



State of  
New Hampshire

# HOUSE RECORD

First Year of the 169<sup>th</sup> General Court

Calendar and Journal of the 2025 Session

Web Site Address: <https://gc.nh.gov>

---

Vol. 47

Concord, N.H.

Thursday, March 13, 2025

No. 8

---

## HOUSE JOURNAL NO. 7 (Cont'd)

Thursday, March 6, 2025

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

## HOUSE JOURNAL NO. 8

Thursday, March 13, 2025

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 Jonathan Hopkins, Pastor at Concordia Lutheran Church in Concord.

Almighty God, we ask that You would bless our state with Your wisdom, Your love and Your compassion. We ask for blessings on our leaders. May these servants who are in positions of authority take that responsibility seriously and do their very best each day. May they have a passion for people, for truth and for righteousness. May they always seek not their own good, but the good of the people we are elected to serve. May they speak to one another with courtesy and decorum that befits the honor of their calling. Grant to them at this time special gifts of wisdom and understanding, of counsel and strength; that upholding what is right and following what is true, they may fulfill the spiritual purpose of service to their fellow men and women. We ask for blessing on our service men and women. We ask protection for all our men and women in uniform both here and around the world. We are grateful for their service and their dedication to keeping our nation safe. We pray that You would keep them safe. We thank You for our blessings of life and liberty. May our work here in this chamber show love and honor to all the citizens of this state and country. May we reach out to all the other nations and people groups with a strong desire for peace and harmony to be displayed whenever possible. Amen.

Representative Ron Dunn, member from Londonderry, led the Pledge of Allegiance.

The National Anthem was sung by the Rhythm of New Hampshire Show Chorus.

### LEAVES OF ABSENCE

Reps. Robley Hall and Popovici-Muller, the day, illness.

Reps. Ebel, Grill, MacKenzie, Michael Murphy, Mark Paige, Jonathan Smith and Summers, the day, important business.

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

Rep. Leavitt, the day, death in the family.

### INTRODUCTION OF GUESTS

Summer Campbell, student at Sanborn Regional High School and Shea Baddeley, student at Windham High School, Pages for the day.

Charles, Sia and Katerina Juris, parents and daughters of Rep. Juris.

**COMMUNICATION**

VIA EMAIL

March 10, 2025

The Honorable Sherm Packard  
 Speaker of the New Hampshire House of Representatives  
 New Hampshire State House  
 107 North Main Street  
 Concord, NH 03301

Dear Speaker Packard,

It is with mixed emotion that I submit to you this letter formally resigning from the New Hampshire House of Representatives, effective March 10th. It has been a privilege to serve the people of New Hampshire and work alongside my colleagues during the last six terms promoting the “New Hampshire advantage” and making our state the best place to live, work and raise a family. However, I am honored to receive, and have accepted an appointment from President Donald J. Trump to serve as FEMA Administrator for region one. I look forward to continuing my commitment to public service in this new role, leading the effort to ensure the readiness and response of our country and specifically our region. Thank you for your steadfast leadership and support.

Sincerely,

Fred Doucette

State Representative, Salem Rockingham #25

**MEMORIAL REMARKS**

**Representative Parshall:** Thank you, Mister Speaker. Tim Robertson served 10 nonconsecutive terms in the New Hampshire House. He died peacefully at Covenant Living of Keene on January 29. Tim’s service extends back to the last millennium and concluded in 2016 although he did take a break in 2010 to run for Governor. Tim sponsored at least 25 bills in the House. He said he could not think of one that he sponsored that passed. For some odd reason, I find this an inspiration. It was Tim that urged me to formally enter politics. I got to know Tim Robertson in conjunction with our local Unitarian Universalist Church where we both served in multiple positions, including board president. I enjoyed many arguments with him. While we were not always in agreement, I always felt validated and better for our conversations. Tim was also an Army Veteran and while I did not serve with him, we were pressed to serve as Winkies for the Wicked Witch of the West sharing a stage at the local Lion’s production of The Wizard of Oz. While attending Hobart William Smith College in Geneva, NY, Tim met Elsie, the love of his life and was better known as Talu. She was his wife of 61 years and predeceased him. Tim returned with Talu to his native Keene in 1964 to raise their three children, Andrew, Kristin and Lincoln. Tim was active in state and local politics where he exhibited genuine empathy for all. I always found Tim to be open, but also fiercely independent and always willing to think outside the box. Tim actively supported the work of the Keene YMCA, both financially and in advocacy and was instrumental in moving them to their new facilities. As I alluded to earlier, he also served as a longtime member of the Lion’s Club and was fundamental in the early support of our hundred nights shelter. As Tim did more than his share, I feel no tears are necessary, but I do look forward to a celebration of his life on Saturday, April 12 from 1:00 to 4:00 at Stonewall Farm in Keene. Thank you.

**MOMENT OF SILENCE**

A moment of silence was observed in honor and in memory of the former member from Keene, The Honorable Timothy Robertson.

**CONSENT CALENDAR**

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

**HB 123**, enabling municipalities to tax standing wood and timber on land used for carbon sequestration., removed by Reps. Kuttub, Popovici-Muller, Boehm, Turcotte, Scully, Perez, Kelley, Tom Mannion, Seaworth and Granger.

Consent Calendar was adopted.

**HB 285-FN**, relative to determination of parental rights and responsibilities. **INEXPEDIENT TO LEGISLATE.** Rep. Kimberly Rice for Children and Family Law. This bill unfairly singles out mental health conditions as a factor in custody decisions without requiring any evidence that the condition negatively impacts a parent’s ability to care for his or her child. This broad and vague language could lead to discrimination against parents who manage treatable conditions, discouraging individuals from seeking necessary mental health care out of fear that a diagnosis could be used against them. Custody determinations should be based on specific behaviors and the actual well-being of the child, not on generalized assumptions about mental health. By allowing courts to give undefined “due consideration” to any known condition, this bill risks reinforcing outdated stigmas and undermining fair custody proceedings. For these reasons the committee supports ITL. Vote 14-0.

**HB 493**, requiring education on child abuse and neglect for certain healthcare providers as a condition for licensure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberly Rice for Children and Family Law. This bill, as amended, requires continuing education for medical professionals on the child protection act. Health care providers play a critical role in identifying and responding to child abuse and neglect. Ensuring that physicians, nurse practitioners, and physicians assistants receive specialized training will improve early recognition, accurate reporting and collaboration with child protection services. As amended, this bill requires a one hour continuing education on the subject of child abuse and neglect as part of, not additional to, their required continuing education. This requirement will help safeguard vulnerable children and ensure that professionals are well equipped to fulfill their legal and ethical responsibilities, by making this training a condition for licensure. Vote 14-0.

**Amendment (0715h)**

Amend the bill by replacing section 1 with the following:

1 Physicians and Surgeons; Continuing Medical Education Requirement. Amend RSA 329:16-g to read as follows:

329:16-g Continuing Medical Education Requirement.

*I.* The board shall require each licensee to show proof at least at every biennial license renewal that the licensee has completed 100 hours of approved continuing medical education program within the preceding 2 years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state, or county medical society or college or university. Each licensee shall submit a continuing medical education report with copies of continuing medical education course certificates earned by the licensee and other documents which establish that continuing medical education course requirements have been met, using a form approved by the board.

*II. As a condition for initial or continued licensure in New Hampshire, physicians, nurse practitioners, and physician assistants shall be required to complete one hour of education on child abuse and neglect as part of their mandatory continuing education hours prescribed in paragraph I. This education shall be accredited for category 1 medical or nursing hours and recognized by the New Hampshire chapter of the American Academy of Pediatrics as addressing the topics of recognition, reporting, and collaboration with the child protection system.*

The Speaker referred the bill to the Committee on Executive Departments and Administration.

**HB 661-FN**, relative to the department of health and human services management of social security payments, supplemental security income payments, and veterans benefits for children in foster care. **OUGHT TO PASS.**

Rep. Lori Korzen for Children and Family Law. This bill clarifies the obligation of the Department of Health and Human Services to ensure that social security payments, supplemental security income payments, and veterans benefits for children in the department's care are held securely until the child reaches the age of majority or is no longer in the department's care. This legislation is essential for safeguarding vulnerable children's financial futures and ensuring accountability. First, it protects these critical funds from misuse or mismanagement, guaranteeing that children receive the financial support intended for their well-being, such as education, health care, or housing. Second, it promotes transparency and trust in the system by mandating secure handling of benefits, reducing the risk of fraud or administrative errors that could deprive children of their rightful resources. Third, it ensures long-term stability for these children by preserving their benefits until they are old enough to manage them independently, setting them up for a stronger transition into adulthood. Passing this bill is a vital step toward protecting the financial security of children in state care. Vote 16-0. The Speaker referred the bill to the Committee on Finance.

**HB 185-FN**, relative to reimbursement rates for ambulance service providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. The committee is currently evaluating three bills regarding ground ambulance reimbursement rates (HB 185, HB 316, and HB 725). HB 185 does not actually set a rate, it requires that in the absence of a negotiated contract, insurance companies are mandated to pay the bill amount set by the ground ambulance provider. Without an explicit rate (which can be based on a number of selected parameters) the committee cannot establish a cost basis against which to judge the impact on insurance premiums. Work on the remaining two bills is continuing. Vote 16-0.

**HB 302**, relative to enabling the state treasury to invest in precious metals and digital assets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Ammon for Commerce and Consumer Affairs. The Committee on Commerce and Consumer Affairs reports favorably on this bill, as amended, which enables, but does not mandate, the state treasurer to invest up to 5% of public funds in precious metals and certain digital assets with significant market capitalization. This legislation provides the treasurer with additional tools to potentially diversify the state's investment portfolio while establishing strong security parameters and custody requirements. Several other states, in-

cluding Oklahoma, Arizona, and Texas, have enacted or are exploring similar enabling legislation as part of prudent financial management strategies. The committee believes this forward-thinking approach allows New Hampshire to responsibly adapt to evolving financial markets while maintaining the treasurer's discretion to determine whether such investments would be beneficial to the state. Vote 16-1.

**Amendment (0138h)**

Amend the bill by replacing section 1 with the following:

1 New Section; State Treasurer and State Accounts. Amend RSA 6 by inserting after section 8-c the following new section:

6:8-d Strategic Reserve Established.

I. In this section:

(a) "Exchange-Traded Product" or "ETP" means any financial instrument that is approved by the Securities and Exchange Commission, the Commodities Future Trading Commission, or the state securities commissioner that is traded on a United States-regulated exchange and derives its value from an underlying pool of assets, such as stocks, bonds, commodities, or indexes.

(b) "Precious metal" means any of the following, whether in coin, bullion, or other form:

- (1) Silver;
- (2) Gold; or
- (3) Platinum.

(c) "Qualified custodian" means any federal or state-chartered bank, trust company, or special purpose depository institution or a company regulated by the state which custodies digital assets for an approved exchange-traded product.

(d) "Secure custody solution" means a technological product or blended product and service which has all of the following characteristics:

(1) The cryptographic private keys that secure digital assets are exclusively known by and accessible by the government entity.

(2) The cryptographic private keys that secure digital assets are exclusively contained within an encrypted environment and accessible only via end-to-end encrypted channels.

(3) The cryptographic private keys that secure digital assets are never contained by, accessible by, or controllable via a smartphone.

(4) Any hardware that contains the cryptographic private keys that secure digital assets is maintained in at least 2 geographically diversified specially designated secure data centers.

(5) The secure custody solution enforces a multi-party governance structure for authorizing transactions, enforces user access controls, and logs all user-initiated actions.

(6) The provider of the secure custody solution has implemented a disaster recovery protocol that ensures customer access to assets in the event the provider becomes unavailable.

(7) The secure custody solution undergoes regular code audits and penetration testing from audit firms.

II. Notwithstanding RSA 6:8, the state treasurer may invest a portion of public funds in precious metals and any digital assets with a market capitalization of over \$500 billion averaged over the previous calendar year from the general fund, the revenue stabilization fund established in RSA 9:13-e, and any other funds as authorized by the legislature.

III. The state treasurer shall not invest more than 5 percent of the total amount of public funds in any of the authorized investments under paragraph II.

IV. Any digital assets acquired by any fund listed in paragraph II shall be held:

- (a) Directly by the state treasurer through the use of a secure custody solution;
- (b) On behalf of the state by a qualified custodian, or
- (c) In the form of an exchange traded product issued by a registered investment company.

V. Any precious metals acquired under this chapter shall be held:

- (a) As an exchange traded product;
- (b) In physical form by a qualified custodian; or

(c) Directly by the state in physical form or in conjunction with another state in a rule to be established by the treasurer.

The Speaker referred the bill to the Committee on Ways and Means.

**HB 451-FN**, establishing the paint product stewardship program. **OUGHT TO PASS WITH AMENDMENT.** Rep. Carry Spier for Commerce and Consumer Affairs. According to the Northeast Resource Recovery Association, 53% by weight of the material collected at household hazardous waste collection events is paint. Each collection event costs a community about \$13,000. The portion paid to collect paint is about \$7,000. However, an untold amount of latex paint is also dumped into the landfill because people are often unaware, the event is not easily accessible, or the community does not have one. Paint dumped into the landfill can ultimately



contaminate groundwater and pollute soil even though most leftover latex paint can be recycled. Oil based paint is considered a hazardous material and as such can only legally be disposed of at a household hazardous waste collection event. The disposal and environmental costs are borne by taxpayers throughout the state. The American Coatings Association (trade association representing paint and coating manufacturers, suppliers, and distributors) has instituted PaintCare, a non-profit paint stewardship organization to collect, recycle, and properly dispose of all types of post-consumer paint and its containers. PaintCare has been operating programs in 11 states and currently collects 680,000 gallons of paint each month. The program outlined in this bill, as amended, requires PaintCare or other representative groups to submit a program plan to New Hampshire Department of Environmental Services (DES) for evaluation. Review and administration costs are to be paid for by the representative program group and will include a list of participating paint manufacturers and educational outreach efforts. Paint retailers and communities in the state can choose to become collection or drop-off sites for unused paint on a voluntary no-cost basis while the representative program group will be responsible for all accumulation, transportation, recycling and disposal efforts after that point. Oil-based paint will be considered household waste for the purpose of these collections. Once the plan goes into effect, no paint manufacturer will be permitted to sell paint in New Hampshire unless they adhere to the requirements of the approved paint stewardship program. All costs associated with the program will be paid for by participating paint and coating manufacturers. The goals of this bill are supported by DES and, besides numerous conservation organizations, the bill is directly supported by Cassela, Waste Management of NH Inc., the Business & Industry Association (BIA), and the New Hampshire Municipal Association. Additionally, this bill is sponsored by a bi-partisan group of representatives and senators and was submitted at the request of New Hampshire's Solid Waste Working Group. Vote 17-0.

#### **Amendment (0458h)**

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

1 New Subdivision; Paint Product Stewardship Program. Amend RSA 149-M by inserting after section 64 the following new subdivision:

#### **Paint Product Stewardship Program**

149-M:65 Definitions. In this subdivision:

I. "Aerosol coating product" means a pressurized coating product containing pigments or resins dispensed by means of a propellant and packaged and sold in a disposable aerosol container for hand-held application, or for use in specialized equipment for ground traffic or marking applications.

II. "Architectural paint" means interior and exterior architectural coatings sold in containers of 5 gallons or less.

III. "Collection site" means any location or event at which paint is accepted into a postconsumer paint stewardship program pursuant to a postconsumer paint stewardship program plan.

IV. "Department" means the department of environmental services.

V. "Environmentally sound management practices" means procedures for the collection, storage, transportation, reuse, recycling, energy recovery, and disposal of paint, that comply with all applicable federal, state and local laws, including adequate record keeping, tracking and documenting of the final disposition of materials.

VI. "Postconsumer paint" means paint not used and no longer wanted by a purchaser.

VII. "Manufacturer" means manufacturer of a paint product who sells, offers for sale or distributes the paint product in the state under the manufacturer's own name or brand.

VIII. "Paint or paint product" means architectural paint, aerosol coating products, and additional products as defined in an approved program plan. "Paint" or "Paint product" shall not include industrial or original equipment coatings.

IX. "Program" means a postconsumer paint stewardship program established pursuant to RSA 149-M:66.

X. "Representative organization" means a nonprofit organization established by a manufacturer to implement a postconsumer paint stewardship program.

XI. "Retailer" means a company that offers paint or other allied products for retail sale in the state.

149-M:66 Paint Product Stewardship Program Plan.

I. A manufacturer of paint sold at retail in New Hampshire, or representative organization, shall submit to the commissioner a plan for the establishment of a postconsumer paint product stewardship program to cover paint products as defined in RSA 149-M:65. Additional paint products may be proposed in a subsequent program plan in consultation with the department.

