maggiore, Jim	Malloy, Dennis	Manos, Zoe	McBeath, Rebecca
Meuse, David	Milz, David	Muns, Chris	O'Neil, Candice
Ford, Oliver	Popovici-Muller, Daniel	Prudhomme-O'Brien, Katherine	Rafter, Hal
Raynolds, Ned	Read, Ellen	Simpson, Alexis	Soti, Julius
Summers, James	Tripp, Richard	Turer, Eric	MacDonald, Wayne
Ward, Gerald	Yokela, Josh		

STRAFFORD

Ankarberg, Aidan	Bailey, Glenn	Bay, Luz	Bickford, David
Bixby, Peter	Burnham, Claudine	Rich, Cecilia	Conlin, Bill
Fitzpatrick, Daniel	Grassie, Chuck	Howard, Heath	Harrington, Michael
Horrigan, Timothy	Howland, Allan	Kenney, Cam	LaMontagne, Jessica

Levesque, Cassandra
Pare, Gail
Wall, Janet

Smith, Marjorie
Phinney, Brandon

Newton, Clifford
Selig, Loren

Schmidt, Peter
Southworth, Thomas

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Rollins, Skip

Damon, Hope
Spilsbury, Walter

Merchant, Gary
Stapleton, Walter

and the motion failed.

The question being adoption of majority committee amendment (0808h).
Majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Kristine Perez spoke against and yielded to questions.
Rep. Comtois spoke against.

MOTON TO INDEFINITELY POSTPONE

Rep. Cordelli moved that **HB 1283-FN**, relative to end of life options, be Indefinitely Postponed.
Rep. Weber requested a roll call; sufficiently seconded.

YEAS 150 - NAYS 212

YEAS - 150 BELKNAP

Bean, Harry
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

Comtois, Barbara
Nagel, David
Smart, Lisa

Dumais, Russell
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John
Brown, Richard

Belcher, Mike
Smith, Jonathan

Buco, Thomas
McConkey, Mark

Cordelli, Glenn
Peternel, Katy

CHESHIRE

Hunt, John
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

Thackston, Dick

COOS

Davis, Arnold

Tierney, James

GRAFTON

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

Massimilla, Linda

Sellers, John

HILLSBOROUGH

Lekas, Alicia
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kenny, Catherine
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane

Abare, Kimberly
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kofalt, Jim
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Tenczar, Jeffrey

Alexander, Joe
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Infantine, William
Gould, Linda
McLean, Mark
Plett, Fred
Seidel, Sheila
Ulery, Jordan

Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Kennedy, Stephen
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Wherry, Robert

MERRIMACK

Aures, Cyril
Leavitt, John
Seaworth, Brian

McGuire, Carol
MacKay, James
See, Alvin

Cambrils, Jose
Moffett, Michael
Walsh, Thomas

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

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Harb, Robert
Janvrin, Jason
Walsh, Lilli
Pearson, Mark

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Hobson, Deb
Perez, Kristine
Layon, Erica
McDonnell, Valerie

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Nelson, Jodi
Katsakiores, Phyllis
Love, David
McMahon, Charles

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Janigian, John
Kuttab, Katelyn
Lundgren, David
Melvin, Charles

Ford, Oliver
Potucek, John
Pearson, Stephen
Sytek, John
Tudor, Paul
Vose, Michael

Osborne, Jason
Pratt, Kevin
Spillane, James
Cahill, Tim
Vallone, Mark
MacDonald, Wayne

Piemonte, Tony
Quaratiello, Arlene
Summers, James
Dolan, Tom
Vandecasteele, Susan
Weyler, Kenneth

Porcelli, Susan
Roy, Terry
Sweeney, Joe
True, Chris
Verville, Kevin

STRAFFORD

Connor, James
Kaczynski, Thomas

Smith, Geoffrey
Turcotte, Len

Granger, Michael
Newton, Clifford

Horgan, James
Potenza, Kelley

SULLIVAN

Aron, Judy
Stone, Jonathan

Drye, Margaret

Smith, Steven

Stapleton, Walter

NAYS - 212

BELKNAP

Bogert, Steven
St. Clair, Charlie

Bordes, Mike

Coker, Matthew

Huot, David

CARROLL

Burroughs, Anita
McAleer, Chris

Costable, Michael
Woodcock, Stephen

Crawford, Karel

Paige, David

CHESHIRE

Abbott, Michael
Eaton, Daniel
Jones, Philip
Santonastaso, Matthew
Weber, Lucy

Ames, Richard
Faulkner, Barry
Monteil, Renee
Schapiro, Joe

Harvey, Cathryn
Filiault, Shaun
Newell, Jodi
Tatro, Bruce

Fox, Dru
Germana, Nicholas
Parshall, Lucius
Toll, Amanda

COOS

Cascadden, Corinne
King, Seth

Kelley, Eamon

Noël, Henry

Ouellet, Mike

GRAFTON

Almy, Susan
Brown, Carroll
Hakken-Phillips, Mary
Muirhead, Russell
Sykes, George

Baldwin, Heather
Cormen, Thomas
Hoyt, Tommy
Rochefort, David

Berezhny, Lex
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Bolton, Bill
Fracht, David
Morse, Corinne
Stringham, Jerry

HILLSBOROUGH

Baroody, Benjamin
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Herbert, Christopher
Foxx, Loren
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Nutter-Upham, Frances
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Mannion, Tom
Veilleux, Daniel
Wilhelm, Matthew

Beauchemin, Paige
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda
Judy, Jean
Lanza, Judi
Leishman, Peter
Murray, Megan
Ming, Ben
Pedersen, Michael
Newman, Ray
Ryan, Linda
Spier, Carry
Telerski, Laura
Dolan, William

Beaulieu, Jane
Calabro, Karen
Darby, Will
Elberger, Susan
Gregg, Alicia
Healey, Robert
Smith, Juliet
Lascelles, Richard
Lloyd, Christal
Perez, Maria
Morton, Jennifer
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Tellez, Trinidad
Thomas, Wendy

Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Grill, Jessica
Heath, Mary
Juris, Louis
Leapley, Nicole
Long, Patrick
Mangipudi, Latha
Murphy, Nancy
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Lekas, Tony
Vail, Suzanne
Wheeler, Jonah

MERRIMACK

Turcotte, Alisson
McGuire, Dan
Gibbs, Merry
Lane, Connie
Myler, Mel
Schamberg, Thomas
Testerman, Dave

Brennan, Angela
Ebel, Karen
Hall, Muriel
Luneau, David
Polozov, Yury
Schuett, Dianne
Wallner, Mary Jane

Caplan, Tony
Gallager, Eric
Hicks, Matthew
Mason, James
Richards, Beth
Shurtleff, Steve
Wolf, Dan

Carey, Lorrie
Gerhard, Jason
Hill, Gregory
McWilliams, Rebecca
Roesener, James
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy	DiLorenzo, Charlotte	Edgar, Michael	Foote, Charles
Gilman, Julie	Grossman, Gaby	Grote, Jaci	Hamblet, Joan
Harley, Tina	Haskins, Linda	Murray, Kate	Khan, Aboul
Knab, Allison	Lynn, Bob	Cahill, Michael	Paige, Mark
Maggiore, Jim	Malloy, Dennis	Manos, Zoe	McBeath, Rebecca
Meuse, David	Milz, David	Muns, Chris	O'Neil, Candice
Phillips, Emily	Popovici-Muller, Daniel	Prudhomme-O'Brien, Katherine	Rafter, Hal
Raynolds, Ned	Read, Ellen	Simpson, Alexis	Soti, Julius
Tripp, Richard	Turer, Eric	Wallace, Scott	Ward, Gerald
Yokela, Josh			

STRAFFORD

Ankarberg, Aidan	Bailey, Glenn	Bay, Luz	Bixby, Peter
Burnham, Claudine	Rich, Cecilia	Conlin, Bill	Fitzpatrick, Daniel
Grassie, Chuck	Howard, Heath	Harrington, Michael	Horrigan, Timothy
Howland, Allan	Kenney, Cam	LaMontagne, Jessica	Smith, Marjorie
Schmidt, Peter	Pare, Gail	Phinney, Brandon	Selig, Loren
Southworth, Thomas	Wall, Janet		

SULLIVAN

Sullivan, Brian	Cloutier, John	Damon, Hope	Merchant, Gary
Palmer, William	Rollins, Skip	Spilsbury, Walter	

and the motion failed.

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

(Rep. Steven Smith in the Chair)

Reps. Muns and Stapleton spoke against.

Rep. Marjorie Smith spoke in favor and yielded to question.

Reps. Hoell and Roy spoke against and yielded to questions.

Rep. Lynn spoke in favor.

Rep. Stapleton requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 176**YEAS - 179****BELKNAP**

Bordes, Mike	Coker, Matthew	St. Clair, Charlie
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CARROLL

Burroughs, Anita	Costable, Michael	Crawford, Karel	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
Santonastaso, Matthew	Schapiro, Joe	Toll, Amanda	Weber, Lucy

COOS

Kelley, Eamon	Ouellet, Mike	King, Seth
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GRAFTON

Almy, Susan	Baldwin, Heather	Berezhny, Lex	Bolton, Bill
Brown, Carroll	Cormen, Thomas	Fellows, Sallie	Fracht, David
Hakken-Phillips, Mary	Hoyt, Tommy	Lovett, Peter	Morse, Corinne
Muirhead, Russell	Rocheport, David	Stringham, Jerry	Sykes, George

HILLSBOROUGH

Nutting-Wong, Allison	Baroody, Benjamin	Beauchemin, Paige	Beaulieu, Jane
Booras, Efstathia	Bouchard, Donald	Bouldin, Amanda	Calabro, Karen
Chretien, Jacqueline	Cornell, Patricia	Ford, Damond	Darby, Will
Devine, Shelley	Dutzy, Sherry	Elberger, Susan	Davis, Fred
Freitas, Mary	Gibbons, Candace	Gregg, Alicia	Grill, Jessica
Heath, Mary	Herbert, Christopher	Smith, Juliet	Juris, Louis
Lanza, Judi	Lascelles, Richard	Leapley, Nicole	LeClerc, Daniel
Leishman, Peter	Lloyd, Christal	Howard, Molly	Murray, Megan
Mangipudi, Latha	Ming, Ben	Morton, Jennifer	Nutter-Upham, Frances
Pedersen, Michael	Petrigno, Peter	Plamondon, Marc	Preece, David

Newman, Ray
Seibert, Christine
Mannion, Tom
Dolan, William

Raymond, Heather
Sofikitis, Catherine
Tellez, Trinidad
Wilhelm, Matthew

Rombeau, Catherine
Spier, Carry
Vail, Suzanne

Ryan, Linda
Lekas, Tony
Veilleux, Daniel

MERRIMACK

Turcotte, Alisson
McGuire, Dan
Lane, Connie
Myler, Mel
Gould, Sherry

Aylward, Deborah
Ebel, Karen
Luneau, David
Polozov, Yury
Schuett, Dianne

Brennan, Angela
Gibbs, Merryl
Mason, James
Richards, Beth
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Boyd, Stephen
Wolf, Dan

ROCKINGHAM

Balboni, Peggy
Foote, Charles
Hamblet, Joan
Lynn, Bob
Manos, Zoe
O'Neil, Candice
Raynolds, Ned
Tripp, Richard
Ward, Gerald

DiLorenzo, Charlotte
Gilman, Julie
Haskins, Linda
Cahill, Michael
McBeath, Rebecca
Phillips, Emily
Read, Ellen
Tudor, Paul
Yokela, Josh

Donnelly, Tanya
Grossman, Gabby
Murray, Kate
Paige, Mark
Meuse, David
Popovici-Muller, Daniel
Simpson, Alexis
Turer, Eric

Edgar, Michael
Grote, Jaci
Knab, Allison
Malloy, Dennis
Milz, David
Rafter, Hal
Soti, Julius
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Rich, Cecilia
Howard, Heath
Kenney, Cam
Pare, Gail
Wall, Janet

Bay, Luz
Conlin, Bill
Harrington, Michael
LaMontagne, Jessica
Phinney, Brandon

Bickford, David
Fitzpatrick, Daniel
Horrigan, Timothy
Smith, Marjorie
Selig, Loren

Bixby, Peter
Grassie, Chuck
Howland, Allan
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Sullivan, Brian
Rollins, Skip

Damon, Hope
Spilsbury, Walter

Merchant, Gary

Palmer, William

NAYS - 176

BELKNAP

Bean, Harry
Harvey-Bolia, Juliet
Terry, Paul

Bogert, Steven
Nagel, David

Comtois, Barbara
Ploszaj, Tom

Dumais, Russell
Smart, Lisa

CARROLL

Avellani, Lino
MacDonald, John
Brown, Richard

Belcher, Mike
Smith, Jonathan

Buco, Thomas
McConkey, Mark

Cordelli, Glenn
Petermel, Katy

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Tatro, Bruce

COOS

Davis, Arnold

Cascadden, Corinne

Noël, Henry

Tierney, James

GRAFTON

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick
Stavis, Laurel

Massimilla, Linda

Sellers, John

HILLSBOROUGH

Lekas, Alicia
Ammon, Keith
Boehm, Ralph
Creighton, Jim
Griffin, Gerald
Harriott-Gathright, Linda
Kennedy, Stephen
Gould, Linda
McGhee, Kat
Noble, Kristin
Plett, Fred
Rung, Rosemarie
Sirois, Shane
Ulery, Jordan

Murray, Alissandra
Boyd, Bill
Colcombe, Riché
Kelley, Diane
Gagne, Larry
Healey, Robert
Kenny, Catherine
Lewicke, John
McGough, Tim
Notter, Jeanine
Post, Lisa
Newman, Sue
Staub, Kathy
Thomas, Wendy

Abare, Kimberly
King, Bill
Cole, Brian
Erf, Keith
Goley, Jeffrey
Infantine, William
Kofalt, Jim
Perez, Maria
McLean, Mark
O'Brien, Michael
Reid, Karen
Seidel, Sheila
Telerski, Laura
Wheeler, Jonah