II. A plan submitted to the department under this section shall:

(a) Provide a list of participating manufacturers and brands covered by a program.

(b) Provide information on the paint products covered by the program.

(c) Describe how paint products covered by a program will be managed using environmentally sound management practices.

(d) Describe education and outreach efforts to inform consumers about a program.

(e) Describe the assessment added to each unit of paint product sold or transferred for retail sale or to the public in New Hampshire as a result of a program.

III. Participation as a collection site is voluntary. A retailer or political subdivision that agrees to comply with any requirements that are consistent with the stewardship plan may request in writing to participate in the stewardship plan as an approved collection site.

IV. A manufacturer may, individually or through a stewardship organization, suspend or terminate use of an approved collection site that does not comply with all applicable state, federal, or municipal laws and regulations or adhere to the rules and conditions imposed by the stewardship organization.

149-M:67 Plan Submission and Approval.

I. A plan required by RSA 149-M:66 shall be submitted within 12 months of the effective date of this subdivision. The department may extend the time for submission of the plan for cause shown. A manufacturer or representative organization may propose an update to an approved program plan by submitting a revised program plan as described in RSA 149-M:66.

II. Not later than 90 days after submission of a plan under this section, the department shall approve a plan submitted in accordance with RSA 149-M:66 and send written notification of such approval to the organization that submitted the plan upon determining that the organization submitting the plan fulfilled the requirements of RSA 149-M:66, II.

III. If the department does not approve the plan, the department shall provide written notification to the organization that submitted the plan of the reason for the denial. Such denial shall not preclude the organization from submitting an amended plan.

149-M:68 Sale of Paint. Upon the date of implementation:

I. A manufacturer or retailer shall not sell, or offer for sale, a paint product to any person in New Hampshire unless the manufacturer or manufacturer's representative organization is implementing an approved program plan as required by RSA 149-M:66.

II. A retailer shall be in compliance with this section if, on the date the paint product was offered for sale, the manufacturer is listed on the department's website as implementing or participating in an approved program plan, or if the paint brand is listed on the department's website as being included in the program.

III. A paint collection site authorized under the provisions of this section shall not charge any additional amount for the management of paint when it is offered for collection.

IV. Each manufacturer, distributor, and retailer shall include the per-container assessment amount set forth in an approved plan in the purchase price of any paint product sold in or into New Hampshire.

149-M:69 Annual Report.

I. A manufacturer or representative organization implementing an approved program plan under this subdivision shall submit a report annually to the commissioner that details the program in accordance with the program plan requirements.

II. The first annual report shall be due 120 days after completion of the first year of program implementation, and in no case later than 18 months from the date the plan was approved. Thereafter, annual reports shall be submitted within 120 days after the end of each calendar year.

149-M:70 Liability and Disclosure.

I. A manufacturer or representative organization implementing or participating in a program shall be exempt from RSA 356 with respect to any claim of a violation of antitrust, restraint of trade, unfair trade practice, or other anticompetitive conduct arising from conduct undertaken in accordance with a program.

II. Financial, production or sales data reported to the department by a manufacturer or by the representative organization is not a public record pursuant to RSA 91-A:5, IV and rules adopted by the department pursuant thereto and shall not be subject to public inspection or disclosure. The commissioner may release a summary form of such data that does not disclose financial, production or sales data of the manufacturer, retailer or representative organization.

149-M:71 Administrative Reimbursement.

I. Manufacturers and stewardship organizations shall collectively pay the department's reasonably incurred administrative costs related to implementing this chapter. The timing and amount of administrative payments shall be determined in consultation with the department.

II. No later than 90 days before a stewardship plan is required to be submitted to the department, the department shall notify each manufacturer acting individually and each representative organization of its reasonably incurred administrative costs related to implementing this chapter. This shall include reasonable actual costs associated with rulemaking and other startup activities before the stewardship plan is submitted and approved.

149-M:72 Implementation. A program plan shall be implemented within 6 months of the date of approval by the department. The department may extend the date of implementation for good cause shown. The department may adopt rules under RSA 541-A to implement the program.

149-M:73 Postconsumer Paint from Households and Small Businesses.

I. Postconsumer paint that is otherwise defined as hazardous waste by RSA 147-A and rules adopted by the department pursuant thereto, and that is received at a collection site, shall be managed as universal waste in accordance with rules established by the department.

II. Any person who agrees to operate a collection point and who responsibly implements environmentally-sound management practices in good faith shall not be subject to penalties for the acceptance or storage of, or for any spill, leak, or discharge of collected paint, or other materials that are inadvertently accepted pursuant to the program, and which occurs despite the implementation of such practices.

III. Nothing in this section shall be construed as restricting the collection of postconsumer paint by a stewardship program where such collection is authorized under any other laws or regulations.

IV. Nothing in this section shall be construed to affect any requirements applicable to facilities that treat, dispose of, or recycle postconsumer paint products under an otherwise applicable law, rule or regulation.

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

The Speaker referred the bill to the Committee on Finance.

**HB 499-FN**, making technical corrections to certain insurance laws. **OUGHT TO PASS WITH AMENDMENT.** Rep. John Hunt for Commerce and Consumer Affairs. As amended, this bill makes various technical corrections to the insurance laws as requested by the Insurance Department. The bill has several sections, among the most important of which deal with fee adjustment. Testimony indicated the bill will eliminate and streamline the process regarding many fees. Vote 17-0.

#### Amendment (0364h)

Amend the bill by replacing sections 10 and 11 with the following:

10 Paid-up Capital. Amend RSA 401:4 to read as follows:

401:4 Paid-up Capital. All stock companies organized ***on or after January 1, 2026***, under the provisions of this chapter shall have a paid-up capital of at least ~~[\$800,000]~~ ***\$3,000,000. Stock companies organized prior to January 1, 2026, shall have and at all times maintain paid up capital of not less than the minimum capital required for the point in time at which the company was organized.***

11 Stock Company. Amend RSA 405:2 to read as follows:

405:2 Stock Company. No such stock insurance company ***organized on or after January 1, 2026*** shall be licensed to do business in the state unless it shall possess a paid-up capital of ~~[\$800,000]~~ ***\$3,000,000***, invested in securities readily convertible into cash, 1/2 at least of which are not loans secured by real estate; nor unless it shall possess, in addition to such capital, assets equal in amount to all its outstanding liabilities, estimating 50 percent of premiums received on unexpired fire risks running one year or less from date of policy, and a pro rata amount of all premiums received on unexpired risks running more than one year from date of policy, and on marine risks 50 percent of the amount of premiums written on policies upon yearly risks, and upon risks covering more than one passage not terminated, and the full amount of premiums written on policies of all other marine risks not terminated as a liability. ***Stock companies organized prior to January 1, 2026, shall have and at all times maintain paid up capital of not less than the minimum capital required for the point in time at which the company was organized.***

Amend RSA 400-A:29, I-a(e) as inserted by section 13 of the bill by replacing it with the following:

(e) Amendment \$25

Amend RSA 400-A:29, XIV(c) as inserted by section 13 of the bill by replacing it with the following:

(c) Amendment to license - ***except change of name or change of address*** \$50

Amend the bill by replacing all after section 20 with the following:

21 Managed Care Law; Network Adequacy; Reporting Requirement. Amend RSA 420-J:7, V to read as follows:

V. The commissioner shall ~~[provide a report annually on the findings associated with network adequacy review to the chairpersons of the house and senate committees having jurisdiction over insurance issues]~~ ***make available to the public information regarding each health carrier's managed care network.***

22 Managed Care Law; Coverage and Payment for Emergency Services Provided by Nonparticipating Providers or Nonparticipating Emergency Facilities. Amend RSA 420-J:8-g, II to read as follows:

II. The patient's cost-sharing for items or emergency services provided by a nonparticipating provider or nonparticipating emergency facility shall be calculated by the health carrier based on the ***lesser of the*** qualifying payment amount, ***the billed amount, or the allowed amount for the item or service.***

23 Managed Care Law; Coverage and Payment for Services Provided at Participating Facilities by Nonparticipating Providers. Amend RSA 420-J:8-h, II to read as follows:

II. The patient's cost-sharing for items or services provided by a nonparticipating provider at a participating facility shall be calculated ~~[using]~~ ***by the health carrier based on the lesser of*** the qualified payment amount, ***the billed amount, or the allowed amount*** for the item or service.

24 Consumer Guaranty Contracts; Exemption; Manufacturer's Service Contracts. Amend RSA 415-C:1, III to read as follows:

### III. "Consumer guaranty contract":

(a) Is an agreement in which one party, for consideration, promises to pay, indemnify, provide a specified or determinable amount or benefit, or to do some act of value for another party, based upon a determinable risk contingency or peril, but which is not insurance or does not warrant full application of the state's insurance statutes or rules.

(b) Includes the following agreements:

(1) Service contracts, also known as extended warranties or warranty service contracts, that apply to motor vehicles, homes, and consumer products.

(2) [Repealed.]

(3) [Repealed.]

(4) Contracts deemed by the commissioner by rule or order subject to this chapter.

~~[(9) Manufacturer's service contracts on the manufacturer's products.]~~

(c) Does not include any of the following:

(1) Expressed or implied warranties.

(2) Maintenance agreements.

(3) Motor vehicle road service, tourist service and repairs under RSA 407-C.

(4) Warranties, service contracts, or maintenance agreements offered by public utilities on their transmission devices regulated by the public utilities commission.

(5) Warranties, service contracts, and maintenance agreements that are conditioned upon or otherwise associated with the sale or supply of heating fuel.

(6) Warranties, service contracts, and maintenance agreements sold or offered for sale to persons other than consumers.

(7) Debt cancellation or debt suspension contracts between a creditor and a borrower for the cancellation or suspension of the debt.

(8) Prepaid legal contracts.

**(9) *Manufacturer's service contracts on the manufacturer's products.***

25 Repeal. RSA 400-A:31, I(a), relative to the general premium tax report calculation by title insurers, is repealed.

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

The Speaker referred the bill to the Committee on Ways and Means.

### **HB 538-FN**, reallocating positions in the liquor commission. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill increases the number of divisions in the Liquor Commission from three to four, adding a division of finance and audit. It also adds a director of that division as a non-classified position under RSA 94:1-a, I(b), changes the title of "chief operating officer" to "director of administration," and removes "commissioner" from the list of non-classified positions under the statute. Vote 17-0.

The Speaker referred the bill to the Committee on Executive Departments and Administration.

### **HB 552-FN**, relative to coverage of children under the state retiree insurance plan. **OUGHT TO PASS.**

Rep. Carry Spier for Commerce and Consumer Affairs. This is a very simple bill that allows retirees having minor dependent children, to purchase State Employee Group Insurance for those children to the age of 26 regardless if they are full time students or not. Vote 17-0.

The Speaker referred the bill to the Committee on Finance.

### **HB 733-FN**, relative to reporting requirements for persons or entities financing lawsuits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Cole for Commerce and Consumer Affairs. This bill enhances consumer protections and promotes transparency in commercial litigation funding by establishing clear disclosure requirements and ethical limitations on third-party financiers. By ensuring that funding agreements are disclosed to all relevant parties, prohibiting foreign entities of concern from influencing litigation, and safeguarding attorney-client decision-making, this legislation upholds the integrity of the legal system while protecting claimants from potential conflicts of interest and undue external influence. Vote 17-0.

#### **Amendment (0726h)**

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

1 Purpose and Findings. The purpose of this act is to promote consumer protections related to commercial litigation funding transactions. This act establishes requirements regarding disclosure, funding company and attorney responsibilities and limitations, violations, and other items.

2 New Chapter; New Hampshire Third-Party Litigation Funding Transparency Act. Amend RSA by inserting after chapter 294-E the following new chapter:



## CHAPTER 294-F

## NEW HAMPSHIRE THIRD-PARTY LITIGATION FUNDING TRANSPARENCY ACT

294-F:1 Short Title. This chapter shall be known, and may be cited as, the “Third-Party Litigation Funding Transparency Act.”

294-F:2 Definitions. In this chapter:

I. “Commercial litigation financier” means a person in the business of entering into commercial litigation financing agreements with claimants or with lawyers or law firms asserting legal claims on behalf of claimants. The term commercial litigation financier does not include a nonprofit organization exempt from federal income tax under 501(c)(3) of the United States Internal Revenue Code or its funders if the nonprofit organization represents the claimant on a pro bono basis, which may include an award of costs or attorney fees to the nonprofit organization or a related attorney.

II. “Commercial litigation financing agreement” means, with respect to any civil action or group of civil actions, a written agreement:

(a) Whereby a third party agrees to provide funds to one of the named parties or any law firm affiliated with the action or group of civil actions, and

(b) Which creates a direct or collateralized interest in the proceeds of a civil action or group of civil actions, by settlement, verdict, judgment, or otherwise, and whose interest is based in whole or part on a funding-based obligation to the action or group of actions or the appearing counsel or any contractual co-counsel or the law firm(s) of the counsel or co-counsel executed with:

(1) Any attorney representing a party;

(2) Any co-counsel in the litigation with a contingent fee interest in the representation of that party; or

(3) Any third-party who has a collateral-based interest in the contingency fees of the counsel or co-counsel firm related in whole or part to the fees derived from representing that party.

(c) “Commercial litigation financing agreement” includes any contract, including any option, forward contract, futures contract, short position, swap, or similar contract, or other agreement that is substantially similar to a litigation financing agreement.

(d) “Commercial litigation financing agreement” does not include:

(1) A consumer legal funding agreement;

(2) An agreement by an attorney or law firm to provide legal services on a contingency fee basis to the claimant or to advance the claimant’s legal costs in accordance with the American Bar Association’s Model Rules of Professional Conduct;

(3) A health insurer, medical provider, or assignee that has paid, is obligated to pay, or is owed any sums for a person’s health care under the terms of a health insurance plan or agreement;

(4) A financial institution providing loans to the claimant or the claimant’s attorney or law firm when repayment is not contingent upon the outcome of the legal claim or on the outcome of any matter within a portfolio that includes the legal claim and involves the same attorney or law firm or affiliated attorney or law firm; or

(5) A person with a preexisting contractual obligation to indemnify or defend a party to a legal claim.

III. “Consumer” means a natural person or estate for a decedent with a legal claim.

IV. “Consumer legal funding” means a nonrecourse transaction in which a consumer legal funding company purchases, and a consumer assigns to the company, a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award, or verdict obtained in the consumer’s legal claim.

V. “Foreign country or person of concern” means a foreign government or person listed in section 15 CFR 791.4 of the code of federal regulations.

VI. “Foreign entity of concern” means an entity that:

(a) Is organized or incorporated in a foreign country of concern;

(b) Is owned or controlled by the government, a political subdivision, or a political party of a foreign country of concern;

(c) Has a principal place of business in a foreign country of concern; or

(d) Is owned, organized, or controlled by, affiliated with, or acting on behalf of an individual or entity that is or has been:

(1) On a sanctions list maintained by the Office of Foreign Assets Control, including the following:

(A) Specially Designated Nationals and Blocked Persons List (“SDN List”);

(B) Foreign Sanctions Evaders List;

(C) Non-SDN Iran Sanctions Act List;

(D) Sectoral Sanctions Identifications List; or

(E) List of Foreign Financial Institutions Subject to Correspondent Account and Payable-Through Account Sanctions; or

(2) Designated by the United States Secretary of State as a foreign terrorist organization.

VII. “Legal claim” means a civil claim or cause of action.

294-F:3 Prohibitions Related to Commercial Litigation Funding. A commercial litigation financier shall not enter into a commercial litigation financing agreement directly or indirectly with a foreign entity of concern or a foreign country or person of concern.

294-F:4 Commercial Litigation Financing Agreement Disclosure and Discovery.

I. Except as otherwise stipulated or ordered by the court, a claimant or the claimant's attorney shall, without awaiting a discovery request, provide to all parties in a pending civil action any commercial litigation financing agreement at the time a civil action is asserted and any time thereafter that a commercial litigation financing agreement is executed or amended. An insurer that has or may have a duty to defend or indemnify a party to a civil action shall be provided with the commercial litigation financing agreement or any modifications or amendments to the agreement.

II. Commercial litigation financing agreements and all participants or parties to such agreements are permissible subjects of discovery in a legal claim.

294-F:5 Applicability.

I. This chapter shall apply to any commercial litigation financing agreement that is effectuated on or after the effective date of this chapter.

II. If any provision of this chapter is, for any reason, declared unconstitutional or invalid, in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and shall not affect the validity of the remaining portions of this chapter, which shall remain in full force and effect.

3 Effective Date. This act shall take effect January 1, 2026.

#### AMENDED ANALYSIS

This bill regulates consumer litigation finance agreements and makes violations of the chapter a violation of the New Hampshire consumer protection act.

The Speaker referred the bill to the Committee on Finance.

**HB 774-FN**, requiring Medicare supplemental policies to cover pre-existing conditions. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. Upon initial enrollment in Medicare Part B, individuals have a six-month period during which they may purchase a commercial supplemental plan, with full coverage for any pre-existing conditions. After that enrollment window, it is up to the commercial supplement plan provider to determine how pre-existing conditions are to be covered, often requiring a one year waiting period. This bill was submitted to allow individuals on Medicare Advantage (Advantage) to switch to Medicare with commercial supplemental insurance plans (the combination referred to as Medi-sup) with a state-mandated requirement to cover pre-existing conditions from the point of sign-up. The stated assumption was that Medi-sup with the mandated coverage of pre-existing conditions would be better than any Medicare Advantage plan. According to the Kaiser Family Foundation (experts on health policy issues), for the past 4-5 years after plan and service improvements, 95% of subscribers to Advantage are happy with their health coverage. The robust coverage that was once offered under Medi-sup was eliminated in 2020. For the most part, none of the remaining plans include Part B deductible coverage. Some of the remaining plans do cover some or all of Part A deductibles. There are numerous Advantage plans. The cost and coverage depend on the size of the network (geographical area covered) and the depth of the network (how many health providers in the selected area are included). The area can be very local (like town) or generally up to two states. The depth can be 30% of medical providers in the area up to 70% of providers. Additionally, for the most part, the coverage type can be HMO (managed care requiring referrals) or PPO (preferred provider where out of network providers can be seen at a higher deductible cost). Once a subscriber makes a choice of insurance company and plan options, they are free to change any aspect of the Advantage plan as often as every year (during the enrollment period) while pre-existing conditions will be fully covered throughout. According to the Centers for Medicare & Medicaid Services (CMS), less than 2% of people seek to switch between Medi-sup and Advantage with the switch going both ways. 55% of eligible subscribers choose Advantage over Medi-sup as it is currently implemented. During the committee hearing, we heard that mandating Medi-sup coverage for pre-existing conditions beyond the enrollment window could potentially increase the premium rates for all individuals under the plan. This may result in some subscribers facing challenges in affording their current coverage. Based on all available information, the committee could not find a compelling reason to mandate Medi-sup coverage for pre-existing conditions under the circumstances described during the hearing when it is possible to achieve a similar desired outcome within the scope of Medicare Advantage. Vote 17-0.

**HB 550-FN**, modifying the base cost of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education Funding. This bill changes the base cost of an adequate education used in the school funding formula. The committee has other bills that are directed to the same purpose and has decided to focus on those bills instead. Vote 18-0.

**HB 603-FN-A**, relative to increasing the adequacy grant for pupils receiving special education services. **INEXPEDIENT TO LEGISLATE.**

Rep. Walter Spilsbury for Education Funding. This bill would increase the annual cost of an adequate education, as set out in RSA 198:40-a, from \$2,100 to \$29,556 for each pupil in the average daily membership in residence (ADMR) who is receiving special education services. The bill's premise is that \$29,566 represents a statewide average of all spending per special education pupil. The committee heard testimony that while increasing this allowance to some degree might be warranted, a single flat rate cannot be this high without creating perverse incentives. The costs of various special education services differ greatly due to the nature, intensity, and location of the service delivery. With vast statistical dispersion, an overall average would do a poor job of correlating the funds to the services. The committee has selected other bills to address the changes to state support for special education that it believes are appropriate at this time. Vote 18-0.

**HB 717-FN**, relative to catastrophic aid for special education. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education Funding. This bill would change the costing amount in which a district is obligated to pay from 3 ½ times the average per pupil cost (approximately \$70,000) to 3 times the amount (approximately \$60,000 per pupil) for special education aid. Extending the state's share lower to 3 times, 2 ½ times, or a lesser amount, cannot be determined as local individualized education program (IEP) costing data is not available. The committee therefore recommends that the ever-increasing costs of catastrophic aid (special education aid) to local districts is best addressed through increasing the proration percent when state budget appropriations are below actual costs as submitted by local districts. This year, the proration percentage has been set at 68%, a budget shortfall of \$16 million. The committee unanimously agrees that this bill should be found Inexpedient to Legislate and that HB 773, a bill that addresses the proration amount, is the better option to provide predictable financial support to local districts. Vote 18-0.

**HB 769-FN**, relative to the base annual cost per pupil of providing the opportunity for an adequate education and statewide education property tax rate. **INEXPEDIENT TO LEGISLATE.**

Rep. Walter Spilsbury for Education Funding. This bill would increase the base cost of providing the opportunity for an adequate education, as set out in RSA 198:40-a, from \$4,100 to \$7,356.01 per pupil in the average daily membership in residence (ADMR), to align base adequacy aid to the amount determined by Judge Ruoff in a court case now pending appeal before the New Hampshire Supreme Court. The bill further changes the statewide education property tax (SWEPT) rate to \$2.50 per \$1,000, rather than have it determined proportionally at a level sufficient to generate revenue of \$363 million as in current law. The effect of this would be to double approximately the current SWEPT. Both elements of this bill address highly controversial aspects of state education funding support, so not surprisingly the committee has been presented numerous alternative bills on the same subjects. The committee believes the legislature must retain the discretion how to allocate funds available for supporting local public education, so that base adequacy should not be considered in isolation of differentiated aid, but rather funds can be targeted where they are most needed. Rather than to embrace this approach, the committee will recommend alternative bills. Vote 18-0.

**HB 384-FN**, prohibiting bullying in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristin Noble for Education Policy and Administration. The committee agreed that the school bullying officer was not well defined and that the section on Child in Need of Services went too far. However, it is possible that some parts of the bill could be merged into another bullying bill that the committee is working on. Vote 18-0.

**HB 763-FN**, relative to school emergency plans for sports related injuries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Margaret Drye for Education Policy and Administration. Last year, we passed legislation about access to automated external defibrillators (AEDs) in schools and requiring CPR-trained individuals supervise sponsored sports activities for grades 6-12. This bill clarifies the guidelines to be followed for training and addresses the accessibility of AEDs at athletic venues where school practices and competitions are being held. It also makes an appropriation which public and non-public schools can access in order to implement their cardiac emergency preparedness plans for school athletic events and practices. Vote 17-0.

**Amendment (0743h)**

Amend RSA 200:40-c, I(f)(2) and (3) as inserted by section 1 of the bill by replacing it with the following:

(2) At least one AED shall be readily accessible in a well-marked and safe place *to each athletic event or venue where practices and competitions are held* for use in responding to cardiac emergencies and shall not be locked in an office or be stored in a location that is not easily and quickly accessible.

(3) *AEDs shall be readily accessible, in accordance with guidelines set by the American Heart Association or other nationally recognized guidelines focused on emergency cardiovascular care, to each athletic venue where practices and competitions are held, in which pupils of the school are participating.*

**HB 781-FN**, requiring school districts to adopt policies establishing a cell phone-free education, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Melissa Litchfield for Education Policy and Administration. This amended bill requires school districts to adopt policies regarding cell phone use in school. It states that, at a minimum, the policy shall restrict cell phone use during class instructional time. Exceptions are specified for student medical, disability, or language needs so that cell phones and electronic devices may be used to support their learning. The amended bill includes no appropriation. Vote 16-1.

#### **Amendment (0733h)**

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

AN ACT requiring school districts to adopt policies establishing a cell phone-free education.

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

1 New Paragraph; Cell Phone Use Policy. Amend RSA 189:1-a by inserting after paragraph IV the following new paragraph:

V. School boards and the board of trustees of chartered public schools shall develop and adopt a policy governing the use of student cell phones and other personal electronic communication devices in schools. The policy shall, at a minimum, restrict the use of student personal cell phones during class instruction, with approved exceptions determined by the superintendent or their designee with respect to student medical, disability, or language proficiency needs. School district policies shall not prohibit students with medical needs, such as insulin pumps and glucose sensors, or disabilities from using a device to support their learning as identified by their individualized education program (IEP), plan developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, or when required to support emergent multilingual students with appropriate language access programs and services pursuant to Title VI of the Civil Rights Act of 1964.

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

#### **AMENDED ANALYSIS**

This bill requires school districts to adopt policies governing student cell phone use in schools.

The Speaker referred the bill to the Committee on Finance.

**HB 227-FN**, relative to licensure for psychotherapy activities or services. **OUGHT TO PASS.**

Rep. Erica Layon for Executive Departments and Administration. This bill repeals an exemption for unlicensed practice of psychotherapy in our schools and state and local governments. It does not remove the exemption for individuals who volunteer their services to non-profit charitable organizations without remuneration, which is important to properly respond to mental health crises and staff hotlines. The board of psychologists was created in 2012 and has undergone numerous revisions since that time. At the time of adoption, people working in schools, towns, and the state were exempted from licensure and a review of hearing materials from the time shows no rationale for this exemption. The Board of Education licenses school psychologists and in 2018 school psychologists were added to the board responsibilities and licensure. There is an existing exemption for individuals licensed by the Board of Education to practice psychotherapy in schools, so a broad exemption is concerning to the committee. At this time the committee believes it is prudent to fulfill the duties of the board of psychotherapy "to assure that the services provided are of a quality consistent with the standard of care within the profession, and to safeguard the public against harm which may be caused by untrained, unskilled, or unlicensed practitioners" and protect our students from such harm by repealing RSA 329:28, I(b) by passing this bill. Vote 16-0.

**HB 702-FN**, relative to defining extra duty pay hours for a retired part-time police officer's hour limit for yearly calculations. **INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for Executive Departments and Administration. While at first blush this bill looks like an excellent way to allow retired police officers to continue to serve the community, there are several significant flaws which led to a recommendation of inexpedient to legislate. Extra and special duty pay normally go to full time officers, then part-time officers, and then to retired officers leaving insufficient hours to make this bill necessary. If it were necessary, this bill would allow police officers whose extra and special duty pay during their working career counted towards retirement payments to exclude the same type of hours from retirement hour caps. Only those police officers hired in 2011 and later are working extra and special duty pay which does not impact retirement hours, and these officers are not yet retired. This bill appears to offer greater flexibility; however, the committee believes it falls short of that goal and recommends the bill as inexpedient to legislate. Vote 14-2.

**HB 780**, relative to the director of the division of archives and records management of the department of state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica de Vries for Executive Departments and Administration. This bill, as amended, updates the language in RSA 5:30 relative to the director of the division of archives and records management of the department of state to make the language gender neutral. The statutory references to 'he' and 'him' are outdated. Vote 15-1.



**Amendment (0496h)**

Amend RSA 5:33, III and IV as inserted by section 3 of the bill by replacing it with the following:

III. Submit to the director, in accordance with the standards established by [him] **the director** in rules adopted under RSA 5:40, schedules proposing the length of time each state record series warrants retention for administrative, legal, or fiscal purposes after it has been received by the agency. The head of each agency shall submit lists of state records in [his] **the agency's** custody that are of permanent and historical value to the state. [He] **The head of each agency** shall likewise submit lists of state records in [his] **the agency's** custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal, or fiscal value to warrant their further keeping.

IV. Cooperate with the director in the conduct of surveys made by [him] **the director** pursuant to the provisions of this subdivision.

**HB 573-FN-A**, relative to the funding for search and rescue operations of the fish and game department and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Cathryn Harvey for Fish and Game and Marine Resources. This is a bill that would have allocated \$200,000 from the general fund to the search and rescue department of Fish and Game every two years. The committee believed that in a tight budget year, that large of an allocation was difficult to justify especially when the head of search and rescue reported that the department did not need the funds at the present time. Vote 14-0.

**HB 655-FN**, relative to fish and game violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Tudor for Fish and Game and Marine Resources. This bill does three things: it increases the restitution for taking or possession of certain animals and makes restitution mandatory; increases hunting license suspension for a third violation of a fish and game regulation; and establishes a class A misdemeanor penalty for a third offense violation of fish and game offenses that carry a license suspension penalty. The amendment is housekeeping correcting an error for crossbow permits for disabled people. Both are at the request of Fish and Game. Vote 14-0.

**Amendment (0063h)**

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

AN ACT relative to fish and game violations and permits.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Crossbows Permitted for Certain Persons with a Disability. Amend RSA 207:10-c, II to read as follows:

II. ~~[The crossbow permit shall be perpetual.]~~ The executive director shall retain the records for such permits for a period not less than 7 years. Loss or destruction of the permit after 7 years shall obligate the permittee to re-establish eligibility.

**AMENDED ANALYSIS**

This bill:

I. Increases the restitution for the illegal taking or possession of certain animals, and make such restitution mandatory.

II. Allows for an increased hunting license suspension for a third violation of a fish and game law or regulation.

III. Establishes a class A misdemeanor penalty for a third-offense violation of fish and game offenses that carry a license suspension penalty.

IV. Removes the requirement that a crossbow permit issued for certain persons with a disability be perpetual.

This bill is at the request of the fish and game commission.

The Speaker referred the bill to the Committee on Criminal Justice and Public Safety.

**HB 720-FN**, prohibiting the importation and sale of live bait fish from out of state. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Murphy for Fish and Game and Marine Resources. Fish and Game felt there was minimal risk of invasive species from out of state live bait. New Hampshire has a long history importing live bait without issue. Vote 15-0.

**HB 342**, relative to the approval process for new construction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Allan Howland for Housing. This bill enables property owners to obtain a building permit without obtaining a variance if their property lot size or percentage of lot coverage conforms to the density of 51% of the existing buildings within a 1000-foot radius of their property line. The local zoning administrator would verify the proposed building conforms to this density requirement and would issue the building permit. The committee felt that this would help increase infill opportunities within a neighborhood. Vote 17-0.

**Amendment (0579h)**

Amend the bill by replacing section 1 with the following:

674:21-b Property Density Conformity and Building Without Variance.

I. In this section:

(a) "Density" means the number of dwelling units per acre or the percentage of lot coverage by buildings and structures.

(b) "Neighborhood" means the properties within a 1,000-foot radius of the subject property's boundary lines.

II. Notwithstanding any other provisions of law to the contrary, property owners shall be allowed to build on their property without seeking a variance for minimum lot size or percentage of lot coverage if the proposed building conforms to the density of the neighborhood, which shall be assessed based on the density of 51 percent of the properties within a 1,000-foot radius built before the effective date of this section.

III. The zoning administrator shall be responsible for verifying that the proposed building conforms to the density requirements under this section.

IV. Property owners seeking to build shall submit documentation proving that new or existing lots conform to the requirements in this section to the zoning administrator for review and approval.

V. Property owners seeking to subdivide a lot within a 1,000-foot radius shall obtain planning board approval.

**HB 382**, removing authority for municipalities to regulate mandatory on-site parking requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Housing. The Housing Committee believes that the free market is the best determinant of the amount of parking that is needed for a development. This bill, as amended, would restrict the ability to require more than one parking space per residential unit in a development. The committee heard testimony that parking is a tool used by municipalities to restrict private property rights of individuals by requiring excessive parking mandates in order to pick and choose what residential development occurs. The free market is the best solution to the amount of parking that is needed in a community, and it shall not be artificially restricted. Vote 17-0.

#### **Amendment (0687h)**

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

AN ACT relative to authority for municipalities to regulate mandatory on-site parking requirements.

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

1 Local Land Use Planning and Regulatory Powers; Zoning; Grant of Power. Amend RSA 674:16, VII to read as follows:

VII. In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may regulate accessory parking for vehicles, but shall not require more than [1-5] **one** residential parking [spaces] **space** per unit [~~for studio and one bedroom units under 1000 square feet that meet the requirements for workforce housing under RSA 674:58, IV, and shall not require more than 1.5 residential parking spaces per unit for multi-family developments of 10 units or more~~].

#### **AMENDED ANALYSIS**

This bill amends the amount of accessory parking that municipalities can require for residential units.

**HB 125**, relative to electing Strafford county commissioners at-large. **INEXPEDIENT TO LEGISLATE.**

Rep. David Fracht for Municipal and County Government. This bill proposes to elect Strafford County Commissioners "at large." The committee heard testimony from the Association of County Commissioners, and others, who stated that nobody had asked for this change, that it would amount to redistricting at an inappropriate time and that it would be extremely difficult to divide Strafford County into three districts of equal population without dividing cities into different districts. In addition, the Association pointed out that "at large" election of Strafford County Commissioners would be inconsistent with the way all other counties elect their commissioners. Vote 18-0.

**HB 247-L**, authorizing municipalities to hold a referendum on whether to allow historic horse racing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurel Stavis for Municipal and County Government. This bill enables municipalities the opportunity to hold a referendum prior to reviewing or approving a venue that provides historic horse racing gaming in their town or city. An amendment clarified that already licensed or eligible to be licensed enterprises would not be subject to the bill's provisions. While the New Hampshire legislature legalized historic horse racing establishments in 2021, the state did not provide municipalities with any mechanism for citizens within those municipalities to make a reasoned decision as to whether they wanted them in their communities. This bill provides that mechanism while not interfering with existing organizations or those eligible to be licensed. Vote 18-0.