Alexander, Joe
Berry, Ross
Corcoran, Travis
Fedolfi, Jim
Gorski, Ted
Jeady, Jean
Foxy, Loren
Mazur, Lisa
Murphy, Nancy
Pauer, Diane
Renzullo, Andrew
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

MERRIMACK

Aures, Cyril
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Walsh, Thomas

McGuire, Carol
Hoell, J.R.
Roesener, James
See, Alvin
Testerman, Dave

Gallager, Eric
Leavitt, John
Schamberg, Thomas
Shurtleff, Steve
Wood, Clayton

Hicks, Matthew
MacKay, James
Schultz, Kristina
Soucy, Timothy

ROCKINGHAM

Ball, Lorie
DeSimone, Debra
Edwards, Jess
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Maggiore, Jim
Ford, Oliver
Porcelli, Susan
Quaratiello, Arlene
Summers, James
Dolan, Tom
Verville, Kevin

Bernardy, JD
Doucette, Fred
Emerick, Tracy
Janigian, John
Khan, Aboul
Love, David
McDonnell, Valerie
Osborne, Jason
Potucek, John
Roy, Terry
Sweeney, Joe
True, Chris
Vose, Michael

Mannion, Dennis
Drago, Mike
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
Melvin, Charles
Packard, Sherman
Pratt, Kevin
Pearson, Stephen
Sytek, John
Vallone, Mark
Wallace, Scott

Thomas, Douglas
Dunn, Ron
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Pearson, Mark
Muns, Chris
Piemonte, Tony
Prudhomme-O'Brien, Katherine
Spillane, James
Cahill, Tim
Vandecasteele, Susan
Weyler, Kenneth

STRAFFORD

Bailey, Glenn
Granger, Michael
Newton, Clifford

Burnham, Claudine
Horgan, James
Potenza, Kelley

Connor, James
Kaczynski, Thomas

Smith, Geoffrey
Turcotte, Len

SULLIVAN

Aron, Judy
Stone, Jonathan

Cloutier, John

Drye, Margaret

Stapleton, Walter

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

(Speaker Packard in the Chair)**HB 1353**, relative to authorizing the commissioner of the department of education to issue subpoenas. **WITH-OUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: As amended, this bill grants authority to Department of Education (the department) hearing officers to issue subpoenas relative to very serious code of conduct violations for certified educators – the kind of violations that put student safety at risk. These instances include: sexual assault, physical assault, endangerment or cruelty, possession of or impairment due to a controlled drug or alcohol within a school setting, failure to notify the department of criminal convictions, failure to provide appropriate supervision resulting in physical harm or potential physical harm, furnishing alcohol or illegal drugs to a student, solicitation of a romantic or sexual relationship with a student within 10 months of graduation, and failure to report abuse and neglect. The committee members recommending Ought to Pass with Amendment felt strongly that protecting the safety of children must always be of utmost importance. However, these members also very much value the work our teachers do and worked to carefully address each concern raised by educators. The amendment also allows for hearing officers to issue subpoenas on behalf of educators at their request in adjudicatory proceedings and for the sharing of any evidence collected pursuant to the subpoena with both parties in any adjudicatory proceedings. It further allows for motions to quash. The committee heard testimony that in the case of a former special education teacher who was convicted of child rape and indecent assault and battery of a student at a middle school, the department was unable to secure possession of copies of necessary documents, slowing the process of suspending his educator license. While in the majority of cases, the department has been successful in receiving necessary documents due in part to their great relationships with many district personnel, there simply is no legitimate reason why department hearings officers should not be able to compel the production of relevant documents when there is reason to believe a violation of the code has occurred. Committee members supporting the Ought to Pass with Amendment motion urge the passing of this bill to protect the safety of New Hampshire students.

Rep. Katelyn Kuttab

Statement in support of Inexpedient to Legislate: The substance of this bill, relative to authorizing the Commissioner of the Department of Education (the department) to issue subpoenas, first came to the Judiciary Committee last session in the form of a non-germane amendment. After extensive debate, the committee recommended the bill be found Inexpedient to Legislate, and the report was adopted by the House. In the intervening months, several members of the committee worked diligently to draft a new version of last session's bill. Before and after a hearing on the new version, those members spoke with myriad stakeholders and drafted another amendment in an effort to find common ground. In the end, however, no agreement was reached, and the committee voted 10-10, leaving it to the full body to reach an ultimate decision. While the department investigator

did not appear to testify this session, last session he declared that over many years he had been able to have access to the information he needed to complete his investigations. In reviewing the subpoena power afforded to other departments, that power is directed not to a preliminary investigatory process, but to the adjudicatory process after it has been determined that there is reasonable cause to believe that a violation had occurred. In layman's terms, subpoena powers are not to be used for fishing expeditions. Under current law, law enforcement agencies and the Attorney General's office have authority to investigate when violations of the educators' code of conduct are suspected. We all care about student safety, and therefore care about the behavior of every adult who works in a public school. The office of the Attorney General is the appropriate place for actions, very few, that have not been able to be handled successfully by the current internal system. No system is perfect, but the current system holds educators to a standard of behavior and provides vehicles for those appropriately charged with responsibility to investigate suspected violations to do so while honoring due process.

Rep. Marjorie Smith

Rep. Kuttub moved Ought to Pass and offered amendment (0978h).

Amendment (0978h)

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

AN ACT relative to authorizing hearing officers of the department of education to issue subpoenas.

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Commissioner; Issuance of Subpoenas. Amend RSA 21-N:4 by inserting after paragraph XII the following new paragraph:

XIII.(a) Issuing subpoenas for persons and for the production of documents, tangible objects, and other items and things whenever the commissioner has reason to believe that a violation of the code of conduct for New Hampshire educators, as established by RSA 21-N:9, II(cc)(1), has occurred relative to:

- (1) Any alleged sexual assault involving licensed educators and students.
- (2) Any alleged physical assault involving licensed educators and students.
- (3) Any alleged act of endangerment or cruelty involving licensed educators and students.
- (4) Any alleged violation of RSA 189:13-a, V, which would prohibit employment;
- (5) Any alleged possession of a controlled drug or alcohol by a licensed educator within the school setting as defined by RSA 193-D.

(6) Any alleged impairment due to controlled drug or alcohol intoxication by a licensed educator within the school setting as defined by RSA 193-D.

(7) Any alleged failure of any person to notify the department of education, bureau of credentialing, of prior criminal convictions, education license suspensions, or revocations at the time of license application, or the renewal of a valid New Hampshire educator license.

(8) Any alleged failure to provide appropriate supervision pursuant to local school district policy by a licensed educator which resulted in harm or potential physical harm.

(9) Any allegation related to furnishing alcohol or illegal controlled drugs to any student by a licensed educator in any circumstance.

(10) Any alleged solicitation or participation of a licensed educator in any romantic or sexual relationship between a licensed educator and any student regardless of consent (RSA 632-A:2 and RSA 632-A:3) including within 10 months after graduation or departure of the student from school.

(11) Any alleged failure of a licensed educator to report suspected abuse or neglect under RSA 169-C:29.

(b) Subpoenas shall be issued by hearing officers appointed by the department of education to hear code of conduct violation hearings in accordance with the following conditions:

(1) The investigation must pertain to a certified educator and the individual must be under investigation in accordance with the administrative rules;

(2) Subpoenas shall be relevant to a code of conduct violation, as set forth in the administrative rules;

(3) Subpoenas for persons shall be served in accordance with RSA 516:1 and not require compliance in less than 5 days after receipt of service;

(4) Subpoenas for documents, tangible objects, and other items and things shall not require compliance in less than 15 days after receipt of service;

(5) Service shall be made on licensees and certified individuals by certified mail to the address on file with the department or by hand, and shall not entitle the person to witness or mileage fees; and

(6) 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 such persons shall be annotated "Fees Guaranteed by the New Hampshire Department of Education Bureau of Credentialing."

(7) In any adjudicatory proceeding resulting from a code of conduct violation, a hearing officer shall also issue subpoenas on behalf of a certified educator at their request, as relevant to a code of conduct violation. Any costs incurred in issuing a subpoena shall be the responsibility of the party requesting the subpoena, unless otherwise determined by the hearing officer.

(8) The person to whom the subpoena is directed may file a motion to quash or modify the subpoena within 10 days after service of the subpoena to the hearing officer. Upon receipt of a motion to quash or modify a subpoena, the hearing officer shall determine the merits of the motion based upon the written submissions. If the motion to quash or modify is granted in whole or in part, the person to whom the subpoena is directed shall comply within the balance of time prescribed in the subpoena, which shall be extended to include the time elapsed between the filing of motion to quash or modify to the service of the ruling thereon.

(9) Any evidence collected pursuant to the subpoena shall be made available to both parties in any adjudicatory proceedings resulting therefrom.

AMENDED ANALYSIS

This bill authorizes hearing officers of the department of education to issue subpoenas.

The question being adoption of amendment (0978h).

On a division vote, with 169 members having voted in the affirmative, and 178 in the negative, amendment (0978h) failed.

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

MOTION TO LAY ON THE TABLE

Rep. Sweeney moved that **HB 1353**, relative to authorizing the commissioner of the department of education to issue subpoenas, be laid on the table.

On a division vote, with 292 members having voted in the affirmative, and 58 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1664-FN, relative to legal remedies for individuals who receive medical detransitioning. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric Turer for the Majority of Judiciary. This bill proposes to modify RSA Chapter 507-E governing medical injury actions, to expand the definition of a medical injury to include a range of gender transition treatments, and to establish a personal injury cause of action for damages alleged to be suffered by those receiving such care who later opt to “detransition.” The logic and function of the proposed change would be a significant departure from established law regarding medical injury liability in several ways and would serve to undermine basic concepts upon which both medical injury law and laws governing gender discrimination rest. First, it violates the basic concept of “malpractice” in that it would allow a case to proceed without any showing that the care rendered departed from the standard of care or informed consent at the time the treatment was rendered, other than the later choice to “detransition” for up to 20 years after the individual’s 21st birthday. It also allows the fact of future infertility to qualify as having met the burden of proof required in RSA 507-E:2 without any need to show causality between the care rendered and the individual’s infertility. Furthermore, the bill would, for the first time, insert specific types of care into definitions related to medical injury outlined in RSA 507-E:1. Although a proposed amendment would have reduced the period of the statute of limitations, it still would have timed commencement of the running of the statute to the date no earlier than when a person begins detransition – a date which might or might not coincide when the person allegedly should have discovered his/her injury. While members of the committee majority may hold different views regarding so-called gender affirming transitioning treatment, all agree that, so long as such treatment is lawful, it is not appropriate to subject doctors to liability for conduct that meets the standard of reasonable care. Vote 12-8.

Rep. Kristine Perez for the Minority of Judiciary. The committee heard testimony that there is a growing fraction of the children that have transitioned that are seeking detransition services after finding out that there are unintended consequences to the initial treatment plan. The issue at hand is one of informed consent as well as when does the discovery period start that triggers the 3-year limit on causes of action. Minors are not capable of providing consent in our society, which means that there are adults who are authorizing the treatment on their behalf. The issues of a child not fully understanding the long-term complications from some of these treatments is real. Modern medicine is continuing to research the long-term consequences of the puberty blockers, hormonal treatments, as well as the surgical treatments. In many cases, there are ongoing harms related to the initial transition that were not disclosed to the patient. The sponsor offered an amendment which would have adopted verbatim the language that is currently being considered under SB 304. The amendment would leave the time window for a medical malpractice case at the current 3-year time frame, versus the bill as filed which would have expanded this to 20 years for those that are minors who go through these medical services. The amendment also clarifies the start point for the discovery window at the time the patient begins detransitioning.

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

MOTON TO INDEFINITELY POSTPONE

Rep. Weber moved that **HB 1664-FN**, relative to legal remedies for individuals who receive medical detransitioning, be Indefinitely Postponed.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 181 - NAYS 164**YEAS - 181****BELKNAP**

Bordes, Mike

Nagel, David

St. Clair, Charlie

CARROLLBuco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIREAbbott, Michael
Faulkner, Barry
Monteil, Renee
Tatro, BruceAmes, Richard
Filiault, Shaun
Newell, Jodi
Toll, AmandaHarvey, Cathryn
Germana, Nicholas
Parshall, Lucius
Weber, LucyFox, Dru
Jones, Philip
Schapiro, Joe**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTONAlmy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, LaurelBaldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, JerryBolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, GeorgeCormen, Thomas
Hoyt, Tommy
Muirhead, Russell**HILLSBOROUGH**Murray, Alissandra
Beauchemin, Paige
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Howard, Molly
Ming, Ben
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, MatthewNutting-Wong, Allison
Beaulieu, Jane
Calabro, Karen
Darby, Will
Elberger, Susan
Goley, Jeffrey
Heath, Mary
Juris, Louis
LeClerc, Daniel
Murray, Megan
Morton, Jennifer
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, WilliamBoyd, Bill
Booras, Efstathia
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Gregg, Alicia
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Mangipudi, Latha
Murphy, Nancy
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, WendyBaroody, Benjamin
Bouchard, Donald
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Grill, Jessica
Judy, Jean
Lanza, Judi
Lloyd, Christal
McGhee, Kat
Nutter-Upham, Frances
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah**MERRIMACK**Turcotte, Alisson
Gallager, Eric
Luneau, David
Roesener, James
Schultz, Kristina
Wallner, Mary JaneBrennan, Angela
Gibbs, Merryl
MacKay, James
Gould, Sherry
Shurtleff, SteveCaplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, TimothyEbel, Karen
Lane, Connie
Myler, Mel
Schuett, Dianne
Testerman, Dave**ROCKINGHAM**Balboni, Peggy
Gilman, Julie
Haskins, Linda
Lynn, Bob
Malloy, Dennis
Muns, Chris
Read, EllenDiLorenzo, Charlotte
Grossman, Gaby
Nelson, Jodi
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, AlexisEdgar, Michael
Grote, Jaci
Murray, Kate
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turer, EricFoote, Charles
Hamblet, Joan
Knab, Allison
Maggiore, Jim
Meuse, David
Raynolds, Ned
Ward, Gerald**STRAFFORD**Bay, Luz
Cannon, GerriBickford, David
Conlin, BillBixby, Peter
Fitzpatrick, DanielRich, Cecilia
Smith, Geoffrey