#### **Amendment (0652h)**

Amend RSA 284:22-c, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Notwithstanding the provisions of this section, entities licensed or eligible for licensure to sell pari-mutuel pools on historic horse races under RSA 287-D and RSA 284:22-b as of the effective date of this section shall be permitted to operate and renew their lottery commission licenses for facilities located within municipalities which have yet to approve the sale of such wagers.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Pari-Mutuel Pools on Historic Horse Races. Amend RSA 284:22-b by inserting after paragraph VIII the following new paragraph:

IX. No license to sell pari-mutuel pools on historic horse races shall be issued, other than for entities licensed or eligible for licensure to sell pari-mutuel pools on historic horse races under RSA 287-D and this section as of the effective date of this paragraph, for establishments located within municipalities which have yet to approve such operation pursuant to RSA 284:22-c.

**HB 490**, relative to indemnification for municipalities adopting policies to address homelessness. **INEXPEDIENT TO LEGISLATE.**

Rep. Dylan Germana for Municipal and County Government. This bill states that municipalities and its employees shall not be held liable for damages in any civil action in a designated area while being used as temporary shelter for the homeless. While homelessness is a crisis in New Hampshire, this bill is a step too far and is a slippery slope. Additionally, there is no other class of people that would not be allowed to sue over an injury in a public space due to poor conditions. There is a need for legislation to help solve this problem, but this bill is not it. Vote 18-0.

**HB 554**, enabling municipalities to choose whether or not to place political advertising on municipal property. **ought to pass with amendment.**

Rep. Dale Girard for Municipal and County Government. This bill amends RSA 664:17 to grant municipalities the authority to determine whether political signs may be placed on municipal property. Under current law, all political signs are prohibited on municipal property, restricting local control over this matter. This bill does not mandate municipalities allow political signs but simply provides them with the option to make that decision based on local needs and preferences. The committee believes that decisions regarding the placement of political signs should rest with local governments, who are best positioned to determine what is appropriate for their communities. Vote 18-0.

#### **Amendment (0570h)**

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

AN ACT relative to the placement of political advertising on municipal property.

Amend RSA 664:17 as inserted by section 1 of the bill by replacing it with the following:

664:17 Placement and Removal of Political Advertising. No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. ***Municipal property may be used for political signs in accordance with local sign ordinances and in compliance with laws and rules relative to electioneering.*** All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes. No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising. Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept until one week after the election at a place designated by the state, city, or town so that the candidate, or a member of the candidate's campaign or local political committee of the same party may retrieve the items.

#### **AMENDED ANALYSIS**

This bill enables municipal property to be used for political signs in accordance with local and state laws, rules, and ordinances.

**HB 562**, relative to the filling of vacant positions on elected municipal boards and school boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Sly Karasinski for Municipal and County Government. This bill requires vacancies on elected municipal boards and school boards to be first offered to the runner up in the most recent prior election if the appointing authority chooses to fill the vacancy with an applicant who ran in any of the last three elections for the office. The committee was sympathetic with recognizing the will of the voters, however there were issues not addressed i.e. tie votes, and cooperative districts with only two representatives to a school board. The unin-

tended consequence could be numerous fringe candidates, that can typically only garner a small number of votes, running each year in hopes of being the runner up and potentially serving out a term. The appointing authority would be required to offer the position to a candidate that might not be the most qualified; or if the runner up is not deemed suitable, removing from contention anyone that had run in the previous three elections. Therefore, the committee believes this bill is detrimental to the best interest of the boards and the constituents served. Vote 18-0.

**HB 569**, relative to the establishment of county-wide communication districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eleana Colby for Municipal and County Government. This bill, as amended, seeks to modify sections of RSA 53-G, enabling the governing body of a county to establish a Communications District Planning Committee. Currently, this statute only permits municipalities to form such committees. This bill, as amended, also introduces an “opt-in” procedure for municipalities, allowing them to maintain local control. The amended bill will facilitate greater collaboration among municipalities, enabling them to engage in planning discussions, share resources, and enhance their negotiating power in contracts. This cooperation aims to achieve a common objective of expanding broadband and high-speed Internet access, which is crucial for attracting businesses, supporting local educational initiatives, and improving the overall economic outlook of communities across New Hampshire. Vote 18-0.

**Amendment (0561h)**

Amend the bill by replacing section 3 with the following:

3 Communications District Planning Committee; Formation and Responsibilities. Amend RSA 53-G:2, I to read as follows:

I. The governing bodies of 2 or more municipalities, *or the governing body of a county*, may at their discretion create a special unpaid committee to be known as a communications district planning committee, consisting of at least 2 persons from each municipality appointed by the respective governing bodies. *Governing bodies of municipalities located within a proposed county-wide district may vote to include themselves in this planning committee. Governing bodies of municipalities may vote to join the proposed communications district at a future time pursuant to RSA 53-G:7.* The committee shall elect a chairperson, clerk, and treasurer. Members may be reimbursed by the committee for costs of performing duties directly related to the committee.

**HB 567-FN**, relative to the elimination of useful thermal energy from renewable energy classes. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for Science, Technology and Energy. This bill sought to remove wood boiler technology from the renewable portfolio standard, which taxes electricity to support renewable energy. It became obvious that this bill had no chance of passing at this time, so the committee recommended killing the bill and placing it on the Consent Calendar. Additionally, changes to useful thermal energy are addressed in another bill (HB 219) passed by the committee. Vote 18-0.

**HB 688-FN-L**, authorizing municipalities to tax charitable gaming facilities based on their enterprise value. **INEXPEDIENT TO LEGISLATE.**

Rep. Cyril Aures for Ways and Means. This bill authorizes municipalities to have the option of taxing historic horse racing and charitable gaming facilities based on their enterprise value. It would tax those facilities that have 100 or more machines. This tax would likely be unconstitutional because it singles out one industry to administer this tax on. Vote 17-2.

**TO BE WITHDRAWN**

**HB 736-FN**, relative to the minimum number of mobile sports wagering agents authorized by the lottery commission.

**REGULAR CALENDAR**

**HB 639-FN**, relative to the use of and disputes over blockchain and digital currencies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for the Majority of Commerce and Consumer Affairs. New Hampshire has been in the forefront of adopting regulations that accommodate leading edge business practices. This bill, as amended, seeks to strike a balance between attracting new businesses to the state and the communities in which such a business might locate while obtaining the tax revenue of the business. (1) The bill, as amended, allows for the use of digital assets to purchase goods without discrimination solely based on the fact that a digital asset is used as a method of payment. To be clear, the seller and the buyer must still agree on the exchange and such exchange is still subject to all applicable federal taxes and regulations. Since New Hampshire does not currently have a sales tax, income tax, or capital gains tax, this clause adds no protections that do not already exist. Use of digital assets for transactions with publicly traded companies is limited, much more complex and not under the



control of the New Hampshire legislature. (2) The bill, as amended, also allows for home-based digital mining. This is also currently allowed. However, digital mining activities that disrupt apartment living are still subject to disturbance rules laid out in rental agreements or condominium bylaws. (3) The bill, as amended, does not allow the state to set a noise level. Rather, each local municipality may do so as long as the noise level applies to all industrial-zoned properties in that municipality. The stated local control of noise level was agreed to by the New Hampshire Municipal Association. (4) The amended bill prohibits charging different electricity rates for industrial digital mining operations compared to other industrial users. It should be noted that New Hampshire electricity rates are among the highest in the country. We purchase about 30% (natural gas), 18% from renewable and other sources and 52% from the Seabrook nuclear power plant which is due to retire in 2050 and for which we currently have no replacement. This means that for the foreseeable future compared to other states that are able to generate their own electricity like Texas, California, and Washington or have strong support for solar like Texas, Florida, Arizona, and Nevada, New Hampshire is unattractive for industrial-scale digital mining operations. New Hampshire legislation (and weather) is also currently unattractive for such operations to pursue solar or wind energy on their own. (5) Per the amended bill, an individual that only operates a node on a blockchain network and only performs the computer functions of validation, transaction relay and network security or engages in digital mining are not considered liable for any transaction just by performing those stated functions. This is true for any blockchain unless the person performing those activities also engages in related illegal activities that impact the blockchain and its transactions. (6) Finally, the bill, as amended, allows (but does not require) the governor with the consent of the executive council to appoint a presiding justice to handle blockchain disputes which assumes such justice either has expertise in the field of blockchain or has access to such expertise. Other regulatory sections of the original bill have been deleted by the amendment. Vote 14-3. Rep. Merryl Gibbs for the Minority of Commerce and Consumer Affairs. This bill involves matters relating to blockchain technology, specifically including protections for digital asset mining. Digital asset mining involves new technologies that raise a number of concerns, including high levels of noise and exceptionally high levels of energy use. The bill deals separately with noise issues, but energy use is covered only by a general statement that “[n]o state or local government agency or subdivision thereof shall...[i]mpose any requirement on a digital asset mining business that does not equally apply to all industrial-zoned properties[.]” While high noise levels generally affect only those located near the business in question, the exceptionally high levels of energy use required for digital mining businesses will affect the entire municipality where the business is located, and may potentially affect the entire state, by placing a strain on the electrical grid and potentially affecting other businesses’ and households’ access to electricity. State agencies and local governments should have the option to set requirements that specifically address energy use by digital mining operations. In addition, a commission is being established to study issues relating to blockchain technology, and this commission should have the opportunity to weigh in on this issue, before the legislature establishes such protections for digital asset mining.

#### **Majority Amendment (0445h)**

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

1 Purpose and Findings. The general court makes the following findings:

I. The general court adopts the findings of the Report of Governor Sununu’s Commission on Cryptocurrency and Digital Assets.

II. The general court hereby finds that:

(a) Blockchain technology is an important technical innovation with many important applications for our state and national society and economy.

(b) The uncertain legal and regulatory status of blockchain technologies undermines investor and consumer confidence and stifles beneficial innovation.

(c) New Hampshire should establish a state legal regime that offers an attractive jurisdiction for the best responsible blockchain innovators, entrepreneurs, and businesses while protecting their investors and consumers.

(d) New Hampshire is a unique state. Our citizen legislature has proven itself to have the unique capacity to undertake prompt and regular modernization of legal systems that often take other states decades. New Hampshire should play a leading role now, as Blockchain technology continues to develop its place within our global economic system.

III. The general court seeks to implement key recommendations from the Report of Governor Sununu’s Commission and to make New Hampshire an attractive jurisdiction for blockchain-related business and innovation, thereby:

(a) Promoting investment and development in New Hampshire; and

(b) Establishing a leading role for New Hampshire in fostering the blockchain industry and developing a legal regime protecting blockchain technology.

2 Short Title. This act shall be known as “The Blockchain Basic Laws.”

3 New Chapter; Blockchain Basic Laws. Amend RSA by inserting after chapter 359-U the following new chapter:

CHAPTER 359-V  
BLOCKCHAIN BASIC LAWS

359-V:1 Definitions.

In this chapter:

I. “Blockchain” means any technology:

(a) Where data is:

(1) Shared across a network to create a public ledger of verified transactions or information among network participants;

(2) Linked using cryptography to maintain the integrity of the public ledger and to execute other functions; and

(3) Distributed among network participants in an automated fashion to concurrently update network participants on the state of the public ledger and any other functions; and

(b) Composed of source code that is publicly available.

II. “Blockchain protocol” means any executable software deployed to a blockchain composed of source code that is publicly available and accessible, including a smart contract or any network of smart contracts.

III. “Decentralized” means a blockchain system in which no person has the unilateral authority, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, to control or materially alter the functionality or operation of the blockchain system.

IV. “Digital asset” means any fungible or non-fungible digital representation of value, unit of value, voting, or usage right that can be exclusively possessed and transferred, person to person, without necessary reliance on an intermediary, and is recorded on a blockchain system. This includes virtual currencies, cryptocurrencies, natively electronic assets (such as stablecoins and non-fungible tokens), and other digital-only assets that confer economic, proprietary, access rights, or powers.

V. “Digital asset mining” or “mining” means using electricity to power a computer or node for the purpose of securing a blockchain network through computational processes. For the purposes of this chapter only, mining shall also include securing a blockchain through validation mechanisms based on proof-of-stake.

VI. “Digital asset mining business” means a person or entity operating a group of computers on one contiguous property that together consume more than one megawatt of energy for the purpose of securing a blockchain protocol.

VII. “Discriminatory rates” mean electricity rates substantially different from other industrial uses of electricity in similar geographic areas.

VIII. “Node” means a computational device which contains and updates a copy of a blockchain.

IX. “Self-hosted wallet” means a digital interface used to secure and transfer digital assets; and under which the owner of the digital asset retains independent control over the digital assets that are secured by such digital interface.

X. “Smart contract” means software code deployed in a blockchain system that consists of a set of pre-defined and deterministic instructions and conditions that may be executed in a decentralized manner by participants in the underlying blockchain network. Execution of a smart contract shall produce a change in the blockchain state and may autonomously enforce, execute, and record rules and actions, including but not limited to financial transactions, compliance mechanisms, and the creation of irrevocable digital arrangements. A smart contract need not meet the common law requirements of a legal contract to satisfy this definition.

XI. “Staking” means using a node to lock digital assets in order to operate the consensus mechanism of a blockchain protocol.

359-V:2 Holding and Use of Private Digital Currency.

No state or local government agency or subdivision thereof shall prohibit, restrict, or otherwise impair the ability of an individual to:

I. Use digital assets to purchase legal goods or services;

II. Self-custody digital assets using a self-hosted wallet or third-party wallet.

III. Use digital assets as a method of payment without the imposition of any tax, withholding, assessment, or charge based solely on the fact that a digital asset was used as the method of payment.

359-V:3 Infrastructure to Run Blockchain Protected.

I. Any person shall be allowed to engage in home digital asset mining as long as the individual complies with all local noise ordinances. A political subdivision shall not place specific limits on sound decibels generated from home digital asset mining other than current limits set for sound pollution put forth by the political subdivision.

II. A digital asset mining business may engage in digital asset mining in any area that is zoned for industrial use.

III. No state or local government agency or subdivision thereof shall:

(a) Set a specific limit on sound decibels generated from noise, including digital asset mining other than the limits set by the political subdivision in any local noise ordinances;

(b) Impose any requirement on a digital asset mining business that does not equally apply to all industrial-zoned properties.

IV. No state or local government agency or subdivision thereof may establish a rate schedule for digital asset mining that creates discriminatory rates for digital asset mining businesses.

#### 359-V:4 Processes Regarding Blockchain Networks.

I. No state or local government agency or subdivision thereof shall prohibit any person or business from operating a node for the purpose of connecting to a blockchain protocol or a protocol built on top of a blockchain protocol and transferring digital assets on a blockchain protocol or participating in staking on a blockchain protocol.

II. A person engaged in home digital asset mining or a digital asset mining business shall not be required to obtain a money transmitter license under RSA 399-G.

III. Operating a node or a series of nodes on a blockchain protocol shall not require an individual or business to obtain a money transmitter license under RSA 399-G.

IV. A business offering to provide digital asset mining or staking services for individuals or to other businesses shall not be considered as offering a security or investment contract under RSA 421-B.

V. Notwithstanding any other provision of law, anyone engaged in digital asset mining, operating a node or series of nodes on a blockchain network, or providing digital asset mining or staking services for individuals or other businesses shall not face liability related to a specific transaction merely by validating that transaction.

#### 359-V:5 Civil Remedies.

I. Any person directly affected by a violation of this chapter may petition the superior court or the blockchain dispute docket for relief.

II. The superior court may order declaratory, injunctive, or other equitable relief.

III. Any person who prevails on any claim brought pursuant to this chapter, and shows by a preponderance of the evidence that the defendant engaged in a purposeful violation of this chapter, shall be entitled to an award of reasonable attorney's fees.

#### 359-V:6 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application. This chapter shall retain its purpose and effect to the maximum extent permitted under the state and federal constitutions, whether through the severance of provisions or applications, judicial injunction or construction, or any other just and proper remedy.

4 New Section; Courts; Superior Courts; Blockchain Dispute Docket. Amend RSA 491 by inserting after section 7-b the following new section:

#### 491:7-c Blockchain Dispute Docket.

I. Without limiting the jurisdiction vested in any court in the state, and subject to the appointment of a presiding justice by the governor with the consent of the executive council as provided in this section, the supreme court may establish by court order not inconsistent with this section, a blockchain dispute docket in the superior court which shall have jurisdiction to hear and determine blockchain technology disputes, as described in this section, when:

(a) The parties have consented to the jurisdiction of the blockchain dispute docket by agreement or stipulation; and

(b) The dispute concerns "blockchain" technology as defined in RSA 359-V:1.

II. The governor, with the consent of the executive council, may appoint the first presiding justice of the blockchain dispute docket, who shall be qualified by reason of such person's knowledge and experience in matters of law and technology. The chief justice of the superior court, following the appointment or designation of the initial presiding justice, may designate such additional justices to preside over blockchain docket cases, as necessary, based upon caseload, disqualification of the presiding justice, or efficient allocation of judicial resources.

III. The presiding justice of the blockchain dispute docket shall be an associate justice of the superior court and shall be entitled to the compensation and benefits provided to all such justices under applicable law, including, but not limited to, RSA 491-A:1 and RSA 100-C.

IV. The workload of the presiding justice of the blockchain dispute docket shall be the matters before that docket. The presiding justice may be assigned to any other matter within the jurisdiction of the superior court or sit by designation on any other court in the same manner as any other associate justice of the superior court, as determined to be necessary by the chief justices of the superior and supreme courts.

V. Subject to the provisions of this section, all civil actions in which the principal claim or claims arise from or involve the following shall be assigned to the blockchain dispute docket for all purposes, including motion practice, discovery, injunctive relief, alternative dispute resolution, and hearing on the merits with or without a jury:

(a) Claims arising out of RSA 359-V.

(b) Claims arising from breach of contract or fiduciary duties, fraud, misrepresentation, business tort, or statutory violations arising out of blockchain technology dealings or transactions.

(c) Other complex disputes of a blockchain technology nature.

5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2026.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Creates an act to protect blockchain technology and its users.

II. Establishes a blockchain dispute docket to oversee blockchain-related disputes.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**HB 59-FN**, relative to the assault of a firefighter, emergency medical care provider, or law enforcement officer.

**MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Proulx for the Majority of Criminal Justice and Public Safety. This bill makes the crime of knowingly assaulting an emergency worker and causing serious bodily injury, a first-degree assault. The same assault causing bodily injury would be 2nd degree assault. This bill does not make assaulting an emergency worker more serious than anyone else but codifies it as a distinct crime of its own. This is important for several reasons. If a person assaults a police officer and causes serious bodily injury, it is important for future reference that the crime state with specificity that the victim was a law enforcement officer. If the defendant commits another assault on an emergency worker in the future, the court should know right away that the person has done it before. It is also relevant for bail purposes. A person willing to assault and seriously injure an armed law enforcement officer should probably not be treated the same as someone who was engaged in a bar room brawl. We ask much of our emergency workers and because they are paid with tax money, we are not able to always pay them as much as they deserve. We should be willing to recognize their sacrifices by making it clear that assaulting one of them will be taken seriously by our criminal justice system. Vote 9-7. Rep. Ray Newman for the Minority of Criminal Justice and Public Safety. This bill has good intentions, but it duplicates laws that already provide felony punishment for 1st and 2nd degree assault on firefighters. It also is confusing in that it removes the reference to firefighters in the current law about extended terms of imprisonment. We also heard testimony from the National Association on Mental Illness, that this bill will potentially have a significant and punitive impact on individuals in mental crisis, and they believe that people in crisis deserve treatment and support, and not to be arrested, jailed, and faced with disproportionate penalties. For these reasons the minority of this committee recommended the bill be found inexpedient to legislate.

**Majority Amendment (0590h)**

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Criminal Code; First Degree Assault; Elements of Offense. Amend RSA 631:1, I by inserting after subparagraph (d) the following new subparagraph:

(e) Knowingly causes serious bodily injury to a law enforcement officer, a paid firefighter, volunteer firefighter, on-call firefighter, or licensed emergency medical care provider as defined in RSA 153-A:2, V, acting in the line of duty; or commits such an act against a law enforcement officer whether or not the officer is on duty, where the purpose was to harm the officer because of his or her present or previous employment as a law enforcement officer.

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Criminal Code; Second Degree Assault; Elements of Offense. Amend RSA 631:2, I by inserting after subparagraph (f) the following new subparagraph:

(g) Knowingly causes bodily injury to a law enforcement officer, a paid firefighter, volunteer firefighter, on-call firefighter, or licensed emergency medical care provider as defined in RSA 153-A:2, V, acting in the line of duty; or commits such an act against a law enforcement officer whether or not the officer is on duty, where the purpose was to harm the officer because of his or her present or previous employment as a law enforcement officer.

The question being adoption of the majority committee amendment.

On a division vote, with 190 members having voted in the affirmative, and 172 in the negative, the majority committee amendment was adopted.

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

Rep. Ray Newman spoke against.

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



**YEAS 196 - NAYS 179****YEAS - 196****BELKNAP**

Bean, Harry  
Dumais, Russell  
Minor, Sheri  
Varney, Peter

Bordes, Mike  
Freeman, Lisa  
St. Clair, Charlie

Coker, Matthew  
Harvey-Bolia, Juliet  
Terry, Paul

Comtois, Barbara  
Lunney, Matthew  
Trottier, Douglas

**CARROLL**

Avellani, Lino  
Hamblen, Joseph  
Taylor, Brian

Buco, Thomas  
MacDonald, John

Cordelli, Glenn  
Peternel, Katy

Crawford, Karel  
Brown, Richard

**CHESHIRE**

Murphy, Denis  
Nalevanko, Rich

Hunt, John  
Qualey, James

Karasinski, Sly  
Rhodes, Jennifer

Mattson, Rita

**COOS**

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete  
Valerino, Brian

**GRAFTON**

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
Lucas, Janet

Franz, Linda  
Sellers, John

Ladd, Rick

**HILLSBOROUGH**

Alexander, Joe  
Bouchard, Donald  
Creighton, James  
Dumont, Dillon  
Flanagan, Jack  
Gregg, Alicia  
Kofalt, Jim  
Leishman, Peter  
McLean, Mark  
Ohm, Bill  
Peeples, Raymond  
Presa, Adam  
Rombeau, Catherine  
Sheehan, Vanessa  
Ulery, Jordan

Boyd, Bill  
Chourasia, Manoj  
Kelley, Diane  
Dupont, Pierre  
Gagne, Larry  
Herbert, Christopher  
Labrie, Brian  
Lloyd, Christal  
Mooney, Maureen  
Panek, Sandra  
Petrigno, Peter  
Proulx, Mark  
Schneller, John  
Sirois, Shane  
Wheeler, Jonah

Barbour, Liz  
Colcombe, Riché  
Daniels, Gary  
Erf, Keith  
Gorski, Ted  
Jack, Martin  
Lascelles, Richard  
Long, Patrick  
Morton, Jonathan  
Paquette, Kathleen  
Plamondon, Marc  
Reinfurt, Sherri  
Scully, Kevin  
Sofikitis, Catherine  
Wherry, Robert

Boehm, Ralph  
Cole, Brian  
DiSilvestro, Linda  
Fedolfi, Jim  
Gould, Linda  
Kenny, Catherine  
LeClerc, Daniel  
Manohar, Sanjeev  
Notter, Jeanine  
Pauer, Diane  
Post, Lisa  
Rice, Kimberly  
Seidel, Sheila  
Tenczar, Jeffrey

**MERRIMACK**

Aures, Cyril  
Devoid, Ricky  
Moffett, Michael  
Boyd, Stephen  
Soucy, Timothy

Aylward, Deborah  
Gonzalez, Ernesto  
Morse, Bryan  
Schamberg, Thomas  
Wood, Clayton

Cambriels, Jose  
MacKay, James  
Pitaro, Matthew  
Schultz, Kris

McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
Seaworth, Brian

**ROCKINGHAM**

Ball, Lorie  
Bryer, Scott  
DeSimone, Debra  
Edwards, Jess  
Guthrie, Joseph  
Khan, Aboul  
Love, David  
Pearson, Mark  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Sabourin dit Choinière, Matt  
Dolan, Tom  
Vandecasteele, Susan  
Wilson, Vicki

Bennett, Cindy  
Mannion, Dennis  
Donnelly, Tanya  
Foote, Charles  
Guzofski, James  
Miner, Laurence  
Lundgren, David  
Markell, Jay  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Spillane, James  
Tripp, Richard  
Verville, Kevin

Bernardy, JD  
Thomas, Douglas  
Drago, Mike  
Ford, Mary  
Harb, Robert  
Walsh, Lilli  
Lynn, Bob  
McDonnell, Valerie  
Nadeau, Brian  
Perez, Kristine  
Roy, Terry  
Sweeney, Joe  
Tudor, Paul  
MacDonald, Wayne

Bridle, Nicholas  
de Vries, Erica  
Edgar, Michael  
Grote, Jaci  
Janigian, John  
Litchfield, Melissa  
Cahill, Michael  
McGrath, Linda  
Nelson, Jodi  
Porcelli, Susan  
Pearson, Stephen  
Sytek, John  
Vallone, Mark  
Weyler, Kenneth

**STRAFFORD**

Burnham, Claudine  
Smith, Geoffrey  
Potenza, Kelley

DeDe-Poulin, Denise  
Harrington, Michael  
Pearson, Wayne

DeLemus, Susan  
Kaczynski, Thomas

DeRoy, Susan  
Larochelle, John

**SULLIVAN**

Drye, Margaret  
Aron, Judy

Girard, Dale  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Smith, Steven

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

Aldrich, Glen

Bogert, Steven

Ploszaj, Tom

Toner, Travis

**CARROLL**

Belcher, Mike  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

**CHESHIRE**

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

**GRAFTON**

Almy, Susan  
Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Baldwin, Heather  
Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Stringham, Jerry

Barton, Joseph  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen  
Sykes, George

Beaulier, Calvin  
Fracht, David  
McFarlane, Donald  
Spahr, Terry

**HILLSBOROUGH**

Murray, Alissandra  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Giasson, Henry  
Hegner, Karen  
Kesselring, Steven  
Murphy, Mary  
Murphy, Nancy  
Newman, Ray  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Veilleux, Daniel  
Wilhelm, Matthew

Beauchemin, Paige  
Chretien, Suzanne  
Dargie, Paul  
Foss, Lily  
Grund, Stephanie  
Judy, Jean  
Kluger, Lee Ann  
Mazur, Lisa  
Noble, Kristin  
Raymond, Heather  
Salvi, Santosh  
Staub, Kathy  
Mannion, Tim  
Dolan, William

Bergeron, Dan  
Corcoran, Travis  
Drew, Matt  
Griffin, Gerald  
Harriott-Gathright, Linda  
Juris, Louis  
Foxy, Loren  
McGhee, Kat  
Preece, David  
Rung, Rosemarie  
Seibert, Christine  
Swanson, Dale  
Mannion, Tom  
Thomas, Wendy

Booras, Efstathia  
Cornell, Patricia  
Elberger, Susan  
Georges, Mary  
Hartnett, Tim  
Kerwin, Erin  
Murray, Megan  
Miles, Julie  
Prout, Andrew  
Ryan, Linda  
Slottje, Jeremy  
Telerski, Laura  
Vail, Suzanne  
Warden, Mark

**MERRIMACK**

Bricchi, Tracy  
Kelly, Eileen  
Hill, Gregory  
Newsom, James  
Roesener, James  
Walsh, Thomas

McGuire, Carol  
Gallager, Eric  
Lane, Connie  
Payeur, Stephanie  
Sargent, Gregory  
Thibault, James

Caplan, Tony  
Gibbs, Merryl  
Luneau, David  
Polozov, Yuri  
See, Alvin  
Wallner, Mary Jane

Colby, Eleana  
Hicks, Matthew  
Hall, Muriel  
Richards, Beth  
Snodgrass, Jim  
Woods, Gary

**ROCKINGHAM**

Balboni, Peggy  
Haskins, Linda  
Maggiore, Jim  
Meuse, David  
Scherr, Buzz  
Soti, Julius  
Weinstein, Toni

DeVito, Sayra  
Murray, Kate  
Malloy, Dennis  
Muns, Chris  
Selby, Donald  
Turer, Eric

Dunn, Ron  
Knab, Allison  
Mandelbaum, Jennifer  
Raynolds, Ned  
Simpson, Alexis  
Vose, Michael

Gilman, Julie  
Layon, Erica  
Manos, Zoe  
Read, Ellen  
Sorensen, Carrie  
Ward, Gerald

**STRAFFORD**

Ankarberg, Aidan  
Burton, Wayne  
Granger, Michael  
Johnson, Erik  
Malone, Amy  
Southworth, Thomas  
Walker, David

Bailey, Glenn  
England, Myles  
Howard, Heath  
LaMontagne, Jessica  
Miller, Seth  
Stone, John  
Wall, Janet

Bay, Luz  
Farrington, Samuel  
Horriggan, Timothy  
Levesque, Cassandra  
Schmidt, Peter  
Turcotte, Len

Bixby, Peter  
Gilmore, Gary  
Howland, Allan  
Smith, Marjorie  
Selig, Loren  
Wade, Alice

**SULLIVAN**

Sullivan, Brian  
Spillsbury, Walter

Cloutier, John

Damon, Hope

Palmer, William

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

**HB 87-FN**, prohibiting the posting of land not owned by the poster. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Matt Sabourin dit Choinière for the Majority of Criminal Justice and Public Safety. This bill reinforces private property rights by preventing individuals from posting on land that they do not have a legal right to nor reasonable basis for belief of having such a right and establishing penalties for doing so with an amendment of RSA 635:5. Vote 9-6.

Rep. Linda Harriott-Gathright for the Minority of Criminal Justice and Public Safety. This bill is brought forward without data that shows this is a problem in New Hampshire. It also uses terminology that's not prudent in law knowingly. The bill requests for a 1st offense, a fine of \$200 and any subsequent offense \$500. Knowingly is objective, therefore it would have better been served as 1st offense warning, 2nd offense \$200, and any subsequent offense \$500. The majority was not willing to sanction a warning on a 1st offense. The minority believe the fines were excessive and thought about the young person who was being foolish, and not thinking through their actions, maybe affected by this new law or the owner that never posted the landowner private property sign in the wooded areas. Bottom line, this bill appears not to be a solution to a problem but a bill looking for a problem. The methodology comments state the bill provides penalties for the violation(s). Thus, having an impact on the judicial and possible correctional systems, which may affect prosecution, incarceration, probation, and parole costs, for the state as well as county and local governments.

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

Rep. Harriott-Gathright spoke against.

Rep. Roy spoke in favor and yielded to questions.