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

Howard, Heath
LaMontagne, Jessica
Pare, Gail

Horrigan, Timothy
Levesque, Cassandra
Selig, Loren

Howland, Allan
Smith, Marjorie
Southworth, Thomas

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

NAYS - 164

BELKNAP

Bean, Harry
Dumais, Russell
Terry, Paul

Bogert, Steven
Harvey-Bolia, Juliet

Coker, Matthew
Ploszaj, Tom

Comtois, Barbara
Smart, Lisa

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

Tierney, James

GRAFTON

Berezhny, Lex
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

Rocheft, David

HILLSBOROUGH

Lekas, Alicia
King, Bill
Cole, Brian
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Abare, Kimberly
Berry, Ross
Corcoran, Travis
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

Alexander, Joe
Boehm, Ralph
Creighton, Jim
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Ammon, Keith
Colcombe, Riché
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

MERRIMACK

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

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

McGuire, Carol
Leavitt, John
Boyd, Stephen
Wood, Clayton

McGuire, Dan
Mason, James
Seaworth, Brian

ROCKINGHAM

Ball, Lorie
Donnelly, Tanya
Edwards, Jess
Janigian, John
Khan, Aboul
Love, David
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Janvrin, Jason
Kuttab, Katelyn
Pearson, Mark
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

Thomas, Douglas
Drago, Mike
Harb, Robert
Perez, Kristine
Walsh, Lilli
McDonnell, Valerie
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

DeSimone, Debra
Dunn, Ron
Hobson, Deb
Katsakiores, Phyllis
Layon, Erica
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Turcotte, Len

Bailey, Glenn
Harrington, Michael
Newton, Clifford

Burnham, Claudine
Horgan, James
Phinney, Brandon

Connor, James
Kaczynski, Thomas
Potenza, Kelley

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1246, relative to allowing for payment of wages in gold or silver. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Sullivan for the Majority of Labor, Industrial and Rehabilitative Services. This bill would make it possible for employers to pay their employees in gold or silver. This would effectively create a second form of legal tender in New Hampshire. Legal tender in the United States of course is the US dollar. Employers must make payroll in dollars. If gold and silver were used for payroll, employers would find it impossible to know exactly how much gold or silver would be equal to the pay owed to the employee. The value of the commodities fluctuates continuously, sometimes dramatically. Employees might find that the pay they received on Friday is worth substantially less by Monday when they go to convert to dollars so they can buy groceries. The majority of the committee feel that this idea is entirely impractical and should not move forward. Vote 11-9. Rep. Michael Granger for the Minority of Labor, Industrial and Rehabilitative Services. This bill, as amended, would simply legalize private employment agreements that utilize gold and silver as payment, so long as both employee and employer sign in writing consenting to the arrangement. Currently, employers and employees are not able to make such an agreement, as it is not made legal. This is enabling legislation. It does not mandate employees to be paid in gold and silver. It does not impose a cost on taxpayers or municipalities. The bill is important due to the potential death of the dollar; if the dollar ever goes the way of the Venezuelan Bolivar, it is important that New Hampshire citizens have an alternative means of trade so that they can earn a living. If the "de-dollarization" spoken of by the federal executive is coming, then this bill is crucial to allow the New Hampshire economy to continue existing. If hyperinflation never robs us of our money, then this bill does very little except allow a small number of employees and employers to contract labor in gold and silver. If hyperinflation does occur, then we will regret not passing this legislation.

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

Rep. Brian Sullivan spoke in favor.

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

YEAS 182 - NAYS 155**YEAS - 182****BELKNAP**

St. Clair, Charlie

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Crawford, Karel

Paige, David

CHESHIRE

Abbott, Michael
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Ames, Richard
Filiault, Shaun
Parshall, Lucius
Weber, Lucy

Harvey, Cathryn
Germana, Nicholas
Schapiro, Joe

Fox, Dru
Jones, Philip
Tatro, Bruce

COOS

Davis, Arnold
Ouellet, Mike

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Aissandra
Boehm, Ralph
Calabro, Karen
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda

Nutting-Wong, Allison
Booras, Efstathia
Chretien, Jacqueline
Darby, Will
Elberger, Susan
Goley, Jeffrey
Heath, Mary

Baroody, Benjamin
Bouchard, Donald
Cole, Brian
Devine, Shelley
Davis, Fred
Gregg, Alicia
Herbert, Christopher

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Grill, Jessica
Judy, Jean

Smith, Juliet
 Lascelles, Richard
 Lloyd, Christal
 McGhee, Kat
 Nutter-Upham, Frances
 Preece, David
 Rung, Rosemarie
 Sofikitis, Catherine
 Tellez, Trinidad
 Thomas, Wendy

Juris, Louis
 Leapley, Nicole
 Howard, Molly
 Ming, Ben
 Petrigno, Peter
 Newman, Ray
 Ryan, Linda
 Spier, Carry
 Vail, Suzanne
 Wheeler, Jonah

Foxx, Loren
 LeClerc, Daniel
 Murray, Megan
 Morton, Jennifer
 Plamondon, Marc
 Raymond, Heather
 Seibert, Christine
 Staub, Kathy
 Veilleux, Daniel
 Wilhelm, Matthew

Lanza, Judi
 Leishman, Peter
 Mangipudi, Latha
 Murphy, Nancy
 Plett, Fred
 Rombeau, Catherine
 Seidel, Sheila
 Teterski, Laura
 Dolan, William

MERRIMACK

Turcotte, Alisson
 Gallagher, Eric
 Luneau, David
 Myler, Mel
 Schuett, Dianne
 Testerman, Dave

Brennan, Angela
 Gibbs, Merry
 MacKay, James
 Roesener, James
 Schultz, Kristina
 Wallner, Mary Jane

Caplan, Tony
 Hall, Muriel
 Mason, James
 Gould, Sherry
 Shurtleff, Steve

Ebel, Karen
 Lane, Connie
 McWilliams, Rebecca
 Schamberg, Thomas
 Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
 Grote, Jaci
 Knab, Allison
 Maggiore, Jim
 Meuse, David
 Rafter, Hal
 Sytek, John

Edgar, Michael
 Hamblet, Joan
 Cahill, Michael
 Malloy, Dennis
 Milz, David
 Reynolds, Ned
 Tudor, Paul

Gilman, Julie
 Haskins, Linda
 Paige, Mark
 Manos, Zoe
 Muns, Chris
 Pearson, Stephen
 Turer, Eric

Grossman, Gaby
 Murray, Kate
 Pearson, Mark
 McBeath, Rebecca
 O'Neil, Candice
 Simpson, Alexis
 Ward, Gerald

STRAFFORD

Bay, Luz
 Cannon, Gerri
 Grassie, Chuck
 Kenney, Cam
 Pare, Gail

Bickford, David
 Conlin, Bill
 Howard, Heath
 LaMontagne, Jessica
 Selig, Loren

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

Rich, Cecilia
 Smith, Geoffrey
 Howland, Allan
 Schmidt, Peter

SULLIVAN

Sullivan, Brian
 Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

NAYS - 155

BELKNAP

Bean, Harry
 Comtois, Barbara
 Ploszaj, Tom

Bogert, Steven
 Dumais, Russell
 Smart, Lisa

Bordes, Mike
 Harvey-Bolia, Juliet
 Terry, Paul

Coker, Matthew
 Nagel, David

CARROLL

Avellani, Lino
 MacDonald, John
 Brown, Richard

Belcher, Mike
 Smith, Jonathan

Cordelli, Glenn
 McConkey, Mark

Costable, Michael
 Petermel, Katy

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

Nutting, Zachary

COOS

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
 Sellers, John

Greeson, Jeffrey
 Simon, Matthew

Ladd, Rick

Rocheport, David

HILLSBOROUGH

Lekas, Alicia
 Boyd, Bill
 Corcoran, Travis
 Griffin, Gerald
 Infantine, William
 Gould, Linda
 McLean, Mark
 Post, Lisa
 Sirois, Shane
 Ulery, Jordan

Abare, Kimberly
 King, Bill
 Creighton, Jim
 Gagne, Larry
 Kennedy, Stephen
 Lewicke, John
 Noble, Kristin
 Reid, Karen
 Lekas, Tony
 Wherry, Robert

Alexander, Joe
 Berry, Ross
 Kelley, Diane
 Gorski, Ted
 Kenny, Catherine
 Mazur, Lisa
 Notter, Jeanine
 Renzullo, Andrew
 Mannion, Tom

Ammon, Keith
 Colcombe, Riché
 Erf, Keith
 Healey, Robert
 Kofalt, Jim
 McGough, Tim
 Pauer, Diane
 Sheehan, Vanessa
 Tenczar, Jeffrey

MERRIMACK

Aures, Cyril
Hill, Gregory
Polozov, Yuri
Walsh, Thomas

Aylward, Deborah
Hoell, J.R.
Boyd, Stephen
Wood, Clayton

McGuire, Carol
Leavitt, John
Seaworth, Brian

McGuire, Dan
Moffett, Michael
See, Alvin

ROCKINGHAM

Ball, Lorie
Donnelly, Tanya
Edwards, Jess
Hobson, Deb
Perez, Kristine
Walsh, Lilli
McDonnell, Valerie
Phillips, Emily
Potucek, John
Roy, Terry
Sweeney, Joe
True, Chris
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Melvin, Charles
Piemonte, Tony
Pratt, Kevin
Soti, Julius
Cahill, Tim
Vandecasteele, Susan
Wallace, Scott

Thomas, Douglas
Drago, Mike
Foote, Charles
Janigian, John
Khan, Aboul
Love, David
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Spillane, James
Dolan, Tom
Verville, Kevin
Weyler, Kenneth

DeSimone, Debra
Dunn, Ron
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lynn, Bob
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Summers, James
Tripp, Richard
Vose, Michael
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Turcotte, Len

Bailey, Glenn
Harrington, Michael
Newton, Clifford

Burnham, Claudine
Horgan, James
Phinney, Brandon

Connor, James
Kaczynski, Thomas
Potenza, Kelley

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the majority committee report was adopted.

HB 1648, relative to electronic payments to employees debit cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Sullivan for Labor, Industrial and Rehabilitative Services. This bill would allow an employer to mandate that employees be paid by automatic deposit. Employees who do not have a bank account or who refuse to provide bank information to enable direct deposit will receive payment on a payroll card by default. Employers would no longer be required to offer paper checks to employees who prefer that. Members of the Labor Committee feel that this is an inappropriate burden for both the employees and employers. Any fees associated with the utilization of the payroll card would be deducted from the employee's pay. Employees receiving paper checks under current statute must be able to cash that check at a bank in a convenient location with no cost to the employee. Employers would shoulder the full responsibility if an employee is unable to access their pay for any reason. The employer would be required to make the employee whole within 24 hours of being notified of a problem accessing funds. This means that if pay day is on Friday, the employer would be required to get the employee paid over the weekend. In 2023 a nearly identical bill was voted Inexpedient to Legislate by the same unanimous vote as occurred this year. It is the sense of the committee that this bill should not have been allowed two years in a row and that it is being brought forward solely for the benefit of one payroll company. Vote 20-0.

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

MOTON TO INDEFINITELY POSTPONE

Rep. Schapiro moved that **HB 1648**, relative to electronic payments to employees debit cards, be Indefinitely Postponed.

On a division vote, with 338 members having voted in the affirmative, and 2 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1479-FN, relative to prohibiting the use of federal, state, or local funds for lobbying activities. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: As amended, any entity that is required to register as a lobbyist and who offers other non-lobbying services, such as training to members/clients, would be required to allow the member/client to select which services, including lobbying, offer the best value for the membership dollar. The committee heard from many that, if offered, many communities would prefer not spending any taxpayer funds on lobbying, but currently the membership in these organizations are one-size-fits-all and you either buy all services or none at all. The amendment allows the customer to decide what works for them. If you like your lobbyist, you can keep your lobbyist. The committee also heard from any number of taxpayers that they object to coming to Concord to testify and find their own city/town lobbyist is speaking

against their position and the lobbyist salary is funded by the same taxpayer dollar. Lastly, the committee heard that very few of those municipalities testifying understood the existing law (RSA 15:5) prohibits the use of state funds being used for purchasing lobbying services and requires state and local fund separation. The amendment requires the lobbying firm to file a form with signed acknowledgment of that law. By the amendment language, if a member/client did not select lobbying services, they would be exempt from the requirement under RSA 15:5 to segregate state grants and appropriations. The original language of the bill mandated an authoritarian ban on how local governments spend locally raised tax money. The committee rejected that idea as well as the second part of the bill which issued a stiff, but unenforceable, fine on those who violated the ban of state or local funds being used for the purchase of lobbying services.

Rep. Gregory Hill

Statement in support of Inexpedient to Legislate: This bill is a solution in search of a problem by restricting the usage of all taxpayer funds for lobbying. If a municipality does not want the services of a lobbying service currently, they simply do not have to buy into that organization. This bill would cause an undue burden to organizations that provide lobbying and non-lobbying services, by having them offer their lobbying services separately, with funds separate physically and financially, which is unnecessary and perhaps an overreach of our authority. Also, the penalty on the underlying bill is unnecessary as RSA 15:5 already prohibits the use of state funds being used for lobbying.

Rep. Allison Nutting-Wong

Rep. Hill moved Ought to Pass and offered amendment (0982h).

Amendment (0982h)

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

AN ACT requiring lobbying entities to offer independent lobbying and non-lobbying services, secure fund segregation disclosures from certain clients and affirm those disclosures, and report different statement information where a contract provides for only non-lobbying services.

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

1 New Section; Independent Services; Entities Offering Lobbying and Non-Lobbying Services. Amend RSA 15 by inserting after section 15:1 the following new section:

15:1-a Independent Lobbying and Non-Lobbying Services.