On a division vote, with 234 members having voted in the affirmative, and 144 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

**HB 159-FN**, authorizing the state to report mental health data for firearms background check purposes and providing for processes for confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The bill, contrary to misinformation being spread by local advocates, is not a red flag bill. A red flag law takes a person's rights and property without due process. A red flag law allows a family member or the police to petition to remove someone's firearms without a due process hearing and based solely on an accusation that they may be dangerous. This bill has no mechanism for any person to petition the court to take someone's firearms or right to purchase them. The sole purpose of a red flag bill is to remove a person's right to possess a firearm. The sole purpose of this bill is to fulfill our commitment to the other states of this country, to share information related to people disqualified from owning firearms. The people who are subject to being reported by this bill are already prohibited from owning firearms by operation of law the moment a judge orders them committed. This bill merely reports this disability to NICS, no different than we currently report felony convictions and protective orders, so that the fact that these people are now prohibited, is available to gun dealers nationwide. It is important to realize that this bill would only be relevant to someone who had already been the subject of a mental health hearing to determine if they should be involuntarily committed to a mental health facility; committed, after they were found by the court to be a danger to themselves or others. At the hearing they are provided counsel, they can challenge evidence against them and bring their own evidence. They can cross examine witnesses and bring expert testimony in their defense. The process to involuntarily commit someone in the State of New Hampshire is the textbook definition of due process. Claims by anyone that this bill in anyway restricts someone's rights without due process, are blatant misrepresentation of the facts. Of equal importance, this bill establishes a restoration of rights procedure for anyone whose rights were restricted for mental health reasons in New Hampshire. Currently there are hundreds of New Hampshire citizens whose rights to own firearms have been removed for mental health reasons. Those people are now prohibited for life. The ATF will only remove a person from NICS who was placed there for mental health prohibitions if the state has a Restoration of Rights process codified in state law. This bill goes a step further by ordering that no names may be submitted to NICS, until the ATF approves our restoration of rights law, and agrees to remove anyone whose rights are restored according to it. The majority believes that this bill is pro 2nd Amendment. Responsible gun owners have long said that we reject one size fits all gun laws that restrict the rights of everyone because of the actions of the few. All too often after a shooting tragedy we find out that the shooter had a well-known history of mental health problems and nothing was done. Responsible gun owners often point to incidents like that and demand that something be done to prevent the dangerously mentally ill from getting firearms, versus laws that infringe on everyone's rights. In fact, the reason this bill was brought was due to just such an incident. Last year a security guard at the New Hampshire Hospital was shot dead by a former patient. This patient had been involuntarily committed twice prior to this shooting. Because we consistently refuse to pass a bill fixing it, the shooter was able to walk into a New Hampshire gun store and pass a background check and purchase the gun he used to shoot the guard, retired Police Chief Bradley

Haas. We can tell ourselves he was killed because he was not armed, but that would have been no guarantee he would have survived. What would be a guarantee though, would have been stopping the obviously still mentally disturbed shooter from buying the firearms in the first place. Make no mistake, Chief Bradley Haas is dead because we allowed his killer to obtain a firearm after the court warned us that he was a danger to himself and others. Failing to pass this bill will extend our responsibility to any future tragedy, and when one occurs, all gun owners will be held responsible by those who do not believe that anyone should have guns. Laws far more restrictive will be brought and our rights eroded. Actual Red Flag bills will be brought and depending on the level of the tragedy, the public will demand they pass. The majority thinks it's time to put the responsibility where it belongs, on the people who have been found to be a danger to themselves or others. The majority also thinks that these people should be treated fairly, and if they do get better, they should have a way to fully rejoin society, including exercising their 2nd Amendment rights. This bill does that. Vote 10-6. Rep. Matt Sabourin dit Choinière for the Minority of Criminal Justice and Public Safety. The bill, along with the committee amendment, adds citizens who have committed no crimes to the National Instant Criminal Background Check System (NICS). This action effectively, permanently, strips law abiding citizens who have been involuntarily committed of their constitutionally protected rights. Additionally, the bill and amendment deletes a section of a law that currently mandates that before sending in any names into NICS, there be a dedicated hearing in which the person or their attorney was physically present: "VI. No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a "mental defective" or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney." The amendment leaves in place the possibility that someone can petition the court under RSA 135-C:35 to have a separate individual involuntarily committed to a mental institution, thereby triggering this new mandatory reporting system. Since the ATF acknowledges on their website that the process to get off of the NICS database has never been funded and therefore this system only continues to add people. Additionally, the amendment would create a new class B felony for any person subject to this new section of law, RSA 159-G, who simply possesses a ..weapon as defined in RSA 625:11, V;" which includes common things like knives. It is unclear if this includes items typically found in someone's home, like kitchen knives. Next, the bill does nothing to address the potential of a person who is dangerous to themselves or others who might choose to harm others using some other item like a vehicle or pressure cooker. The bill simply takes the firearms away and does nothing to get the individual the medical help they need. The net effect of this bill might be that those who need help choose to avoid getting the help they need and thereby further hurting themselves. Lastly, while the committee heard the concerns about those struggling with mental health issues and wants to address the underlying mental health issues, the minority of the committee did not see a workable path to correct this legislation and feels that to properly balance the rights of the law-abiding citizens and to help those experiencing a mental health crises, a bill aimed at fixing the current support network for those experiencing mental health crises would be a better solution. The committee also overwhelmingly heard opposition to this bill in the form of public testimony, online submissions, and through e-mails. No second amendment group that was working to protect the rights of their members was in support of the bill or of the amendment. The online opposition was overwhelmingly opposed to this bill.

#### **Majority Amendment (0487h)**

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

AN ACT authorizing the state to report mental health data for firearms background check purposes, criminalizing possession of firearms or dangerous weapons following certain mental health-related court proceedings, and providing processes for relief from mental health-related firearms disabilities.

Amend RSA 159-G:4 and 159-G:5 as inserted by section 3 of the bill by replacing it with the following:

#### **159-G:4 Transfer of Firearms; Voluntary Relinquishment.**

I. The court may simultaneously with any order of commitment issue an order directing the person to transfer any firearms to another person, who is not himself or herself a prohibited person, and to whom the court determines such transfer should be permitted.

II. Firearms voluntarily relinquished may be transferred to a federally licensed firearms dealer, at the person's own expense, for further disposition at the request of the owner and upon order of the court.

#### **159-G:5 Notifications.**

On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under RSA 159-G:3, or on an order of commitment under RSA 135-C:34-54, 135-E:5, or 171-B:2, or upon the entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such person is prohibited under state and federal law from purchasing, possessing, carrying, or transporting a firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-H. The court shall further notify the person that if it is discovered that the person unlawfully retained any firearms, he or she may be subject to criminal prosecution and any firearms found in his or her possession will be subject to confiscation by the state and may not be returned pursuant to RSA 159:3.



Amend the bill by replacing all after section 5 with the following:

6 Convicted Felons and Persons Adjudicated Dangerously Mentally Ill. Amend RSA 159:3 to read as follows:

159:3 Convicted Felons ***and Persons Adjudicated Dangerously Mentally Ill.***

I. A person is guilty of a class B felony if he:

(a) Owns or has in his possession or under his control, a pistol, revolver, or other firearm, or slungshot, metallic knuckles, billies, stiletto, switchblade knife, sword cane, pistol cane, blackjack, dagger, dirk-knife, or other deadly weapon as defined in RSA 625:11, V; and ***either***

(b) Has been convicted in either a state or federal court in this or any other state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States of:

(1) A felony against the person or property of another; or

(2) A felony under RSA 318-B; or

(3) A felony violation of the laws of any other state, the District of Columbia, the United States, the Commonwealth of Puerto Rico or any territory or possession of the United States relating to controlled drugs as defined in RSA 318-B; ***or***

***(c) Has been subject to the reporting requirements of RSA 159-G due to mental illness and has not had his or her rights restored pursuant to the provisions of that chapter or RSA 159-H. This subparagraph shall apply to a person who, having been afforded due process, has been prohibited from possessing such weapons due to mental health reasons and whose rights have not been restored pursuant to the law in any other state or United States territory or military command.***

I-a. A person is guilty of a class B felony if such person ***knowingly falsely*** completes and signs an application for purchase of a firearm and the person is a convicted felon under the provisions of paragraph I; ***has been the subject of a court-ordered nonemergency involuntary commitment to a mental health facility after having been determined to be a danger to themselves or others pursuant to RSA 135-C:34 - 135-C:54 or a commitment pursuant to RSA 171-B:2 and the order is one that qualifies under 18 U.S.C. section 922(g)(4); found not guilty by reason of insanity; found mentally unfit to stand trial; or otherwise been the subject of the reporting requirements by the court pursuant to RSA 159-G and whose rights have not been restored.***

II. The state shall confiscate to the use of the state the weapon or weapons of persons convicted under this section.

III. It is an affirmative defense to a charge under this section that a felony of which a defendant has been convicted in another jurisdiction would not have constituted a felony in the state of New Hampshire at the time such felony was committed; ***or the defendant's rights have been restored pursuant to RSA 159-G or RSA 159-H or its equivalent in whatever state, territory, or military command their rights were suspended; or the defendant's rights were suspended in another jurisdiction because of the defendant being a federally prohibited person due to mental health, without the defendant having first been afforded due process to contest such suspension.***

7 Application Required. The attorney general shall make application for approval of section 5 of this act to the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other such agency as may be required by federal law in order to ensure New Hampshire citizens are provided with the ability to have their rights restored. RSA 159-G shall not take effect until the attorney general receives federal approval of the restoration of rights process.

8 Contingency. Sections 2 - 6 of this act shall take effect on the date the attorney general certifies to the secretary of state and director of the office of legislative services that the state has received approval from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, pursuant to section 7 of this act. If the attorney general does not receive such approval, sections 2 - 6 of this act shall not take effect.

9 Appropriation; New Hampshire Judicial Branch. The sum of \$1 for the fiscal year ending June 30, 2025, is hereby appropriated to the New Hampshire judicial branch for the cost of independent psychiatrist evaluations. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Repeal. RSA 126-AA:2, VI, relative to submission of information to NICS, is repealed.

11 Effective Date.

I. Sections 2 - 6 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect 60 days after passage.

#### AMENDED ANALYSIS

This bill authorizes the state to report mental health data for firearms background check purposes, criminalizes possession of firearms or dangerous weapons following certain mental health-related court proceedings, and provides processes for relief from mental health-related firearms disabilities.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Roy offered floor amendment (0930h).

**Floor Amendment (0930h)**

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

AN ACT authorizing the state to report mental health data for firearms background check purposes and providing for processes for voluntary surrender of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.

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

1 Short Title. This bill shall be known as “The Chief Bradley Haas Mental Health Firearms Reporting Act”.

2 Sale of Firearms; Criminal History Record Check, Mental Health Record Check, and Protective Order Check. Amend RSA 159-D:1 to read as follows:

159-D:1 Sale of Firearms; Criminal History Record **Check, Mental Health Record Check**, and Protective Order Check. The department of safety may become the point of contact for the federal government for the purposes of the National Instant Criminal Background Check System (NICS).

3 New Chapter; Mental Health Reporting for Firearm Background Checks. Amend RSA by inserting after chapter 159-F the following new chapter:

**CHAPTER 159-G**

**MENTAL HEALTH REPORTING FOR FIREARM BACKGROUND CHECKS**

159-G:1 Short Title. This chapter shall be known as “Bradley’s Law” in honor of retired Police Chief Bradley Haas who was shot and killed while defending the lives and safety of the patients and staff of the New Hampshire Hospital.

159-G:2 Mental Health Reporting Authorized. In compliance with the federal NICS Improvement Amendments Act of 2007, Public Law 110-180 and the Brady Handgun Violence Prevention Act of 1993, Public Law 103-159, the New Hampshire judicial branch and the department of safety are authorized to report to the National Instant Criminal Background Check System (NICS) records concerning persons who have been disqualified from possessing or receiving a firearm under 18 U.S.C. section 922(g)(4) because they have been:

I. Adjudicated as not guilty of a crime by reason of insanity;

II. Adjudicated as incompetent to stand trial and found by the court to be a danger to themselves or others pursuant to RSA 171-B:2, 135-E:5 or 135:17-a; or

III. Involuntarily committed to a mental health facility pursuant to RSA 135-C:34-54.

159-G:3 Entry Into the National Instant Criminal Background Check System.

I. Notwithstanding any other provision of law, including the requirement of a closed hearing and file under RSA 135-C:43, when a judge orders a nonemergency involuntary admission pursuant to RSA 135-C:34-54 or a commitment pursuant to RSA 171-B:2, and the order is one that qualifies under 18 U.S.C. section 922(g)(4), the court shall retain a record of the court order and promptly cause the disposition to be entered in the NICS Indices. When a person is found not guilty by reason of insanity, or incompetent to stand trial and found by the court to be a danger to himself or herself or others pursuant to RSA 135-E or 135:17-a, as provided in this section, the department of safety shall promptly cause that disposition to be entered in the NICS Indices, in accordance with paragraph II.

II. The court or the department of safety shall report only the person’s name, an identifier signifying the applicable prohibition under 18 U.S.C. section 922(g), the person’s social security number, and date of birth.

III. If a court determines that a person is not competent to stand trial and finds that the person is also a danger to themselves or others, but, after 90 days, the person is not committed pursuant to RSA 171-B:2, 135-C:34-54, or 135-E:5, upon the motion of any party or sua sponte, the court may transmit that finding to the department of safety for entry into the NICS Indices.

159-G:4 Notifications; Surrender of Firearms.

I. On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under RSA 159-G:3, or on an order of commitment under RSA 135-C:34-54, 135-E:5, or 171-B:2, or upon the entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such person is prohibited under federal law from purchasing, possessing, carrying, or transporting a firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-H. No additional inquiry into firearm ownership or dangerousness beyond the commitment finding shall be required.

II. The individual may, through counsel at the hearing, request to voluntarily surrender firearms to a trusted third party, such as a family member or friend.

III. Law enforcement shall not confiscate firearms under this section unless the individual is separately convicted of a disqualifying criminal offense.

IV. Firearms voluntarily relinquished may be transferred to a federally licensed firearms dealer, at the person’s own expense, for further disposition at the request of the owner and upon order of the court.

159-G:5 Exclusions.

I. Neither the court nor the department of safety shall transmit information on persons seeking voluntary treatment or on persons involuntarily hospitalized for assessment or evaluation.

II. Information the court or the department of safety causes to be transmitted to NICS pursuant to this chapter shall not be considered as public records pursuant to RSA 91-A.

III. The records entered into the NICS Indices pursuant to this chapter shall only be used for purposes of determining eligibility to purchase, possess, carry, or transfer a firearm or ammunition. Information furnished shall not include confidential medical or treatment records, confidential tax or financial data, or library records.

IV. Neither the court nor the department of safety shall submit the name of any person to NICS signifying a prohibition under 18 U.S.C. section 922(g) except pursuant to the processes outlined in this chapter. Only persons prohibited from possessing firearms by federal law pursuant to 18 U.S.C section 922(g) may be transmitted to NICS.

159-G:6 Appointment of Attorney. Unless otherwise provided in statute, a person may be appointed an attorney by the court for the purposes of any hearing referred to in this chapter.

4 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph I-a the following new paragraph:

I-b. Information caused to be transmitted by the court to the National Instant Criminal Background Check System pursuant to RSA 159-G:5, II.

5 New Chapter; Relief from Disabilities. Amend RSA by inserting after chapter 159-G the following new chapter:

#### CHAPTER 159-H RELIEF FROM DISABILITIES

159-H:1 Relief from Disabilities Petition. Any person who has a non-emergency involuntary commitment under RSA 135-C:34-54 or has been found not guilty by reason of insanity or incompetent to stand trial and found by the court to be a danger to himself or herself or others pursuant to RSA 171-B:2, 135-E:5 or 135:17-a, as outlined in RSA 159-G, and who is subject to the firearm disabilities of 18 U.S.C. section 922(g)(4), may petition for a review of the person's mental capacity to possess or purchase a firearm no sooner than the following time frames. Individuals found not guilty by reason of insanity may file for relief with the court 6 months after the finding of not guilty by reason of insanity status, unless the person was committed to an institution pursuant to RSA 651:8-b, in which case the person may file for relief 15 days after absolute discharge. Individuals found incompetent to stand trial and found by the court to be a danger to themselves or others under RSA 135:17-a, as outlined in RSA 159-G, may file for relief with the court 6 months after the finding of incompetency, unless the person was committed to an institution pursuant to RSA 171-B:2 or RSA 135-C:34-54, in which case the person may file for relief 15 days from when an absolute discharge order has been filed with the probate court. A person committed under RSA 135-E:5 may petition for relief 15 days after absolute discharge. There shall be a rebuttable presumption that any petitioner filing for relief from disability within 90 days of their absolute discharge is not a danger to themselves or others and no psychiatric examination is required.

159-H:2 Psychiatric Examination. Upon receipt of a petition for relief, the court shall schedule a hearing no later than 60 days after the date the petition was filed. Simultaneously, if it has been longer than 90 days since the date of absolute discharge, the court shall order an independent psychiatric examination be completed no more than 45 days from the date of the court's order. The independent psychiatrist shall provide the court with an opinion as to whether the person is disabled by a mental illness and is likely to act in a manner dangerous to public safety.

159-H:3 Hearing; Order; Appeals.

I. The petitioner may present evidence and call witnesses at the hearing on the petition. The court shall make written findings of fact and conclusions of law on the issues before it and issue a final order. The court may only consider applications for relief due to mental health adjudications or commitments that occurred in New Hampshire. The court shall review the circumstances regarding the firearms disabilities imposed by 18 U.S.C. section 922(g)(4), and records consisting of at minimum mental health and any criminal record, if applicable, and the person's reputation developed through character witness testimony, witness statements, or other character evidence.

II. The court shall grant the relief requested in the petition if the judge finds by a preponderance of the evidence that the petitioner will not be likely to act in a manner that is dangerous to public safety and that granting the relief would not be contrary to the public interest. The burden of proof shall be on the state to rebut such a finding and prove by clear and convincing evidence that the petitioner remains a prohibited person. If the final order grants relief, the court shall, as soon as possible, request that the NICS entry be redacted and shall notify the United States Attorney General that the basis for the record being made available no longer applies. The petitioner may appeal a final order denying relief within 30 days of the order to the New Hampshire supreme court. The supreme court shall review the case de novo and has discretion to review additional evidence.

III. If the motion for relief is denied, unless a court finds good cause for considering a petition for relief sooner, the person may petition the court for relief again after 2 years have elapsed.

6 Application Required. The attorney general shall make application for approval of section 5 of this act to the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other such agency as may be required by federal law in order to ensure New Hampshire citizens are provided with the ability to have their rights restored. RSA 159-G shall not take effect until the attorney general receives federal approval of the restoration of rights process.

7 Directive; Department of Justice. Should the attorney general at any time become aware of the failure to remove a record of mental health disability after a petitioner's rights have been restored pursuant to this chapter, the attorney general shall immediately investigate the matter by making an inquiry to NICS. If the investigation does not result in the timely removal of the record, the attorney general shall notify the department of safety to cease submitting new records until such time as the record in question is removed. The attorney general shall report any such incidents to the governor, the president of the senate, and the speaker of the house of representatives. The attorney general shall bring suit in federal court on behalf of any New Hampshire citizen whose rights have been restored pursuant to this chapter if NICS refuses to remove said record. The obligation to bring suit shall extend to the appellate level if necessary to restore the rights of any New Hampshire citizen so aggrieved.

8 Contingency. Sections 2 - 5 of this act shall take effect on the date the attorney general certifies to the secretary of state and director of the office of legislative services that the state has received approval from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, pursuant to section 6 of this act. If the attorney general does not receive such approval, sections 2 - 5 of this act shall not take effect.

9 Appropriation; New Hampshire Judicial Branch. The sum of \$1 for the fiscal year ending June 30, 2025, is hereby appropriated to the New Hampshire judicial branch for the cost of independent psychiatrist evaluations. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Repeal. RSA 126-AA:2, VI, relative to submission of information to NICS, is repealed.

11 Effective Date.

I. Sections 2 - 5 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect 60 days after passage.

#### AMENDED ANALYSIS

This bill authorizes the state to report mental health data for firearms background check purposes, and provides processes for relief from mental health-related firearms disabilities.

The question being adoption of floor amendment (0939h).

Rep. Roy spoke in favor.

Floor amendment (0939h) was adopted.

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

Rep. Aures spoke against.

Rep. Lascelles spoke in favor.

#### MOTION TO LAY ON THE TABLE

Rep. Osborne moved that **HB 159-FN**, authorizing the state to report mental health data for firearms background check purposes and providing for processes for voluntary surrender of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities, be laid on the table.

On a division vote, with 193 members having voted in the affirmative, and 187 in the negative, the motion was adopted.

#### REGULAR CALENDAR CONT'D

**HB 183**, relative to reporting requirements for emergency medical services personnel. **OUGHT TO PASS.**

Rep. Mark Proulx for Criminal Justice and Public Safety. This bill helps relieve the unfunded mandate put on emergency medical services to complete the medical report within 24 hours. If a call comes in close to the end of their shift, this bill will give additional time so that they can complete the medical report when they next come back on shift. It does not make good fiscal sense to force a municipality to pay overtime for a routine call report. This bill will allow local officials to determine when paying overtime for a report makes sense based upon the nature of the incident. The law sets a minimum time in which a report must be done but does not restrict management's authority to narrow that based upon local needs. Vote 9-7.

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

On a division vote, with 221 members having voted in the affirmative, and 158 in the negative, the committee report was adopted, and the bill was ordered to third reading.

**HB 592-FN**, relative to magistrates and the standards applicable to and the administration of bail. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**



Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority believes HB 592 should be found ought to pass. While significant bail reform was achieved last year, after hearing from the Mayor of Manchester and the Governor, the majority felt that more change was needed. The changes reflected in this bill address their concerns and suggestions. Vote 9-7.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. As written, the original bill essentially would effectively erase much of the hard-won bipartisan bail reform compromise from 2024, which has only been in effect for 2 months. Given the responsibility of this body to make thoughtful and responsible changes to our laws that enhance public safety while preserving civil liberties for all, the minority strongly believes that the changes proposed in this legislation are premature and not in the best interests of our citizens. Among the changes the majority would make are changing the maximum time most people accused of committing crimes could be held from a maximum of 24 hours, including holidays and weekends, to increasing this period to 36 hours, excluding holidays and weekends. This would open the door to people being held without a hearing for an extended period of time during which they could languish in jail and potentially lose employment. The bill also in many cases reduces the evidentiary standard allowing a person to be held from the current clear and convincing standard to probable cause. Since probable cause is the same standard police use in arrests, this change would effectively mean that no additional evidence would be needed to hold a person. While the minority is opposed to the legislation recommended by the majority for the reasons stated, the minority is proposing an amendment replacing the original bill that more effectively balances the need to enhance public safety with our constitutional obligation to preserve a rigorous burden of proof before we take away an individual's freedom who has not yet been convicted of a crime.

#### **Majority Amendment (0448h)**

Amend the bill by replacing section 3 with the following:

3 Bail and Recognizances; Release of a Defendant Pending Trial. RSA 597:2 is repealed and reenacted to read as follows:

597:2 Release of a Defendant Pending Trial.

I. Except as provided in paragraph III or VIII, upon the appearance before the court of a person charged with an offense, the court shall issue an order that, pending arraignment or trial, the person be:

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;
- (c) Detained; or
- (d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph XII.

II. Except as provided in RSA 597:1-d, a person charged with a probation violation shall be entitled to a bail hearing. The court shall issue an order that, pending a probation violation hearing, the person be:

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or
- (c) Detained.

III.(a) A person may be detained for a period of not more than 36 hours from the time of his or her arrest, excluding weekends and holidays. The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a finding of probable cause that such release will not reasonably assure the appearance of the person as required or will endanger the safety of the person or of any other person or the community. The court may also consider as a factor in its determination under this paragraph or paragraph IV that a person who is detained as a result of his or her inability to meet the required conditions or post the required bond is the parent and sole caretaker of a child and whether, as a result, such child would become the responsibility of the division for children, youth, and families.

(b) If there is probable cause to believe that, on this matter or while on release pending resolution of a previous offense, the person: failed to appear; or committed a felony, class A misdemeanor, or driving or operating while impaired; or violated a condition of bail; there shall be a rebuttable presumption that the person will not abide by bail conditions, and the person shall be detained. At the bail hearing, the defendant shall be permitted to present evidence and the court shall decide whether such person has rebutted the presumption that release will not reasonably assure the appearance of the person as required or comply with bail conditions.

(c) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; felony level domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; felony level stalking under RSA 633:3-a, VI(a); trafficking in persons

under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer pornography and child exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. Arraignment shall occur no later than 36 hours after the arrest, excluding weekends and holidays. At the person's appearance before the court, the court shall order that the person be detained pending trial if the court determines by a finding of probable cause that release of the person is a danger to that person or the public. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant and material factors presented pursuant to paragraph VI. If the court does not find probable cause that the person must be detained, the court shall order the person released pursuant to subparagraph I(b), or, if applicable, temporarily detained pursuant to subparagraph I(d). A person arrested for violating the conditions of his or her bail for an offense listed in this subparagraph shall be held until they can be brought before the court at the first available date. If at a subsequent hearing, the court finds probable cause exists that the person violated the conditions of his or her bail for any of the crimes listed in this subparagraph, the defendant shall be held pending trial.

IV. As applied to this section, the court shall not impose a financial condition that will result in the pretrial detention of the person solely as a result of that financial condition unless the court determines by a finding of probable cause after a hearing that no reasonable alternative or combination of conditions will assure that the person will not commit a new offense, violate bail, or fail to appear. The defendant shall be afforded the opportunity to be heard and the court may consider any relevant factors in making its determination.

V. In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court may consider all relevant factors bearing upon a person's ability to post bail.

VI.(a) Evidence in support of preventive detention shall be made by offer of proof at the initial appearance before the court. At that time, the defendant may request a subsequent bail hearing where live testimony is presented to the court.

(b) At any subsequent hearing, such testimony may be presented via video conferencing, unless the court determines that witness testimony in court is necessary. A request by the defendant for in-court testimony shall be made by oral motion at the initial hearing or by written motion prior to any subsequent hearing. Any order granting the defendant's request shall be distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim from voluntarily testifying at such hearing. The state may present evidence of statements made in the course of an investigation through a law enforcement officer.

VII.(a) If the court determines that release described in paragraphs I and II will not reasonably assure the appearance of the person as required or, as described in paragraph III or IX, will endanger the safety of the person or of any other person or the community, the court shall issue an order that includes the following conditions:

(1) The condition that the person not commit a crime during the period of release; and

(2) Such further condition or combination of conditions that he determines will reasonably assure the appearance of the person as required and the safety of the person or of any other person or the community, which may include the condition that the person:

(A) Execute an agreement to forfeit, upon failing to appear within 45 days of the date required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the court may specify;

(B) Furnish bail for his or her appearance by recognizance with sufficient sureties or by deposit of moneys equal to the amount of the bail required as the court may direct; and

(C) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of the person or of any other person or the community.

(b) In considering the conditions of release described in subparagraph VII(a)(1) or VII(a)(2), the court may upon its own motion, or shall upon the motion of the state, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that because of its source will not reasonably assure the appearance of the person as required.

XIII. If a person is charged with violation of a protective order issued under RSA 173-B or RSA 633:3-a, the person shall be detained without bail pending arraignment pursuant to RSA 173-B:9, I(a).

IX. If a person is charged with any of the offenses listed in RSA 173-B:1, I or charged with violation of a protective order issued under RSA 458:16, III or after arraignment for violation of a protective order under RSA 173-B, the court may order preventive detention without bail if there is probable cause to believe that the person poses a danger to another, or, in the alternative, restrictive conditions including but not limited to electronic monitoring and supervision. The court may consider, but shall not be limited to considering, any of the following conduct as evidence of posing a danger:

- (a) Threats of suicide.
- (b) Acute depression.
- (c) History of violating protective orders.
- (d) Possessing or attempting to possess a deadly weapon in violation of an order.
- (e) Death threats or threats of possessiveness toward another.
- (f) Stalking, as defined in RSA 633:3-a.
- (g) Cruelty to or violence directed toward pets.

X. A no-contact provision contained in any bail order shall not be construed to:

(a) Prevent counsel for the defendant to have contact with counsel for any of the individuals protected by such provision; or

(b) Prevent the parties, if the defendant and one of the protected individuals are parties in a domestic violence or marital matter, from attending court hearings scheduled in such matters or exchanging copies of legal pleadings filed in court in such matters.

XI. In a release order issued pursuant to the provisions of this section, the court shall include a written statement that sets forth:

(a) All of the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(b) The provisions of RSA 641:5, relative to intimidation of witnesses and informants.

XII. A person charged with an offense who is, and was at the time the offense was committed, on probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III may be detained for a period of not more than 36 hours from the time of his or her arrest, excluding weekends and holidays. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state or local law enforcement official. Upon such notice the court shall also direct the clerk to notify by telephone the division of field services, department of corrections, of the pending bail hearing. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole may be subject to arrest and detention as probation and parole violators.

XIII. Notwithstanding any law to the contrary, upon the appearance of a person charged with a class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines that such release will endanger the safety of the person or of any other person or the community. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

XIV. A person detained by a circuit court has the right to:

(a) In the first instance, a hearing in circuit court within 36 hours after the filing of the motion, excluding weekends and holidays on a motion to reconsider the original detention order; and

(b) A decision upon a de novo appeal, pursuant to RSA 597:6-e, II, to the superior court within 36 hours of the filing of the appeal, excluding weekends and holidays.

XV.(a) Each county may develop criteria to evaluate and determine whether a person is indigent or not for the purpose of the person's ability to repay the cost of electronic monitoring. Based on the criteria, the county may render a finding of indigent or not for the purpose of the person's ability to repay the costs of electronic monitoring.

(b) If the county finds that the person is not indigent for the purpose of repaying the cost of electronic monitoring, the county may order that the person reimburse the county for payment of the cost of electronic monitoring. The county may extend the time period for repayment in its discretion to allow the person time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed. The county may seek reimbursement in other ways as determined by the county.

(c) If the county finds that the person is indigent for the purpose of repaying the cost of electronic monitoring, the county may waive the cost of electronic monitoring.

The question being adoption of the majority committee amendment.

On a division vote, with 209 members having voted in the affirmative, and 167 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. Scherr offered floor amendment (0939h).

#### **Floor Amendment (0939h)**

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

1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, III(a)(2) to read as follows:

(2)(A) If a person is charged with any other criminal offense, and the court or magistrate determines by clear and convincing evidence that release will endanger the safety of that person or the public, the court or magistrate may:

(i) (A) Order preventive detention without bail;

(ii) (B) Order the defendant to comply with restrictive conditions;

(iii) (C) Order electronic monitoring and supervision where the defendant has been accepted for electronic monitoring and supervision by the county; or

(iv) (D) Any combination thereof.

(B) In determining whether release will endanger the safety of that person or the public, the court or magistrate may consider all relevant factors presented pursuant to paragraph IV.]

(3) *In making a decision as to the existence of clear and convincing evidence under RSA 597:2, III(a), the bail commissioner, magistrate, or judge shall consider the following factors, in addition to other factors the court may find relevant:*

(A) *Any prior criminal convictions of the defendant.*

(B) *Any prior felony convictions of the defendant.*

(C) *Any prior criminal convictions of the defendant for violent crimes.*

(D) *Any pending felony charges of the defendant, including whether such pending charge is one involving violence and/or a deadly weapon.*

(E) *Whether the person is the sole income producer for dependents.*

(F) *Whether the person is the parent and sole caretaker of a child and whether, as a result, such child would become the responsibility of the division of children, youth, and families.*

(G) *Whether the defendant is employed.*

2 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, III(b)(2) to read as follows:

(2) If the court or magistrate determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, [3] 2 or more times within the past 3 years, or twice on the present case, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required, and the person shall be detained. At the bail hearing, the defendant shall be permitted to present evidence and the court or magistrate shall decide whether such person has rebutted the presumption that release will not reasonably assure the appearance of the person as required.

3 Effective Date. This act shall take effect January 1, 2026.

#### AMENDED ANALYSIS

This bill adds factors for a bail commissioner, magistrate, or judge to consider in determining whether there is clear and convincing evidence that a defendant's release will endanger the safety of the person or public, and modifies the amount of failures to appear needed to trigger a rebuttable presumption that release will not reasonably assure the appearance of the defendant.

The question being adoption of floor amendment (0939h).

Rep. Scherr spoke in favor.

Rep. Rhodes spoke against.

On a division vote, with 171 members having voted in the affirmative, and 209 in the negative, floor amendment (0939h) failed.

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

Rep. Roy offered floor amendment (0940h).

#### Floor Amendment (0940h)

Amend the bill by replacing section 2 with the following:

2 Arrests in Criminal Cases; Place and Time of Detention. Amend RSA 594:20-a, I to read as follows:

I. When a person is arrested with or without a warrant, he or she may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody. The person shall be taken to appear before a [magistrate,] circuit court[,] or a superior court without unreasonable delay to answer for the offense. All persons shall appear no later than [24] 36 hours after arrest[, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the same day,] Saturdays, Sundays, and holidays excepted. [In the case of a person arrested when the court is not open within the next 24 hours, a decision on bail shall be made by a magistrate within 24 hours of the arrest for any of the crimes listed in RSA 597:2, III(a)(1). Hearings held by a magistrate pursuant to this section may be held telephonically, and the magistrate may conduct such hearing from any location within the state of New Hampshire, without regard to the jurisdiction in which the person was arrested. This section shall not be construed to prohibit telephonic hearings that are otherwise permitted by law or court rule].

Amend the bill by replacing sections 4 and 5 with the following:



4 Bail and Recognizances; Review and Appeal of Release or Detention Order. Amend RSA 597:6-e to read as follows:

597:6-e Review and Appeal of Release or Detention Order.

I. If a person is ordered released by a bail commissioner ~~[or magistrate]~~, the person, or the state, shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours, Sundays and holidays excepted.

II. Subject to RSA 597:2, ~~[X,]~~ **XIV** the person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice ~~[or magistrate]~~, or by a bail commissioner. The motion shall be determined promptly. However, no action shall be taken on any such motion until the moving party has provided to the superior court certified copies of the complaint, affidavit, warrant, bail slip, and any other court orders relative to each charge for which a release or detention order was issued by a justice, or a bail commissioner. In cases where a district court justice has made a finding, pursuant to RSA 597:2, IV that the person poses a danger to another, the superior court shall, after notification to both parties, the police department that brought the charges in district court, and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into consideration the district court's written findings, orders, pleadings, or transcript when making a modification.

III. The person, or the state pursuant to RSA 606:10, V, may appeal to the supreme court from a court's release or detention order, or from a decision denying revocation or amendment of such an order. The appeal shall be determined promptly.

5 Bail and Recognizances; Detention and Sanctions for Default or Breach of Conditions. Amend RSA 597:7-a, I to read as follows:

I. A peace officer may detain an accused until the accused can be brought before a justice ~~[or magistrate]~~ if the peace officer has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if the peace officer witnesses a breach of conditions of release. The accused shall be brought before a justice ~~[or magistrate]~~ for a bail revocation hearing within ~~[24]~~ **36** hours, ***Saturdays, Sundays, and holidays excepted.***

The question being adoption of floor amendment (0940h).

Rep. Roy spoke in favor.

On a division vote, with 206 members having voted in the affirmative, and 173 in the negative, floor amendment (0940h) was adopted.