I. Any entity required to register under RSA 15:1 that offers both lobbying services and non-lobbying services, including legislation-related research, market analysis, strategy coaching, and tracking, and other legislation-related services that do not include the activities of lobbying services, shall establish an independent services fee schedule for each non-lobbying and lobbying service, and draft a full description of each service. For the purposes of this section, "lobbying services" shall constitute lobbying as described in RSA 15:1, II(a) and (b), attempting to influence legislation, participating in political activity, or contributing funds to any entity for the purpose of engaging in the same.

II. An entity offering any non-lobbying services shall offer to a potential or actual client an independent services contract. No entity shall require a potential or actual client to purchase a services bundle or require payment under a tiered payment arrangement in order to purchase any non-lobbying service. Additionally, no entity shall predicate the purchase of any non-lobbying service on the purchase of another lobbying or non-lobbying services. A fee for any service shall be based on an hourly or flat fee in line with the market value of that particular, independent service. No entity may charge or attempt to collect fair share fees or agency fees from any client, or the clients' members or residents, regardless of the services contracted for.

III. An entity that at the same time contracts to provide both lobbying and non-lobbying services to a client shall execute a single contract for both types of services. When any contract is not for activities specified in RSA 15:5, the entity is specifically exempt from RSA 15:5 fund segregation requirements with regard to that contract.

IV. Where a contract provides for either lobbying services only, or lobbying and non-lobbying services, the entity providing the services shall disclose to the client in writing, to be signed by the client, that no state funds may be used to purchase services to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities. Additionally, the entity shall report the disclosure as required by RSA 15:6, V(i).

2 Segregation of Funds; Written Notice and Exemption. Amend RSA 15:5 to read as follows:

15:5 Prohibited Activities.

I. No recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities. ***As part of any contract that includes the aforementioned activities, the contracting entity shall disclose the prohibitions in paragraphs I and II to the client, in writing, and the client shall sign the disclosure and shall report the disclosure as required by RSA 15:6.***

II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient. ***A recipient that contracts solely for non-lobbying services under RSA 15:1-a is exempt from this section's fund segregation requirements with regard to that contract.***

3 New Paragraph; Statements; Exemption. Amend RSA 15:6, V by inserting after paragraph V the following new paragraph:

V-a. An entity that contracts with a client to provide only non-lobbying services under RSA 15:1-a is exempt from all reporting requirements of RSA 15:6, V(d) except the full name and business address of the client and the scope of the non-lobbying services being paid for.

4 New Subparagraph; Statements; Disclosure of Segregation Requirement. Amend RSA 15:6, V by inserting after subparagraph (h) the following new subparagraph:

(i) An affirmation that a reporting entity hired for activities specified in RSA 15:5, I has received the required disclosure.

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

AMENDED ANALYSIS

This bill:

I. Requires lobbying entities to offer independent lobbying and non-lobbying services.

II. Requires lobbying entities to secure fund segregation disclosures from certain clients and affirm those disclosures.

III. Allows lobbying entities to report different statement information where a contract provides for only non-lobbying services.

IV. Specifically exempts clients with non-lobbying service contracts from having to segregate funds.

The question being adoption of amendment (0982h).

Rep. Hill spoke in favor.

On a division vote, with 135 members having voted in the affirmative, and 207 in the negative, amendment (0982h) failed.

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

Rep. Yokela offered floor amendment (1160h).

Floor Amendment (1160h)

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

AN ACT requiring lobbying entities to offer independent lobbying and non-lobbying services, secure fund segregation disclosures from certain clients and affirm those disclosures, and report different statement information where a contract provides for only non-lobbying services.

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

1 New Section; Independent Services; Entities Offering Lobbying and Non-Lobbying Services. Amend RSA 15 by inserting after section 15:1 the following new section:

15:1-a Independent Lobbying and Non-Lobbying Services.

I. For purposes of this section, "lobbying services" shall constitute lobbying as described in RSA 15:1, II(a) and (b), attempting to influence legislation, participating in political activity, or contributing funds to any entity for the purpose of engaging in the same.

II. Any entity required to register under RSA 15:1 that offers both lobbying services and non-lobbying services shall establish a separate fee for lobbying services. No entity that offers lobbying services and non-lobbying services shall require a potential or actual client to purchase lobbying services as part of a contract for service.

III. An entity that at the same time contracts to provide both lobbying and non-lobbying services to a client shall execute a single contract for both types of services. When any contract is not for activities specified in RSA 15:5, the entity is specifically exempt from RSA 15:5 fund segregation requirements with regard to that contract.

IV. Where a contract provides for either lobbying services only, or lobbying and non-lobbying services, the entity providing the services shall disclose to the client in writing, to be signed by the client, that no state funds may be used to purchase services to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities. Additionally, the entity shall report the disclosure as required by RSA 15:6, V(i).

V. If the client is a municipality, any contract that includes lobbying services, or is for lobbying services only, shall be limited to one year, and shall not be executed by the municipality prior to approval by the legislative body pursuant to subparagraph (a) or (b):

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3, and shall be voted upon by official ballot if that town has adopted the official ballot for the election of officers.

(b) In a city or a town with a town council, the legislative body shall consider and act upon the question either: (i) in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation; or (ii) on the official ballot for any regular municipal election.

2 Segregation of Funds; Written Notice and Exemption. Amend RSA 15:5 to read as follows:

15:5 Prohibited Activities.

I. No recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities. ***As part of any contract that includes the aforementioned activities, the contracting entity shall disclose the prohibitions in paragraphs I and II to the client, in writing, and the client shall sign the disclosure and shall report the disclosure as required by RSA 15:6.***

II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient. ***A recipient that contracts solely for non-lobbying services under RSA 15:1-a is exempt from this section's fund segregation requirements with regard to that contract.***

3 New Paragraph; Statements; Exemption. Amend RSA 15:6, V by inserting after paragraph V the following new paragraph:

V-a. An entity that contracts with a client to provide only non-lobbying services under RSA 15:1-a is exempt from all reporting requirements of RSA 15:6, V(d) except the full name and business address of the client and the scope of the non-lobbying services being paid for.

4 New Subparagraph; Statements; Disclosure of Segregation Requirement. Amend RSA 15:6, V by inserting after subparagraph (h) the following new subparagraph:

(i) An affirmation that a reporting entity hired for activities specified in RSA 15:5, I has received the required disclosure.

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

AMENDED ANALYSIS

This bill:

I. Requires lobbying entities to offer independent lobbying and non-lobbying services.

II. Requires lobbying entities to secure fund segregation disclosures from certain clients and affirm those disclosures.

III. Allows lobbying entities to report different statement information where a contract provides for only non-lobbying services.

IV. Specifically exempts clients with non-lobbying service contracts from having to segregate funds.

The question being adoption of floor amendment (1160h).

Rep. Yokela spoke in favor.

On a division vote, with 117 members having voted in the affirmative, and 224 in the negative, floor amendment (1160h) failed.

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

MOTION TO LAY ON THE TABLE

Rep. Hill moved that **HB 1479-FN**, relative to prohibiting the use of federal, state, or local funds for lobbying activities, be laid on the table.

Rep. Yokela requested a roll call; sufficiently seconded.

YEAS 135 - NAYS 205

YEAS - 135

BELKNAP

Bean, Harry
Harvey-Bolia, Juliet
Terry, Paul

Coker, Matthew
Nagel, David

Comtois, Barbara
Ploszaj, Tom

Dumais, Russell
Smart, Lisa

CARROLL

Avellani, Lino
Crawford, Karel
Peternel, Katy

Belcher, Mike
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

CHESHIRE

Qualey, James	Rhodes, Jennifer	Nutting, Zachary
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COOS

Davis, Arnold	Ouellet, Mike	Tierney, James
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GRAFTON

Berezhny, Lex Simon, Matthew	Ladd, Rick	Rocheport, David	Sellers, John
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HILLSBOROUGH

Abare, Kimberly King, Bill Corcoran, Travis Griffin, Gerald Infantine, William Lascelles, Richard Pauer, Diane Seidel, Sheila	Alexander, Joe Boehm, Ralph Creighton, Jim Gagne, Larry Kennedy, Stephen Lewicke, John Plett, Fred Sheehan, Vanessa	Ammon, Keith Colcombe, Riché Kelley, Diane Gorski, Ted Kenny, Catherine Mazur, Lisa Reid, Karen Sirois, Shane	Boyd, Bill Cole, Brian Erf, Keith Healey, Robert Gould, Linda McGough, Tim Renzullo, Andrew Wherry, Robert
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MERRIMACK

Aures, Cyril Hoell, J.R. Boyd, Stephen Testerman, Dave	McGuire, Carol Mason, James Seaworth, Brian Wood, Clayton	McGuire, Dan Moffett, Michael See, Alvin	Hill, Gregory Polozov, Yuri Walsh, Thomas
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ROCKINGHAM

Ball, Lorie Donnelly, Tanya Edwards, Jess Nelson, Jodi Khan, Aboul Pearson, Mark Osborne, Jason Pratt, Kevin Pearson, Stephen Dolan, Tom Vandecasteele, Susan	Mannion, Dennis Doucette, Fred Emerick, Tracy Janigian, John Walsh, Lilli McDonnell, Valerie Popovici-Muller, Daniel Prudhomme-O'Brien, Katherine Summers, James Tripp, Richard Vose, Michael	Thomas, Douglas Drago, Mike Foote, Charles Perez, Kristine Layon, Erica Melvin, Charles Porcelli, Susan Quaratiello, Arlene Sweeney, Joe True, Chris MacDonald, Wayne	DeSimone, Debra Dunn, Ron Hobson, Deb Katsakiores, Phyllis Lynn, Bob Ford, Oliver Potucek, John Roy, Terry Cahill, Tim Tudor, Paul Weyler, Kenneth
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STRAFFORD

Ankarberg, Aidan Granger, Michael Turcotte, Len	Bailey, Glenn Harrington, Michael Newton, Clifford	Burnham, Claudine Horgan, James	Connor, James Kaczynski, Thomas
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SULLIVAN

Aron, Judy Stapleton, Walter	Drye, Margaret Stone, Jonathan	Smith, Steven	Spilsbury, Walter
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NAYS - 205**BELKNAP**

Bogert, Steven	Bordes, Mike	St. Clair, Charlie
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CARROLL

Buco, Thomas Brown, Richard	Burroughs, Anita Woodcock, Stephen	Paige, David	McAleer, Chris
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CHESHIRE

Abbott, Michael Faulkner, Barry Monteil, Renee Schapiro, Joe	Ames, Richard Filiault, Shaun Newell, Jodi Tatro, Bruce	Harvey, Cathryn Germana, Nicholas Parshall, Lucius Toll, Amanda	Fox, Dru Jones, Philip Santonastaso, Matthew Weber, Lucy
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COOS

Cascadden, Corinne	Kelley, Eamon	Noël, Henry	King, Seth
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GRAFTON

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

Lekas, Alicia	Murray, Alissandra	Nutting-Wong, Allison	Beaulieu, Jane
Berry, Ross	Booras, Efsthia	Bouchard, Donald	Bouldin, Amanda
Calabro, Karen	Chretien, Jacqueline	Cornell, Patricia	Ford, Damond
Darby, Will	Devine, Shelley	DiSilvestro, Linda	Dutzy, Sherry
Elberger, Susan	Davis, Fred	Freitas, Mary	Gibbons, Candace
Goley, Jeffrey	Gregg, Alicia	Grill, Jessica	Harriott-Gathright, Linda
Heath, Mary	Herbert, Christopher	Jeudy, Jean	Smith, Juliet
Juris, Louis	Kofalt, Jim	Foxx, Loren	Lanza, Judi
Leapley, Nicole	LeClerc, Daniel	Leishman, Peter	Lloyd, Christal
Howard, Molly	Murray, Megan	Mangipudi, Latha	McGhee, Kat
McLean, Mark	Ming, Ben	Morton, Jennifer	Murphy, Nancy
Noble, Kristin	Notter, Jeanine	Nutter-Upham, Frances	Petrigno, Peter
Plamondon, Marc	Post, Lisa	Preece, David	Newman, Ray
Raymond, Heather	Rombeau, Catherine	Rung, Rosemarie	Ryan, Linda
Newman, Sue	Seibert, Christine	Sofikitis, Catherine	Spier, Carry
Staub, Kathy	Lekas, Tony	Mannion, Tom	Telerski, Laura
Tellez, Trinidad	Tenczar, Jeffrey	Ulery, Jordan	Vail, Suzanne
Veilleux, Daniel	Dolan, William	Thomas, Wendy	Wheeler, Jonah
Wilhelm, Matthew			

MERRIMACK

Turcotte, Alisson	Aylward, Deborah	Brennan, Angela	Caplan, Tony
Ebel, Karen	Gallager, Eric	Gibbs, Merryl	Hall, Muriel
Lane, Connie	Leavitt, John	Luneau, David	MacKay, James
McWilliams, Rebecca	Myler, Mel	Roesener, James	Gould, Sherry
Schamberg, Thomas	Schuetz, Dianne	Schultz, Kristina	Shurtleff, Steve
Soucy, Timothy	Wallner, Mary Jane		

ROCKINGHAM

Balboni, Peggy	DiLorenzo, Charlotte	Edgar, Michael	Gilman, Julie
Grossman, Gaby	Grote, Jaci	Hamblet, Joan	Harb, Robert
Haskins, Linda	Janvrin, Jason	Murray, Kate	Knab, Allison
Kuttab, Katelyn	Love, David	Cahill, Michael	Paige, Mark
Maggiore, Jim	Malloy, Dennis	Manos, Zoe	McBeath, Rebecca
Meuse, David	Milz, David	Muns, Chris	O'Neil, Candice
Phillips, Emily	Rafter, Hal	Raynolds, Ned	Simpson, Alexis
Soti, Julius	Spillane, James	Sytek, John	Turer, Eric
Verville, Kevin	Wallace, Scott	Ward, Gerald	Yokela, Josh

STRAFFORD

Bay, Luz	Bickford, David	Bixby, Peter	Rich, Cecilia
Cannon, Gerri	Conlin, Bill	Fitzpatrick, Daniel	Smith, Geoffrey
Grassie, Chuck	Howard, Heath	Horrigan, Timothy	Howland, Allan
Kenney, Cam	LaMontagne, Jessica	Levesque, Cassandra	Smith, Marjorie
Schmidt, Peter	Pare, Gail	Phinney, Brandon	Potenza, Kelley
Selig, Loren	Southworth, Thomas	Wall, Janet	

SULLIVAN

Sullivan, Brian	Cloutier, John	Damon, Hope	Merchant, Gary
Palmer, William	Rollins, Skip		

and the motion failed.

MOTON TO INDEFINITELY POSTPONE

Rep. Maggiore moved that **HB 1479-FN**, relative to prohibiting the use of federal, state, or local funds for lobbying activities, be Indefinitely Postponed.

Rep. Yokela requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 129**YEAS - 211****BELKNAP**

Bogert, Steven	Bordes, Mike	St. Clair, Charlie
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CARROLL

Buco, Thomas	Burroughs, Anita	Crawford, Karel	Paige, David
MacDonald, John	McAleer, Chris	Woodcock, Stephen	

CHESHIRE

Abbott, Michael
Faulkner, Barry
Monteil, Renee
Tatro, Bruce

Ames, Richard
Filiault, Shaun
Newell, Jodi
Toll, Amanda

Harvey, Cathryn
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Fox, Dru
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

Tierney, James

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Rocheport, David

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Stringham, Jerry

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell
Sykes, George

HILLSBOROUGH

Murray, Aissandra
King, Bill
Bouchard, Donald
Colcombe, Riché
Ford, Damond
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda
Infantine, William
Foxy, Loren
Leishman, Peter
Mangipudi, Latha
Murphy, Nancy
Plett, Fred
Renzullo, Andrew
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Nutting-Wong, Allison
Beaulieu, Jane
Bouldin, Amanda
Cole, Brian
Darby, Will
Elberger, Susan
Goley, Jeffrey
Healey, Robert
Judy, Jean
Lanza, Judi
Lloyd, Christal
McGhee, Kat
Nutter-Upham, Frances
Preece, David
Rombeau, Catherine
Seibert, Christine
Tellerski, Laura
Dolan, William

Abare, Kimberly
Boehm, Ralph
Calabro, Karen
Cornell, Patricia
Devine, Shelley
Davis, Fred
Gregg, Alicia
Heath, Mary
Smith, Juliet
Leapley, Nicole
Howard, Molly
Ming, Ben
Petrigno, Peter
Newman, Ray
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Boyd, Bill
Booras, Efstathia
Chretien, Jacqueline
Creighton, Jim
DiSilvestro, Linda
Freitas, Mary
Grill, Jessica
Herbert, Christopher
Juris, Louis
LeClerc, Daniel
Murray, Megan
Morton, Jennifer
Plamondon, Marc
Raymond, Heather
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

MERRIMACK

Turcotte, Alisson
Gallager, Eric
Luneau, David
Myler, Mel
Schuett, Dianne
Testerman, Dave

Brennan, Angela
Gibbs, Merryl
MacKay, James
Roesener, James
Schultz, Kristina
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
Mason, James
Gould, Sherry
Shurtleff, Steve

Ebel, Karen
Lane, Connie
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Edwards, Jess
Grossman, Gaby
Haskins, Linda
Katsakiores, Phyllis
Paige, Mark
McBeath, Rebecca
Milz, David
Raynolds, Ned
Cahill, Tim
MacDonald, Wayne

DiLorenzo, Charlotte
Emerick, Tracy
Grote, Jaci
Hobson, Deb
Knab, Allison
Maggiore, Jim
McDonnell, Valerie
Muns, Chris
Simpson, Alexis
Tripp, Richard
Ward, Gerald

Donnelly, Tanya
Foote, Charles
Hamblet, Joan
Nelson, Jodi
Walsh, Lilli
Malloy, Dennis
Melvin, Charles
O'Neil, Candice
Sweeney, Joe
Turer, Eric
Weyler, Kenneth

Edgar, Michael
Gilman, Julie
Harb, Robert
Murray, Kate
Cahill, Michael
Manos, Zoe
Meuse, David
Rafter, Hal
Sytek, John
Vandecasteele, Susan

STRAFFORD

Bay, Luz
Conlin, Bill
Howard, Heath
Kenney, Cam
Schmidt, Peter
Wall, Janet

Bixby, Peter
Fitzpatrick, Daniel
Horgan, James
LaMontagne, Jessica
Pare, Gail

Rich, Cecilia
Smith, Geoffrey
Horriggan, Timothy
Levesque, Cassandra
Selig, Loren

Cannon, Gerri
Grassie, Chuck
Howland, Allan
Smith, Marjorie
Southworth, Thomas

SULLIVAN

Sullivan, Brian
Merchant, Gary

Cloutier, John
Palmer, William

Damon, Hope
Rollins, Skip

Drye, Margaret

NAYS - 129 BELKNAP

Bean, Harry
Harvey-Bolia, Juliet
Terry, Paul

Coker, Matthew
Nagel, David

Comtois, Barbara
Ploszaj, Tom

Dumais, Russell
Smart, Lisa

CARROLL

Avellani, Lino
Smith, Jonathan

Belcher, Mike
McConkey, Mark

Cordelli, Glenn
Peternel, Katy

Costable, Michael
Brown, Richard

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

Nutting, Zachary

COOS

Davis, Arnold

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Simon, Matthew

Greeson, Jeffrey

Ladd, Rick

Sellers, John

HILLSBOROUGH

Lekas, Alicia
Corcoran, Travis
Gagne, Larry
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Kelley, Diane
Gorski, Ted
Gould, Linda
McGough, Tim
Pauer, Diane
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Erf, Keith
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Post, Lisa
Sirois, Shane
Ulery, Jordan

Berry, Ross
Griffin, Gerald
Kenny, Catherine
Lewicke, John
Noble, Kristin
Reid, Karen
Lekas, Tony
Wherry, Robert

MERRIMACK

Aures, Cyril
Hill, Gregory
Polozov, Yury
Walsh, Thomas

Aylward, Deborah
Hoell, J.R.
Boyd, Stephen
Wood, Clayton

McGuire, Carol
Leavitt, John
Seaworth, Brian

McGuire, Dan
Moffett, Michael
See, Alvin

ROCKINGHAM

Ball, Lorie
Doucette, Fred
Janvrin, Jason
Layon, Erica
Ford, Oliver
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Tudor, Paul
Yokela, Josh

Mannion, Dennis
Drago, Mike
Perez, Kristine
Love, David
Osborne, Jason
Potucek, John
Roy, Terry
Summers, James
Verville, Kevin

Thomas, Douglas
Dunn, Ron
Khan, Aboul
Lynn, Bob
Phillips, Emily
Pratt, Kevin
Pearson, Stephen
Dolan, Tom
Vose, Michael

DeSimone, Debra
Janigian, John
Kuttab, Katelyn
Pearson, Mark
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
True, Chris
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Connor, James
Turcotte, Len

Bailey, Glenn
Granger, Michael
Newton, Clifford

Bickford, David
Harrington, Michael
Phinney, Brandon

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

SULLIVAN

Aron, Judy
Stone, Jonathan

Smith, Steven

Spilsbury, Walter

Stapleton, Walter

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1053, relative to permissible residential units in a commercial zone. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jim Maggiore for the Majority of Municipal and County Government. This bill creates a statewide mandate to compel municipalities to permit residential use in commercial zones. The mixed use could be no more restrictive than that for a single-family residence. Mixed use development is already permitted and common throughout the state. Each municipality passes regulations for their commercial and residential zones to support the expectations of the residents who choose to live in those communities. While this bill is well-intended to increase housing stock, its restriction on land use regulations including, but not limited to,

compliance with a municipality's master plan, life safety codes, building codes, infrastructure maintenance, drainage, parking and septic design would have negative consequences to the developer and the community alike. For these reasons the majority believe this bill is Inexpedient to Legislate. Vote 15-2.

Rep. Josh Yokela for the Minority of Municipal and County Government. The minority opinion posits that the proliferation of remote work may lead to a notable surplus of vacant commercial properties amidst ongoing economic restructuring. Moreover, our research indicates that commercial zones often represent optimal locations for the development of multifamily housing, a housing type frequently excluded by zoning regulations in single family home districts. These areas offer convenient access to employment opportunities, shopping facilities, and entertainment venues. Iconic urban centers like downtown Portsmouth exemplify this mixed-use development, yet municipal zoning ordinances have unfortunately obstructed the creation of similar vibrant urban environments elsewhere. Residents of such developments willingly accept heightened noise and traffic levels in exchange for proximity to desired amenities and employment centers. The restriction of housing within commercial zones by municipalities is just one among several regrettable policies contributing to the current housing shortage.

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

MOTION TO LAY ON THE TABLE

Rep. Len Turcotte moved that **HB 1053**, relative to permissible residential units in a commercial zone, be laid on the table.

On a division vote, with 316 members having voted in the affirmative, and 18 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1101, establishing a committee to study a potential state program to make loans to low-to-moderate income households for the purpose of buying a home or for the purpose of consolidating student loans. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tim Cahill for the Majority of Municipal and County Government. While there is a need to come up with ideas to work on New Hampshire's housing shortage, there was concern that this proposed study committee on two subjects could have been broken down into separate proposals. Student loans and housing loans are two separate programs, and it was felt that they should not be combined. There are already federal programs that can be taken advantage of, including enlisting in a branch of the military service, which provides affordable housing, Veterans Affairs (VA) home loans, and money for college, all while providing a stable career. Vote 10-7. Rep. Julie Gilman for the Minority of Municipal and County Government. Home ownership is a goal for families seeking stable housing. New Hampshire is one of the more expensive states for homeownership in the country, with the median homeowner spending close to 22% of their income on their home before paying other debt and expenses. The burden of carrying both a mortgage and student loan debt hinders the affordability of first-time homeowners or a timely payment of each. While the New Hampshire Housing Finance Authority, New Hampshire Housing, and other organizations aid new home buyers, they are limited by targeting areas of concentration in the state and available funds for assistance. There are separate home buyer programs offering support options and referrals to mortgage lenders, but not direct loans. In its 2021-2024 report, the Governor's New Hampshire Council on Housing Stability set goals to end homelessness, address rent affordability, and build new housing units. However, loans for first-time home buyers and current home buyers whose financial situation have declined were not addressed. Student loan repayment assistance in New Hampshire is quite limited. The Department of Health and Human Services provides two loan repayment programs limited to eligible healthcare professionals and a pilot program for dentists. Both programs are also limited to those working in designated areas of the state deemed medically underserved and/or with 15% patients insured through Medicaid. This bill would assist the New Hampshire Council on Housing by studying opportunities and information and make recommendations for the structure of state loan programs. For these reasons the minority of the committee disagrees with the majority motion of Inexpedient to Legislate.

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

MOTON TO INDEFINITELY POSTPONE

Rep. Len Turcotte moved that **HB 1101**, establishing a committee to study a potential state program to make loans to low-to-moderate income households for the purpose of buying a home or for the purpose of consolidating student loans, be Indefinitely Postponed.

On a division vote, with 171 members having voted in the affirmative, and 164 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1175, relative to the official ballot referendum form of town meetings. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: This bill restores the original method of adopting the official ballot referendum form of meeting, commonly referred to as SB 2. In 1995, when SB 2 became law, the question to

adopt SB 2 was placed on the official ballot; and the voters were able to vote on the question to adopt SB 2 at the polls on town election day for 24 years. As of 2019, 151 political subdivisions had adopted the SB 2 form of meeting. However, in late 2019, the statute was changed; and the question to adopt SB 2 was removed from the official ballot and instead required that the question to adopt be voted on as a warrant article at the traditional town or school district meeting. Since the law was changed, beginning in 2020, there have been a total of 31 warrant articles proposed statewide to adopt SB 2. To date, 30 of those proposals have failed, and only 1 proposal has resulted in the adoption of SB 2. There are 11 more SB 2 adoption proposals pending for the 2024 annual meetings. This bill removes the question to adopt SB 2 as a warrant article to be acted upon at the traditional meeting and places the question back onto the official ballot, thereby, providing for all day voting at town polls on town election day or by absentee ballot upon request. Notably, by placing the question to adopt SB 2 back onto the official ballot, this bill restores the same process to adopt or to rescind SB 2. Moreover, this bill eliminates the control of a small group of citizens present at a traditional meeting to decide whether or not to adopt the SB 2 system. Unfortunately, many voters cannot practically attend a traditional meeting. It is a significant challenge for many elderly or disabled citizens to get to the meeting location and participate in often lengthy meetings. Some people have health concerns and cannot risk being in a large gathering. Other citizens have second shift, overtime, or weekend work commitments at the time of the traditional meeting. Still others are out of town on travel for work, are students in college, serve in the military away from home, or may be snow birds out of state. All of these voters are disenfranchised, and most are interested in SB 2 because it enables their voices, as taxpayers, to be heard at the ballot box. It is ironic that these citizens cannot attend the traditional meeting to vote to adopt SB 2, which is exactly the meeting system that would eliminate their disenfranchisement. By putting the SB 2 adoption question back onto the official ballot, all of these individuals will be afforded the opportunity to support the adoption of SB 2 by casting their ballot during all day voting on town election day or by absentee ballot. In addition, many more voters cast ballots on election day than participate at a traditional meeting, providing a better representation of the will of the people in the town or school district in adopting SB 2.

Rep. Diane Pauer

Statement in support of Inexpedient to Legislate: The bill would reverse the 2019 law change which amends RSA 40:14, III, regarding adoption of the official ballot referendum (SB 2) form of town meeting, to provide that the question shall be voted on by secret ballot during the annual town meeting and can no longer be placed on the official ballot. The basis for support for the 2019 law change was that the voters should vote on a fundamental change to their town meeting structure in the same manner they currently vote on nearly everything (i.e., on the floor of town meeting). In this way voters also have a chance to debate and discuss the question. Putting the question on the ballot takes that critical step away from the voter and limits discussion to one public hearing. In 2019, the House Municipal and County Government Committee recommended the bill to effect this change by an 18-1 vote. The vote on the House floor by division vote was 235-122. The bill passed in the Senate committee unanimously. The bill passed the full Senate on a voice vote.

Rep. Jim Maggiore

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

Rep. Maggiore spoke against.

On a division vote, with 173 members having voted in the affirmative, and 163 in the negative, the motion of Ought to Pass was adopted and the bill was ordered to third reading.

HB 1210, relative to the election of Strafford county commissioners. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill will restore the Strafford County Commissioner Districts to their historical place as at-large seats. Strafford County has always elected their commissioners at large and has allowed for the greatest input by the voters, by allowing them to vote for all three commissioners. The actions taken by the legislature, to alter the county commissioner district in Strafford County last year with HB 75, set a historic precedent that would allow any county commissioner district unchanged during the redistricting process to be changed at any time. This could mean that a future legislature could redistrict Hillsborough, Grafton and Sullivan County. This bill would correct this precedent and ensure all Strafford County voters are able to vote for their county commissioners as they always have.

Rep. Jim Maggiore

Statement in support of Inexpedient to Legislate: This bill is nothing more than attempt to overturn legislation that was signed into law last year. Strafford County was the only one of our ten counties in our state that elected their commissioners "at-large," rather than by district. In a county that votes 58/42 Democrat to Republican, one can see why there is a perception of partisan opposition to the new law. In the last 40 years, only two Republicans were elected as commissioners out of a possible 60 electoral slots, hardly representative of the 42% of Republican voters in the county. Reversing last year's legislation, which created districts for the first time, would return Strafford County to the gerrymandered county it has been, thus continuing the voter disenfranchisement of the past four decades.

Rep. Len Turcotte

MOTON TO INDEFINITELY POSTPONE

Rep. Len Turcotte moved that **HB 1210**, relative to the election of Strafford county commissioners, be Indefinitely Postponed.

MOTION TO LAY ON THE TABLE

Rep. Weber moved that **HB 1210**, relative to the election of Strafford county commissioners, be laid on the table.

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

YEAS 167 - NAYS 170**YEAS - 167
BELKNAP**

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Newell, Jodi
Toll, Amanda

Ames, Richard
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Harvey, Cathryn
Jones, Philip
Schapiro, Joe

Fox, Dru
Monteil, Renee
Tatro, Bruce

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Alissandra
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Howard, Molly
Morton, Jennifer
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William

Nutting-Wong, Allison
Bouldin, Amanda
Ford, Damond
Elberger, Susan
Goley, Jeffrey
Heath, Mary
Juris, Louis
LeClerc, Daniel
Murray, Megan
Murphy, Nancy
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Beaulieu, Jane
Calabro, Karen
Darby, Will
Davis, Fred
Gregg, Alicia
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Booras, Efstathia
Chretien, Jacqueline
Devine, Shelley
Freitas, Mary
Grill, Jessica
Judy, Jean
Lanza, Judi
Lloyd, Christal
McGhee, Kat
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

MERRIMACK

Turcotte, Alisson
Gallager, Eric
Luneau, David
Roesener, James
Schultz, Kristina

Brennan, Angela
Gibbs, Merryl
MacKay, James
Gould, Sherry
Shurtleff, Steve

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Ebel, Karen
Lane, Connie
Myler, Mel
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
Read, Ellen

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Turer, Eric

STRAFFORD

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

Bixby, Peter
Fitzpatrick, Daniel
Horrigan, Timothy
Levesque, Cassandra
Southworth, Thomas

Rich, Cecilia
Smith, Geoffrey
Howland, Allan
Smith, Marjorie
Wall, Janet

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

NAYS - 170**BELKNAP**

Bean, Harry
Comtois, Barbara
Ploszaj, Tom

Bogert, Steven
Dumais, Russell
Smart, Lisa

Bordes, Mike
Harvey-Bolia, Juliet
Terry, Paul

Coker, Matthew
Nagel, David

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

Tierney, James

GRAFTON

Berezhny, Lex
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

Rocheport, David

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Kelley, Diane
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

Abare, Kimberly
King, Bill
Cole, Brian
Erf, Keith
Healey, Robert
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Alexander, Joe
Berry, Ross
Corcoran, Travis
Griffin, Gerald
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Gagne, Larry
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

MERRIMACK

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

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

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

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

ROCKINGHAM

Ball, Lorie
Donnelly, Tanya
Edwards, Jess
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Pearson, Mark
Ford, Oliver
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Osborne, Jason
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

Thomas, Douglas
Drago, Mike
Foote, Charles
Janigian, John
Khan, Aboul
Love, David
Melvin, Charles
Phillips, Emily
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

DeSimone, Debra
Dunn, Ron
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lynn, Bob
Milz, David
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len
Selig, Loren

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 to lay on the table failed.

The question now being adoption of the motion to Indefinitely Postpone.
Rep. Len Turcotte requested a roll call; sufficiently seconded.

YEAS 168 - NAYS 169**YEAS - 168****BELKNAP**

Bean, Harry
Comtois, Barbara
Ploszaj, Tom

Bogert, Steven
Dumais, Russell
Smart, Lisa

Bordes, Mike
Harvey-Bolia, Juliet
Terry, Paul

Coker, Matthew
Nagel, David

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

Tierney, James

GRAFTON

Berezhny, Lex
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

Rocheport, David

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Kelley, Diane
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

Abare, Kimberly
King, Bill
Cole, Brian
Erf, Keith
Healey, Robert
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Alexander, Joe
Berry, Ross
Corcoran, Travis
Griffin, Gerald
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Gagne, Larry
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

MERRIMACK

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

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

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

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

ROCKINGHAM

Ball, Lorie
Donnelly, Tanya
Edwards, Jess
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Pearson, Mark
Ford, Oliver
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Osborne, Jason
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Thomas, Douglas
Drago, Mike
Foote, Charles
Janigian, John
Khan, Aboul
Love, David
Melvin, Charles
Phillips, Emily
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael
Yokela, Josh

DeSimone, Debra
Dunn, Ron
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lynn, Bob
Milz, David
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

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 - 169
BELKNAP**

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Newell, Jodi
Toll, Amanda

Ames, Richard
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Harvey, Cathryn
Jones, Philip
Schapiro, Joe

Fox, Dru
Monteil, Renee
Tatro, Bruce

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, Laurel

Baldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, Jerry

Bolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Cormen, Thomas
Hoyt, Tommy
Muirhead, Russell

HILLSBOROUGH

Murray, Alissandra
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Howard, Molly
Morton, Jennifer
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William

Nutting-Wong, Allison
Bouldin, Amanda
Ford, Damond
Elberger, Susan
Goley, Jeffrey
Heath, Mary
Juris, Louis
LeClerc, Daniel
Murray, Megan
Murphy, Nancy
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Beaulieu, Jane
Calabro, Karen
Darby, Will
Davis, Fred
Gregg, Alicia
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Booras, Efstathia
Chretien, Jacqueline
Devine, Shelley
Freitas, Mary
Grill, Jessica
Jeudy, Jean
Lanza, Judi
Lloyd, Christal
McGhee, Kat
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

MERRIMACK

Turcotte, Alisson
Gallager, Eric
Luneau, David
Roesener, James
Schultz, Kristina

Brennan, Angela
Gibbs, Merryl
MacKay, James
Gould, Sherry
Shurtleff, Steve

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Ebel, Karen
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Turer, Eric

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Sytek, John

STRAFFORD

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

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

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

and the motion to Indefinitely Postpone failed.

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

Rep. Len Turcotte spoke against.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 168 - NAYS 168**YEAS - 168
BELKNAP**

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Newell, Jodi
Weber, Lucy

Ames, Richard
Germana, Nicholas
Parshall, Lucius

Harvey, Cathryn
Jones, Philip
Schapiro, Joe

Fox, Dru
Monteil, Renee
Toll, Amanda

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fracht, David
Massimilla, Linda
Stringham, Jerry

Baldwin, Heather
Hakken-Phillips, Mary
Morse, Corinne
Sykes, George

Bolton, Bill
Hoyt, Tommy
Muirhead, Russell

Cormen, Thomas
Lovett, Peter
Stavis, Laurel

HILLSBOROUGH

Murray, Alissandra
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Howard, Molly
Morton, Jennifer
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William

Nutting-Wong, Allison
Bouldin, Amanda
Ford, Damond
Elberger, Susan
Goley, Jeffrey
Heath, Mary
Juris, Louis
LeClerc, Daniel
Murray, Megan
Murphy, Nancy
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Beaulieu, Jane
Calabro, Karen
Darby, Will
Davis, Fred
Gregg, Alicia
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Booras, Efstathia
Chretien, Jacqueline
Devine, Shelley
Freitas, Mary
Grill, Jessica
Judy, Jean
Lanza, Judi
Lloyd, Christal
McGhee, Kat
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

MERRIMACK

Turcotte, Alisson
Gallager, Eric
Luneau, David
Roesener, James
Schultz, Kristina

Brennan, Angela
Gibbs, Merryl
MacKay, James
Gould, Sherry
Shurtleff, Steve

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Ebel, Karen
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Janvrin, Jason
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Sytek, John

DiLorenzo, Charlotte
Grote, Jaci
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Turer, Eric

Edgar, Michael
Hamblet, Joan
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Ward, Gerald

Gilman, Julie
Haskins, Linda
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis

STRAFFORD

Bay, Luz
Conlin, Bill

Bixby, Peter
Fitzpatrick, Daniel

Rich, Cecilia
Smith, Geoffrey

Cannon, Gerri
Grassie, Chuck

Howard, Heath
LaMontagne, Jessica
Pare, Gail

Horrigan, Timothy
Levesque, Cassandra
Selig, Loren

Howland, Allan
Smith, Marjorie
Southworth, Thomas

Kenney, Cam
Schmidt, Peter
Wall, Janet

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John

Damon, Hope

Merchant, Gary

NAYS - 168

BELKNAP

Bean, Harry
Comtois, Barbara
Ploszaj, Tom

Bogert, Steven
Dumais, Russell
Smart, Lisa

Bordes, Mike
Harvey-Bolia, Juliet
Terry, Paul

Coker, Matthew
Nagel, David

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

Tierney, James

GRAFTON

Berezhny, Lex
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

Rocheport, David

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Kelley, Diane
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

Abare, Kimberly
King, Bill
Cole, Brian
Erf, Keith
Healey, Robert
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Alexander, Joe
Berry, Ross
Corcoran, Travis
Griffin, Gerald
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Gagne, Larry
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

MERRIMACK

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

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

McGuire, Carol
Leavitt, John
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McDonnell, Valerie
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Nelson, Jodi
Khan, Aboul
Love, David
Melvin, Charles
Packard, Sherman
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

Thomas, Douglas
Drago, Mike
Foote, Charles
Janigian, John
Kuttab, Katelyn
Lynn, Bob
Milz, David
Phillips, Emily
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael
Yokela, Josh

DeSimone, Debra
Dunn, Ron
Harb, Robert
Perez, Kristine
Walsh, Lilli
Pearson, Mark
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

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Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

Bickford, David
Harrington, Michael
Newton, Clifford

Burnham, Claudine
Horgan, James
Phinney, Brandon

SULLIVAN

Aron, Judy
Spillsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

and the motion of Ought to Pass failed.

CLERK'S NOTE

The Speaker voted creating a tied vote, and pursuant to House Rule 23, the motion failed.

MOTION TO LAY ON THE TABLE

Rep. Weber moved that **HB 1210**, relative to the election of Strafford county commissioners., be laid on the table. On a division vote, with 308 members having voted in the affirmative, and 28 in the negative, the motion to lay on the table was adopted.

(Rep. Steven Smith in the Chair)

REGULAR CALENDAR CONT'D

HB 1281, relative to zoning restrictions on residential rental property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jim Maggiore for the Majority of Municipal and County Government. The core of this bill is to increase the non-familial occupancy limits of residential rental property and thereby increase housing opportunities throughout the state. This bill, as drafted, creates a state-wide mandate for rental occupancy that fails to account for the unique circumstances of each different municipality in our state. Zoning decisions for housing and land use and many other master plans are made at the local level and passed by voters. This bill would prohibit enacting and codes, regulations, or ordinances relative to rental occupancy. This would include life safety codes, building codes, local zoning regulations. Restricting the ability of the residents in a community to make these decisions at the local level would be a dramatic change to public policy without any proof of long-term benefit. The city of Keene and the towns of Hanover and Durham are a few examples of municipalities that have successfully created reasonable and legal rental regulations for familial occupancy that meet the specific needs of their communities, especially college housing. This bill would prohibit those communities from enacting local regulations and inject state land use mandates. For these reasons the majority of the committee believe this bill should be Inexpedient to Legislate. Vote 12-6.

Rep. Diane Pauer for the Minority of Municipal and County Government. This bill is an important bi-partisan measure that seeks to help solve our state's serious housing crisis. This legislation prohibits zoning ordinances that unduly restrict the number of occupants in a residential rental property to less than two occupants per bedroom and prohibits the enforcement of any such zoning ordinances. Furthermore, this bill prohibits the adoption and enforcement of any zoning ordinance that discriminates against unrelated occupants of a residential rental property. Numerous municipalities statewide have adopted unreasonable zoning ordinances that in some form or another discriminate against unrelated, nonfamilial, and/or unmarried renters and further unduly limit the number of unrelated people legally allowed to live together in a residential rental unit. For example, some of these municipalities limit the number of unrelated people to just three people, regardless of the size of and number of bedrooms in the residential housing unit. This is commonly referred to as "the 3-Unrelated Rule." Under such a zoning ordinance, a family of eight people, with two married adults and six children, could legally live in a four-bedroom rental unit, while it would be illegal for four unrelated senior citizens, young professionals, or students to rent the same four-bedroom house. More importantly, in this example, "the 3-Unrelated Rule" literally locks the doors of five existing housing opportunities causing them to unnecessarily sit vacant for no good reason. To be clear, such restrictive zoning ordinances artificially limit the supply of available rental housing. This in turn drives up rental costs, compounding the housing crisis. Moreover, such ordinances create winners and losers especially in those municipalities that inexplicably "grandfather" certain rental properties from these overreaching zoning ordinances. Undoubtedly, such a provision results in an unfair and unequal application of local ordinances, which in itself is cause for great concern. Opponents of this bill are the "grandfathered" landlords who are benefiting from the inflated rental market caused by the artificially limited housing supply. Supporters of this bill are renters seeking an affordable place to live, housing advocates, as well as the "nongrandfathered" landlords whose property rights are being violated by out-of-control local zoning ordinances such as "the 3-Unrelated Rule." All property owners, whether their properties are grandfathered or not, have a fundamental right to fully utilize their properties in a reasonable and responsible manner. Finally, this bill puts necessary guardrails on overreaching local municipal governments that have zoning ordinances which infringe upon landlords' property rights and also discriminate against unrelated renters. If signed into law, this bill would immediately release hundreds of desperately needed housing opportunities currently under lock-and-key, placing them back onto the free-market and making them available for rent literally overnight. Importantly, by increasing the free-market supply of rental units, rents will either decrease or increase more slowly, making housing more affordable across the Granite State. In summary, this bill is smart, bipartisan legislation that is a critical and swift step towards solving the serious housing crisis facing New Hampshire.

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

MOTION TO LAY ON THE TABLE

Rep. Len Turcotte moved that **HB 1281**, relative to zoning restrictions on residential rental property, be laid on the table.

On a division vote, with 300 members having voted in the affirmative, and 17 in the negative, the motion to lay on the table was adopted.

REGULAR CALENDAR CONT'D

HB 1317-FN-L, relative to municipal filings made by charitable organizations exempt from taxation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurel Stavis for the Majority of Municipal and County Government. This bill amends two sections of RSA 72:23, providing a grace period for municipal tax abatement filings by charitable organizations. The original bill, which included a section granting municipalities the ability to levy fines for late filings also included the legal phrase "good cause" in allowing municipalities to abate such organizations' prior year taxes, which was deemed to be too vague. The underlying bill, however, allows a minimal amount of leeway for charitable organizations filing for tax exemptions under RSA 72:23 and, as amended, grants such organizations 60 days after a written request from the municipality, over the previous 30. It also empowers municipalities to abate a prior year's taxes due to "administrative, clerical or calculation errors," thus making the bill more suited to its original intent and removing the phrase "good cause." Vote 14-6.

Rep. John MacDonald for the Minority of Municipal and County Government. The minority of the committee believes that the amendment will remove the flexibility that local control currently has in abating taxes. A committee member explained that they had spoken with a long serving assessor who stated that removing "good cause" from the RSA should not be taken lightly. Current statute allows municipalities to abate taxes "for good cause shown" (RSA 76:16) which is established to be a demonstrable error in the assessment calculation or a disproportion assessment. "Good cause" can also be established by showing poverty and the inability to pay. It is important to note there is a significant body of case law based on "good cause." The amendment would only allow the abatement of taxes for administrative, clerical, assessment or valuation errors. A committee member spoke of a situation where a house in her neighborhood was recently leveled due to a gas explosion and of a person through no fault of their own experiences an accident, mistake, or misfortune that leaves them unable to work and/or unable to immediately pay taxes. Under these conditions no abatement of taxes would be allowed if the bill was passed. Removing "good cause" hampers the efforts of local government in determining and approving temporary relief to local residents when needed.

Majority Amendment (0859h)

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

1 Annual List; Deadlines. Amend RSA 72:23-c, II to read as follows:

II. City assessors, boards of selectmen, and other officials having power to act under the provisions of this chapter to grant or deny tax exemptions to religious, educational, and charitable organizations shall have the authority to request such materials concerning the organization seeking exemption including its organizational documents, nature of membership, functions, property and the nature of that property, and such other information as shall be reasonably required to make determinations of exemption of property under this chapter. Such information shall be provided within [30] **60** days of a written request. Failure to provide information requested under this section shall result in a denial of exemption [~~unless it is found that such requests were unreasonable~~].

2 Abatement of Taxes; Errors. Amend RSA 76:16, I to read as follows:

I.(a) Selectmen or assessors, [~~for good cause shown,~~] **for administrative, clerical, assessment, or valuation errors**, may abate any tax, including prior years' taxes, assessed by them or by their predecessors, including any portion of interest accrued on such tax; or

(b) Any person aggrieved by the assessment of a tax by the selectmen or assessors and who has complied with the requirements of RSA 74, may, by March 1, following the date of notice of tax under RSA 76:1-a, and not afterwards, apply in writing on the form set out in paragraph III to the selectmen or assessors for an abatement of the tax. The municipality may charge the taxpayer a fee to cover the costs of the form required by paragraph III.

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

AMENDED ANALYSIS

This bill provides additional time for a charitable organization to submit additional information regarding a requested tax exemption. The bill also permits selectmen or assessors to abate taxes in order to correct administrative, clerical, assessment, or valuation errors.

MOTION TO LAY ON THE TABLE

Rep. Stavis moved that **HB 1317-FN-L**, relative to municipal filings made by charitable organizations exempt from taxation, be laid on the table.

On a division vote, with 306 members having voted in the affirmative, and 7 in the negative, the motion to lay on the table was adopted.

REGULAR CALENDAR CONT'D

HB 1345, relative to the length of terms for Coos county officers. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Julie Gilman for the Majority of Municipal and County Government. The positions of county attorney, sheriff, treasurer, register of deeds, and register of probate are currently elected to two-year terms except in Rockingham County which was changed in 2022 to four-year terms. County officials support this change. Each of these positions have responsibilities that operate like state departments which have appointed leaders with no term limits. Continuity of leadership is key to efficiency of personnel and the effectiveness of learning curves for new officials. Additionally, in a two-year term these officials start campaigning for re-election in the second year while still managing their year-round workload and familiar personnel. The chapters affected by this bill each have carve outs for various counties as each county has different demographics and populations. The elected positions of these bills are consistent throughout each county and future legislation should bring that consistency to all county related RSAs. Vote 16-2.

Rep. Len Turcotte for the Minority of Municipal and County Government. The minority of the committee believes that elections for county officers should remain at two years, consistent with the Governor, State Senators, State Representatives, and most other county officer's elected terms. This ensures voters have a chance to correct perceived deficiencies in their elected officials at the ballot box without waiting for an extended period of time. Arguments were put forth suggesting that somehow campaigning would interfere in the duties of the county officials, but the individuals mentioned above also deal with this same issue. Additionally, uniformity within our state should be a priority, special dispensation for this or that group should be avoided. Make all the elected county positions referred to in this bill either two years or four years uniformly throughout the state.

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

Rep. Yokela spoke against.

Rep. Gilman spoke in favor.

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

HB 1460-FN, relative to the sale of county property. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Preece for the Majority of Municipal and County Government. This bill would require counties to assess county-owned real estate before any sale, transfer, or lease and establish specific notice requirements. The majority of the committee feels that the bill would increase the accountability and transparency of county governments, but it needs further study and refinement. Vote 10-8.

Rep. John MacDonald for the Minority of Municipal and County Government. This bill, if adopted, would require complicated and unreasonable procedures to sell county owned property. Those procedures include 15-to-30-day time frames to accomplish the sale of the county property. In the event the county unintentionally does not meet those required time frames the bill does not state what the remedy would be. If the required posting on the website is one day short due to a holiday and at the closing it is brought to the attention of the commissioners by a constituent what happens to the sale? Does the entire sale process need to start over? The commissioners would also be required to secure a "qualified appraiser." The bill fails to identify what standards an appraiser must meet to be a "qualified appraiser." The bill further requires that the county "shall provide notice of such sale in county newspapers" and "to ensure that all county residents have access to this notice." Some counties may have multiple newspapers which serve individual communities within the county requiring additional expenses to county budgets. The minority believes that the current law is sufficient and states, "to transfer a valid interest, sale or lease of real property owned by a county shall be made by the county commissioners by competitive bidding or in accordance with RSA 28:6-a and shall be ratified by a 2/3 majority vote of the county convention and the executive committee of the county convention." The minority of the committee believes that each county should have the ability to establish policies and procedures to determine the length of time to receive bids, the method of advertising the sale, and other requirements that the commissioners feel necessary.

MOTON TO INDEFINITELY POSTPONE

Rep. Len Turcotte moved that **HB 1460-FN**, relative to the sale of county property, be Indefinitely Postponed. On a division vote, with 165 members having voted in the affirmative, and 160 in the negative, the motion to Indefinitely Postpone was adopted.

REGULAR CALENDAR CONT'D

HB 1584, relative to home day care licensing requirements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Paige for the Majority of Special Committee on Childcare. This bill increases to four the number of unrelated children a provider may care for before requiring a license. As such, this bill raises concerns around child safety. The bill places no restrictions on the ages of the four unrelated children in care, meaning

a provider in a second-floor apartment could be responsible for safely evacuating several infants in the case of a fire. The majority applauds the sponsors' goal of increasing capacity in the childcare system but concluded that the child safety concerns the bill creates make this the wrong approach. Vote 5-4.

Rep. Ross Berry for the Minority of Special Committee on Childcare. This bill increases the allowable number of children using at-home childcare providers from three to four children. The committee heard extensive testimony that rural towns are suffering from a lack of childcare providers and this bill would help alleviate that problem. This restriction is in place to balance access and affordability while maintaining quality and safety. The minority of the committee agrees, in principle, with the majority on the issue of ensuring safety and quality, but we find the lack of access and affordability to be a more pressing concern at this time and thus came to the conclusion that this modest increase was necessary to address New Hampshire's childcare shortage.

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

Rep. Berry spoke against.

Rep. David Paige spoke in favor.

On a division vote, with 159 members having voted in the affirmative, and 167 in the negative, the majority committee report of Inexpedient to Legislate failed.

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

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

HB 1470, establishing a study committee on the feasibility and impact of a low-income housing tax credit.
WITHOUT RECOMMENDATION

Statement in support of Ought to Pass with Amendment: This bill, as amended, establishes a committee to study the feasibility and impact of a tax credit and other incentives to increase the availability of low-income and workforce housing. Such a committee is badly needed at this time. The work of the Special Committee on Housing has focused on increasing the housing stock as a whole, but the problem of housing for the half of our population below median income presents unique problems needing attention. They have been priced out of most of the market, but are a vital part of our workforce, as well as a major factor in the state's homelessness crisis which doubled in our state from 2020 to 2021 and continues to grow. Work on general housing creation and zoning reforms is important, but workforce housing warrants the special focus this committee would provide. The committee would build on recent reports and bring in some of the many local housing trusts, advocacy groups, and construction firms working in this area in order to make recommendations on what the state can do to help accelerate solutions.

Rep. Nicole Leapley

Statement in support of Inexpedient to Legislate: The Ways and Means Committee was split on whether this bill was duplicative to the Special Committee on Housing or if there is a niche component that needs to be addressed. Those supporting the Inexpedient to Legislate motion believe that the Special Committee on Housing has the latitude to address the goals of this bill and therefore see no need to pass it.

Rep. Cyril Aures

Rep. Leapley moved Ought to Pass and offered amendment (0701h).

Amendment (0701h)

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

AN ACT establishing a committee to study the feasibility and impact of tax credits and other incentives to increase the availability of low-income housing and workforce housing.

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

1 Committee Established. There is established a committee to study the feasibility and impact of tax credits and other incentives to increase the availability of low-income housing and workforce housing, as defined in RSA 674:58.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives and three members of the house of representatives appointed by the minority leader of the house of representatives.

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

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

3 Duties. The committee shall study the feasibility and impact of a tax credit and other incentives to increase the availability of low-income housing and workforce housing, as defined in RSA 674:58.

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

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

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

AMENDED ANALYSIS

This bill establishes a study committee on the feasibility and impact of tax credits and other incentives to increase low-income and workforce housing.

The question being adoption of amendment (0701h).

Amendment (0701h) was adopted.

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

MOTON TO INDEFINITELY POSTPONE

Rep. Sweeney moved that **HB 1470**, establishing a committee to study the feasibility and impact of tax credits and other incentives to increase the availability of low-income housing and workforce housing, be Indefinitely Postponed.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 164 - NAYS 162

YEAS - 164

BELKNAP

Bean, Harry
Harvey-Bolia, Juliet

Bogert, Steven
Nagel, David

Coker, Matthew
Ploszaj, Tom

Dumais, Russell
Smart, Lisa

CARROLL

Avellani, Lino
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Rocheft, David

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Sirois, Shane
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Polozov, Yury
Walsh, Thomas

McGuire, Carol
Leavitt, John
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Wood, Clayton

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Ford, Oliver

Mannion, Dennis
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Osborne, Jason

Thomas, Douglas
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Dunn, Ron
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Kuttab, Katelyn
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 Cahill, Tim
 Tudor, Paul
 MacDonald, Wayne

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 Roy, Terry
 Summers, James
 Dolan, Tom
 Vandecasteele, Susan
 Wallace, Scott

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 Pearson, Stephen
 Sweeney, Joe
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SULLIVAN

Aron, Judy
 Stapleton, Walter

Drye, Margaret
 Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

NAYS - 162 BELKNAP

St. Clair, Charlie

CARROLL

Buco, Thomas
 Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
 Faulkner, Barry
 Parshall, Lucius

Ames, Richard
 Germana, Nicholas
 Schapiro, Joe

Harvey, Cathryn
 Jones, Philip
 Weber, Lucy

Fox, Dru
 Newell, Jodi

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
 Fellows, Sallie
 Lovett, Peter
 Stavis, Laurel

Baldwin, Heather
 Fracht, David
 Massimilla, Linda
 Stringham, Jerry

Bolton, Bill
 Hakken-Phillips, Mary
 Morse, Corinne
 Sykes, George

Cormen, Thomas
 Hoyt, Tommy
 Muirhead, Russell

HILLSBOROUGH

Murray, Aissandra
 Bouldin, Amanda
 Ford, Damond
 Elberger, Susan
 Goley, Jeffrey
 Heath, Mary
 Juris, Louis
 LeClerc, Daniel
 Murray, Megan
 Murphy, Nancy
 Preece, David
 Rung, Rosemarie
 Sofikitis, Catherine
 Tellez, Trinidad
 Thomas, Wendy

Nutting-Wong, Allison
 Calabro, Karen
 Darby, Will
 Davis, Fred
 Gregg, Alicia
 Herbert, Christopher
 Fogg, Loren
 Leishman, Peter
 Mangipudi, Latha
 Nutter-Upham, Frances
 Newman, Ray
 Ryan, Linda
 Spier, Carry
 Vail, Suzanne
 Wheeler, Jonah

Booras, Efstathia
 Chretien, Jacqueline
 Devine, Shelley
 Freitas, Mary
 Grill, Jessica
 Jeudy, Jean
 Lanza, Judi
 Lloyd, Christal
 McGhee, Kat
 Petrigno, Peter
 Raymond, Heather
 Newman, Sue
 Staub, Kathy
 Veilleux, Daniel
 Wilhelm, Matthew

Bouchard, Donald
 Cornell, Patricia
 Dutzy, Sherry
 Gibbons, Candace
 Harriott-Gathright, Linda
 Smith, Juliet
 Leapley, Nicole
 Howard, Molly
 Morton, Jennifer
 Plamondon, Marc
 Rombeau, Catherine
 Seibert, Christine
 Telerski, Laura
 Dolan, William

MERRIMACK

Turcotte, Alisson
 Gallagher, Eric
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 Shurtleff, Steve

Caplan, Tony
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 McWilliams, Rebecca
 Schamberg, Thomas
 Soucy, Timothy

Ebel, Karen
 Lane, Connie
 Myler, Mel
 Schuett, Dianne
 Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
 Grossman, Gaby
 Murray, Kate
 Maggiore, Jim
 Meuse, David
 Reynolds, Ned

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
 Ward, Gerald

STRAFFORD

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

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

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Merchant, Gary

and the motion to Indefinitely Postpone was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sweeney moved that the House reconsider its action whereby, on a voice vote, the House adopted the minority committee report of Ought to Pass on **HB 1584**, relative to home day care licensing requirements.

Rep. Sweeney spoke against.

On a division vote, with 159 members having voted in the affirmative, and 167 in the negative, the motion to reconsider failed.

REGULAR CALENDAR CONT'D

HB 1611-FN, relative to establishing a child care workforce fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Walter Spilsbury for the Majority of Ways and Means. This bill would establish a nonlapsing and continually funded “child care workforce fund to finance recruitment and retention grants” for child care workers. Though it could “accept any private, state, or federal moneys,” no money is appropriated by the bill, so that if passed it would be an empty vessel, at least for now. While it would be overseen by the Department of Health and Human Services, an outside entity designated by the department would administer grants to “eligible child care employers.” The employer would then distribute these “flexible funding” grants amongst its employees in any of eight far-reaching ways, which taken together offer extraordinary latitude. So, in this attenuated chain of control, privately employed child care workers could enjoy a rich benefits package at taxpayer expense that could include health savings accounts, individual retirement accounts, various forms of credentialing and certification, sign-on and retention incentives, professional training and memberships, child care tuition assistance or discounts, job related education expenses, health, dental, whole life, vision insurance plans, and telemedicine coverage, paid time off equivalents, and even wage increases. If an “employer fails to apply within 3 months of the submission of the employee’s expense,” the employee could apply directly, but to the department rather than the designated entity. When asked, the department representative indicated that “a barrage” of such individual applications is expected. No wonder the fiscal note states that the fiscal impact is “indeterminable.” According to the department, even the cost to administer the program is indeterminable because they assume a 10% factor, “but in the absence of an appropriation this cost is unknown.” No meaningful guardrails are included, as the bill provides no specific allowances for each of these many uses, imposes no per employee caps, offers no qualifying criteria other than that one must work in a “child care program” and submit expenses, and yet grants open-ended rulemaking authority. While there may be real challenges to recruitment and retention in this important private business sector, characterized by one witness as “the workforce behind the workforce,” and addressing this problem is clearly important, perhaps a variety of root causes could be addressed, such as reducing excessive governmental regulation and competing forms of government funded employment opportunities, rather than creating a new subsidy program of potentially breathtaking scale. Vote 10-8.

Rep. Thomas Schamberg for the Minority of Ways and Means. In the fall of 2023, Governor Sununu had approved a one-time allocation of \$15 million to distribute to child care employers. This bill is a bipartisan bill that was passed unanimously out of the House Special Committee on Childcare and passed on the full house floor on a bipartisan basis. The bill had 941 online supporters with seven opposed. Passing this bill now is the best course of action so that the Department of Health and Human Services can thoughtfully develop the rules for distribution of funds and be able to designate the entity that will administer the retention and recruitment grants. This child care account fund will come with guardrails and definitions. By creating this account fund, the state is creating an economic tool that will help decrease barriers to access child care and not raise the cost for hard working families and keep the New Hampshire workforce strong.

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

Rep. Leapley spoke against.

Rep. Spilsbury spoke in favor.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 163 - NAYS 162**YEAS - 163
BELKNAP**

Bean, Harry
Harvey-Bolia, Juliet

Bogert, Steven
Nagel, David

Coker, Matthew
Ploszaj, Tom

Dumais, Russell
Smart, Lisa

CARROLL

Avellani, Lino
MacDonald, John
Brown, Richard

Belcher, Mike
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Costable, Michael
Peternel, Katy

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

Nutting, Zachary

COOS

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
Sellers, John

Greeson, Jeffrey
Simon, Matthew

Ladd, Rick

Rocheft, David

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Cole, Brian
Erf, Keith
Healey, Robert
Gould, Linda
McGough, Tim
Pauer, Diane
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Corcoran, Travis
Griffin, Gerald
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Boehm, Ralph
Creighton, Jim
Gagne, Larry
Kenny, Catherine
Lewicke, John
Noble, Kristin
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Colcombe, Riché
Kelley, Diane
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Notter, Jeanine
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

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

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

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

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

ROCKINGHAM

Ball, Lorie
Donnelly, Tanya
Edwards, Jess
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Pearson, Mark
Ford, Oliver
Popovici-Muller, Daniel
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
MacDonald, Wayne

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Osborne, Jason
Porcelli, Susan
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Wallace, Scott

Thomas, Douglas
Drago, Mike
Foote, Charles
Janigian, John
Khan, Aboul
Love, David
Melvin, Charles
Packard, Sherman
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

DeSimone, Debra
Dunn, Ron
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lynn, Bob
Milz, David
Phillips, Emily
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Connor, James
Kaczynski, Thomas
Potenza, Kelley

Bailey, Glenn
Granger, Michael
Turcotte, Len

Bickford, David
Harrington, Michael
Newton, Clifford

Burnham, Claudine
Horgan, James
Phinney, Brandon

SULLIVAN

Aron, Judy
Stapleton, Walter

Drye, Margaret
Stone, Jonathan

Rollins, Skip

Spillsbury, Walter

**NAYS - 162
BELKNAP**

St. Clair, Charlie

CARROLLBuco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIREAbbott, Michael
Faulkner, Barry
Parshall, LuciusAmes, Richard
Germana, Nicholas
Schapiro, JoeHarvey, Cathryn
Jones, Philip
Weber, LucyFox, Dru
Newell, Jodi**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTONAlmy, Susan
Fellows, Sallie
Lovett, Peter
Stavis, LaurelBaldwin, Heather
Fracht, David
Massimilla, Linda
Stringham, JerryBolton, Bill
Hakken-Phillips, Mary
Morse, Corinne
Sykes, GeorgeCormen, Thomas
Hoyt, Tommy
Muirhead, Russell**HILLSBOROUGH**Murray, Aissandra
Bouldin, Amanda
Ford, Damond
Elberger, Susan
Goley, Jeffrey
Heath, Mary
Juris, Louis
LeClerc, Daniel
Murray, Megan
Murphy, Nancy
Preece, David
Rung, Rosemarie
Sofikitis, Catherine
Tellez, Trinidad
Thomas, WendyNutting-Wong, Allison
Calabro, Karen
Darby, Will
Davis, Fred
Gregg, Alicia
Herbert, Christopher
Foxy, Loren
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Newman, Ray
Ryan, Linda
Spier, Carry
Vail, Suzanne
Wheeler, JonahBooras, Efstathia
Chretien, Jacqueline
Devine, Shelley
Freitas, Mary
Grill, Jessica
Judy, Jean
Lanza, Judi
Lloyd, Christal
McGhee, Kat
Petrigno, Peter
Raymond, Heather
Newman, Sue
Staub, Kathy
Veilleux, Daniel
Wilhelm, MatthewBouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Gibbons, Candace
Harriott-Gathright, Linda
Smith, Juliet
Leapley, Nicole
Howard, Molly
Morton, Jennifer
Plamondon, Marc
Rombeau, Catherine
Seibert, Christine
Telerski, Laura
Dolan, William**MERRIMACK**Turcotte, Alisson
Gallager, Eric
Luneau, David
Roesener, James
Schultz, KristinaBrennan, Angela
Gibbs, Merryl
MacKay, James
Gould, Sherry
Shurtleff, SteveCaplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, TimothyEbel, Karen
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane**ROCKINGHAM**Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, NedDiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Simpson, AlexisEdgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Turer, EricGilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Rafter, Hal
Ward, Gerald**STRAFFORD**Bay, Luz
Conlin, Bill
Howard, Heath
LaMontagne, Jessica
Pare, GailBixby, Peter
Fitzpatrick, Daniel
Horriggan, Timothy
Levesque, Cassandra
Selig, LorenRich, Cecilia
Smith, Geoffrey
Howland, Allan
Smith, Marjorie
Southworth, ThomasCannon, Gerri
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Wall, Janet**SULLIVAN**

Sullivan, Brian

Cloutier, John

Damon, Hope

Merchant, Gary

and the majority committee report was adopted.

Rep. Berry declared a Conflict of Interest and did not participate in the vote.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D**HB 1640-FN, relative to qualified immunity standards. INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The Committee on Judiciary believes that this bill is not necessary. This bill would provide a cause of action if a government official violated a person's federal or state constitutional rights. There is no standard of culpability, so if a government official knowingly or unknowingly violates this section, government would be sued. There is already a way to hold the government official accountable if that official is acting in a wanton or reckless manner. Additionally, we heard concerns during the public hearing

about tying the hands of our public officials. By and large, government officials are trained adequately and are responsible in their service to the citizens of New Hampshire. This bill would open up our cities and towns and state government to innumerable unnecessary lawsuits, and that's why it should be voted 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. Lynn moved that **HB 1640-FN**, relative to qualified immunity standards, be laid on the table.

Motion was adopted.

Rep. Dennis Mannion declared a conflict of interest and did not participate in the vote.

(Speaker Packard in the Chair)

RESOLUTION

Rep. Osborne offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Thursday, March 28, 2024 at 9:00 a.m.

Motion was adopted.

LATE SESSION

Third Reading and Final Passage

HB 1013, relative to amending the definition of temporary alimony.

SB 344, relative to declarations of candidacy for president of the United States.

HB 1463, establishing a committee to study the effects of laws relative to the production of beef, pork, and poultry.

HB 1628, relative to regulatory authority for apples, coal grading, potatoes, cider, milk, and lumber.

HB 1387, relative to revisions to the state building code.

HB 1028, relative to the definition of mental illness for purposes of the New Hampshire mental health services system.

HB 1615-FN, relative to the autism registry.

HB 1712, renewing the committee to study non-pharmacological treatment options for patients with chronic pain.

HB 1432-FN, relative to prohibiting certain uses of deepfakes and creating a private claim of action.

HB 1201, relative to payment of wages for deceased employees.

HB 1080, relative to the legislative youth advisory council.

HB 1388, relative to recusal by members of the general court for conflicts of interest.

HB 1124, relative to limiting conflicts of interest for municipal board and committee members.

HB 1371, relative to allowing the land use master plan to include a section on waste reduction.

HB 1056, relative to child day care licensing.

HB 1567-FN, relative to zoning provisions concerning family and group family child care uses.

HB 1198-FN, relative to liquor stores.

HB 1293-FN, relative to the use of certain fertilizers on turf.

HB 1303-FN, relative to the estate of Tekeste Berhanu.

HB 1410-FN, relative to certain professional licenses.

HB 1565-FN, relative to the definition of potentially hazardous food.

HB 1613-FN, establishing a trust fund for money from soil and water environmental contamination court settlements.

HB 1655, including in the commissioner of the department of education's rulemaking authority the authority to make rules regarding collection of fees for criminal background check processing.

HB 1709-FN, establishing the forest carbon commission.

HB 1192-FN, relative to contempt actions in domestic relations matters.

HB 1659-FN, relative to interference with child custody and shared parenting.

HB 1528, relative to reporting by the northern border alliance program.

HB 1336, relative to employees' firearms in locked vehicles.

HB 1205, relative to women's school sports.

HB 147, relative to membership of the advisory committee on the education of students with disabilities.

HB 1098, relative to ballots delivered to elder care facilities.

HB 1119, relative to absentee ballots.

HB 1264-FN, relative to the definition of accessible voting systems.

HB 1002, relative to fees for records under the right-to-know law.

HB 1082, relative to professional limited liability company (PLLC) assistant manager status.

HB 1115, relative to the termination of tenancy at the expiration of the tenancy or lease term.

HB 1283-FN, relative to end of life options.

HB 1175, relative to the official ballot referendum form of town meetings.

HB 1345, relative to the length of terms for Coos county officers.

HB 1584, relative to home day care licensing requirements.

RECESS MOTION

Rep. Osborne moved that the House stand in recess for the purposes of the introduction of bills, enrolled bill amendments, enrolled bill reports, vacate motions and receiving messages.

Motion was adopted.

The House recessed at 8:00 p.m.

RECESS