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

Rep. Scherr spoke against.

Rep. Roy spoke in favor.

#### **MOTION TO LAY ON THE TABLE**

Rep. Nicholas Germana moved that **HB 592-FN**, relative to magistrates and the standards applicable to and the administration of bail, be laid on the table.

Rep. Kuttub requested a roll call; not sufficiently seconded.

On a division vote, with 177 members having voted in the affirmative, and 202 in the negative, the motion failed.

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

Rep. Granger requested a roll call; not sufficiently seconded.

On a division vote, with 204 members having voted in the affirmative, and 175 in the negative, the majority committee report was adopted.

Rep. Johnson recused himself and did not participate in the vote.

The Speaker referred the bill to the Committee on Finance.

#### **MOTION TO PRINT DEBATE**

Rep. Weber moved that the debate on **HB 592-FN**, relative to magistrates and the standards applicable to and the administration of bail, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

#### **DEBATE ON HB 592-FN**

**Speaker Packard:** The motion before us is the majority committee amendment (0448h). This is a division vote. The Chair recognizes Rep. Scherr for a parliamentary inquiry.

**Representative Scherr:** Thank you, Mister Speaker. If I know that this bill, this amendment, is costly to the counties. If I know that it will require counties to hire more corrections officers. If I know that it will strain the judiciary even further with costs. If I know that this is as anti-liberty a bill that there is, and it will result in many more people being jailed. And if I know that 25 to 30% of those people, all people who are

charged with crimes, 25 to 30% of them have their charges either completely dismissed or they are found not guilty. And if I know that because of that, we will be jailing pre-trial people who have not been found guilty, some of whom will never be found guilty, would I press the red button and vote no?

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

**Representative Osborne:** Thank you, Mister Speaker. If I know that I want to ensure that protections for the accused are codified, would I support this amendment rather than passing the underlying bill without being amended by pressing the green button?

**Speaker Packard:** The motion before us is the majority committee amendment (0448h) that is in House Record 15, printed on pages 53 through 55. This is a division vote. If you are in favor, press the green button. If you are opposed, press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 209 voting Yea, 167 voting Nay, the amendment is adopted. The bill is on second reading and open to further amendment. I would suggest everybody stay in their seat as we have a number of amendments to go through. The bill is on second reading and open to further amendment. Rep. Scherr moves floor amendment (0939h) and that is in your seat pockets. It is part of a stapled group. The Chair recognizes Rep. Scherr.

**Representative Scherr:** The amendment that was just approved is both costly and it is anti-liberty. This amendment, by contrast, recognizes the work that the criminal justice committee did last session in a bipartisan fashion and passed a bill 16-0 that made further tweaks to the bail reform bill. It tightened up the bail reform bill and that bill passed this House by an overwhelming vote, and it passed the Senate by an overwhelming vote. What is now before you simply tweaks that in a way to tighten it up a good bit more to force judges to consider whether a person has a violent past or criminal record, whether the current charge is a felony, whether the current charge is a violent felony, whether they are out on bail on a violent felony or a felony of some sort. This bill keeps in place the magistrate system which allows people who have been arrested to see a magistrate or a judge within 24 hours, unlike the amendment that was just passed, which deletes the magistrates completely and it allows for people to be held, individuals to be held for 36 hours excluding weekends and holidays before they see a judge which means somebody who is arrested after 5:00 on a Friday may not see a judge until the following Wednesday or Thursday even though they've not been found guilty of anything and even though 25 to 30% of them will actually never be found guilty. What we need to understand is, everyone needs to understand, in spite of all the PR, the bail system is working. The Mayor of Manchester told us on Tuesday that the celebrated, that the crime rate in Manchester last year under last year's bail reform was down 15%. That isn't even under the bipartisan bill that tightened up bail reform that didn't go into effect until January 1<sup>st</sup> of this year. We don't need to fix bail reform. We don't need to fix bail reform because we know that when bail reform went into effect, the year bail reform went into effect, there were a little over 18,000 violent crimes and property crimes in New Hampshire that year. Last year, it's been documented, under bail reform over the last six years, there are now only 13,000 plus property crimes or violent crimes. Bail reform, as this legislature has continued to work on it, is working. We do not need to throw it out. We need to tweak it as this amendment does. We need to reduce the number of failures to appear that will result in a judge presuming that someone is not going to appear again, that is reduced from three failures to appear to two failures to appear that is getting rid of substantially the revolving door. Most importantly, this alternative does not impose what is the equivalent of an unfunded mandate on counties to hire more corrections officers, to open up wings of jails that have been closed and used for other purposes. What we know is this amendment is not an anti-liberty amendment. It isn't jailing people needlessly by reducing the standard for which they can be held to probably cause, which is no standard whatsoever. We know that this amendment will make the appropriate tweaks to bail reform while the criminal justice committee looks at how bail reform is going under the new provision which went into effect on January 1<sup>st</sup>, and we have time to consider it. This amendment will make a worthwhile tweak, but it will allow the committee to continue to consider this. I urge you to vote yes. Press the green button on this and vote yes. I ask for a division vote.

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

**Representative Rhodes:** Thank you, Mister Speaker. So, its very interesting that my colleague brings a floor amendment and says the words that we understand that more tweaking can be done because last term whenever we sat there for a year and a half working on this bail reform, the agreement that we agreed to was because absolutely there was nothing more could be done. That was absolutely it. Don't bring it back, but yet we are told in committee well, yeah there is a little bit more work that can be done. You know what, we did do work and its going to be on the amendment that we are going to pass after we kill this floor amendment. Clear and convincing evidence. Do you realize how high of a bar that is? That's more than what it takes to get a search warrant. Additionally, we are talking about a person that is sadly, not vandalism or trespassing. We are talking about the 12 most egregious crimes. We are talking about child sex predators. We are talking about people that have child pornography on their computers. We are talking about people who are sexually assaulting people, and all of the stars have to align in like this perfect phenomenon. You have to be arrested on a Friday after 5:00 and Monday has to be a holiday weekend. How many Monday holidays do we have?

I don't really think that many. Additionally, the bail commissioners are not allowed to hold bail hearings. Sorry, the magistrates are not allowed to hold bail hearings. The majority of people are still going to see bail commissioners. You know what they say, the person in the wrong always does the most talking? Vote red.

**Speaker Packard:** The motion before us now is the Scherr floor amendment. This is going to be a division vote. Members take your seats. The motion before us is the Scherr floor amendment. This is a division vote. The Chair recognizes Rep. Scherr for a parliamentary inquiry.

**Representative Scherr:** Thank you, Mister Speaker. If I know that in Dover in February of this year under the bipartisan bail reform bill, the police arrested a person and charged him with 7 felonies involving narcotics distribution and he was preventively detained under the bipartisan bail bill. If I know that in Nashua, a person was arrested for repeatedly sexually assaulting a 15-year-old and for manufacturing child sexual abuse images and he was preventively detained under the bipartisan bail bill. If I know in Hudson, the police arrested a person for burglarizing a house and putting in place hidden cameras to record what the members of that house was doing, and he was held preventively under the current bipartisan bail statute. If I know that in Nashua,

**Speaker Packard:** Representative, this is a parliamentary inquiry. Not a speech.

**Representative Scherr:** And if I know that in Nashua, the police arrested someone for shooting someone during a fight and he was preventively detained, would I vote and press the green button and vote yes?

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

**Representative Rhodes:** Thank you, Mister Speaker. Mister Speaker, if I know that there was just a knife fight in Manchester a couple of weeks ago, would I vote red?

**Speaker Packard:** The motion before us is the Scherr floor amendment. It is in your seat pockets stapled together in a packet. This is going to be 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. 171 voting Yea; 209 voting Nay the amendment fails. The bill is on second reading and open to further amendment. Rep. Roy offers floor amendment (0940h). It is in your seat pockets in the packet. The Chair recognizes Rep. Roy.

**Representative Roy:** Thank you, Mister Speaker. This is an amendment. Actually, OLS contacted me and notified me that there was a clerical error. All this does is it fixes a reference in the statutes. Please support this amendment.

**Speaker Packard:** The motion before us is the Roy floor amendment (0940h). Are you ready for the question? A division has been requested. Members take your seats. The motion fore us is the Roy floor amendment. This is a division vote. The Chair recognizes Rep. Scherr for a parliamentary inquiry.

**Representative Scherr:** If I know that this amendment reinforces the fact that people will be held for 36 hours without seeing a magistrate or a judge excluding weekends and holidays, a further affront to the liberty of individuals without ever getting a hearing before they are ever found guilty, would I press the red button and vote no?

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

**Representative Roy:** Thank you, Mister Speaker. If I know that this amendment has nothing to do with that stuff that he just said. This is just a clerical correction, would I then just vote to pass the amendment so we can get to the bill?

**Speaker Packard:** The motion before us is the Roy floor amendment (0940h). It is in your seat pockets, and 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. 206 voting Yea; 173 voting Nay, the amendment is adopted. The motion before us now is Ought to Pass as Amended on HB 592. The Chair recognizes Rep. Scherr.

**Representative Scherr:** Thank you, Mister Speaker. You've heard a lot about bail. There has been a lot of discussion over the last many years. Let's not take a big leap by just completely gutting the bail reform statute. That doesn't accomplish what we want. Despite what an earlier member might have suggested, we have always been open on criminal justice to listening to what's going on and continuing to tweak the bail bill. Perfection is never attainable, and we always listen to what's going on. Number two, I hesitate to talk about the Manchester incident one more time, but that was a fight started by one person. He swung and hit another person, guy number two in the head, called him the "N" word. Then the guy who was hit in the head said I got a knife, let's not do this. The guy number one says I got a knife too even though he didn't have a knife. So, they come back together again, they tumble on the ground. Guy number one gets 9 stab wounds, and guy number two gets 2 stab wounds. The rule on the street is he who wins a fight gets charged. That's all that's happened. Guy number two is now charged. He's going to raise a tough defense claim and it's a very strong self defense claim. So, however you vote on this, don't vote based on that Manchester incident. I gave you examples of how many different times the bail statute currently in place has been working. People are being held preventively on a regular basis. Let's not open the door of flood gates and have a lot more people held when the crime rate in Manchester has gone down 15%, where the number of property crimes has, and



violent crimes has gone down from 18,000 to 13,000 since bail reform went into effect. It is working. The legislature has done an excellent job at slowly and carefully adjusting bail reform issues when they come up. It's been done on a bipartisan basis. Let's continue with that and not take the opportunity to get rid of bail reform as this bill does. I ask you to press the red button and vote against, vote no on the OTP/A.

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

**Representative Roy:** Thank you, Mister Speaker. This isn't about who gets stabbed or who gets arrested and who let go. This is about policy. The bill last year was a good bill. It wasn't a Republican bill because we didn't have a Republican majority. So, we compromised, and we came up with a good bill. We don't have to compromise. It is now a Republican majority, and we are going to pass a Republican bail bill. We don't need to be ashamed of that. We are Republicans and that's what we are going to do. So, I hate to say it because I have to because someone famously said it, elections have consequences. Vote green.

**Speaker Packard:** The motion before us. For what reason does the member rise?

**Representative Nicholas Germana:** To make a motion.

**Speaker Packard:** State your motion.

**Representative Nicholas Germana:** I move that we lay HB 592 on the table.

**Speaker Packard:** It is a correct motion. The motion before us is to lay HB 592 on the table. Rep. Kuttub has requested a roll call. Is that sufficiently seconded? It is not sufficiently seconded. This will be a division vote. Members take your seats. This will be a division vote. The motion before us is to table HB 592. This is going to be a division vote. The Chair recognizes Rep. Scherr for a parliamentary inquiry.

**Representative Scherr:** Thank you, Mister Speaker. It has been a while since I saw you all. Let's do what this legislature does. Excuse me. I know that the right thing to do is to do what us legislators do best. Think carefully about things and come to a consensus and come to a compromise. So, please press the green button and vote yes on the tabling motion.

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

**Representative Berry:** Thank you, Mister Speaker. Mister Speaker, if I know that this is yet another attempt to protect the broken bail law that we have in our system. And Mister Speaker, if I know that our system doesn't work. If I know that a Veteran, an Army Veteran was killed on Friday on the morning while he was walking by a pond and he was stabbed to death nine times by a person out on double PR bail who was on bail for trying to stab someone and he fulfilled that promise, would I now put an end to the games and vote red so we can pass this bill?

**Speaker Packard:** The House will be in order. The motion before us is to table HB 592. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 177 voting Yea; 202 voting Nay, the motion fails. Rep. Granger has requested a roll call. Is that sufficiently seconded? We are on the motion of Ought to Pass as Amended. It is not sufficiently seconded. So, the motion before us is Ought to Pass as Amended on HB 592. A division has been called. Members take your seats. The motion before us is Ought to Pass as Amended. This going to be a division vote. The Chair recognizes Rep. Scherr for a parliamentary inquiry.

**Representative Scherr:** I will be uncharacteristically brief. If I know that this OTP/A presents a bill that is both costly to counties and is anti-liberty and that many people will be jailed, some of whom will never in spite of not having been found guilty and will never be found guilty given the nature of the system, would I press the red button and vote no?

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

**Representative Rhodes:** Thank you, Mister Speaker. Mister Speaker, if I know that by passing this bill we are going back to where we were before 2018 whenever we passed a disastrous bail reform bill. It was a national effort to fix something that was not broken in the first place in New Hampshire. And if I know that by passing this bill, we are going to do away with the magistrates that don't have the ability to hold bail hearings in the first place. And if I know that only the most egregious crimes are the people held for up to 36 hours whenever all the stars align perfectly, then would I press green?

**Speaker Packard:** The motion before us Ought to Pass as Amended on HB 592. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had the opportunity to vote? The House will attend to the state of the vote. 204 voting Yea; 175 voting Nay, the committee report is adopted.

**(Rep. Steven Smith in the Chair)**

**REGULAR CALENDAR CONT'D**

**HB 115-FN**, relative to universal eligibility for the education freedom account program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the Majority of Education Funding. A "one size fits all" system of education is not the best learning environment for all students. Research demonstrates that by expanding educational choice availability



to children, learning improves, including for those who prefer traditional public schools, while saving taxpayers money. New Hampshire's Education Freedom Account (EFA) program, a successful choice opportunity, is currently restricted to families that make no more than 350% of the federal poverty level. That's \$90,370 for a family of three and \$112,525 for a family of four. This bill, as amended, increases the income eligibility level to no more than 400% for FY 26, the first year of the biennium. That's \$128,600 for a family of four. After June 30, 2026, no income threshold needs to be met in subsequent years for a K-12 student to enroll in the EFA program provided the student otherwise qualifies. This will make the state's popular Education Freedom Accounts available to every student in the Granite State regardless of family income by the end of the upcoming biennium. Opponents of expansion have incorrectly asserted that making EFAs universal would cost the state more than \$100 million. But to reach that number, EFA opponents included thousands of ineligible pre-school students, out-of-state students, home schoolers not desirous of taking an EFA grant, and current EFA students. They also assumed, without evidence, that every eligible student would take an EFA; however, no school choice program in the country has a 100% take-up rate among eligible students outside the public school system. After removing ineligible students and using more realistic take-up rates based on actual program experience in New Hampshire and other states, a study released by the Josiah Bartlett Center for Public Policy estimated that by making all students eligible for the EFA program in both years of the upcoming biennium, it would cost the state \$6.5 million in FY 26 and \$11 million in FY 27. That study's estimated cost of \$17.5 million was based upon two years of universal eligibility. This bill achieves universal eligibility only in the last year; therefore, costing less than the above projection. Because this new population of eligible students will likely come from households with incomes above 350% of the federal poverty level (FPL), the average EFA grant will be smaller than in the early years of the program in which eligibility was restricted to lower-income students, about 40% of whom received additional aid for having incomes lower than 185% of the FPL. Although much of this report has centered on cost, the primary outcome of this bill is to provide the best educational fit for students who have struggled to succeed or who are not being academically challenged in the "one size fits all" state system. The Education Freedom Account program is the learning experience that provides all children, regardless of family income, an education that better serves their learning styles, values, and aspirations. Vote 10-8.

Rep. David Luneau for the Minority of Education Funding. The minority urges this bill that would remove the income eligibility requirements for the education voucher program be found Inexpedient to Legislate. Currently, students are eligible for Education Freedom Accounts (EFA) if the family income is at or below 350% of federal poverty level. This legislation fails to meet basic fiscal responsibility by providing subsidies for affluent people to send their children to private schools they are already attending while we neglect creating equitable state funding of public schools. With no true accountability for the expenditures of the current EFA program, an incomplete audit of the operations thus far, lack of outcome measures for students currently enrolled in EFAs, and a state fiscal crisis due to reduced revenue, it is irresponsible to expand the program. The EFA program was marketed when created as an opportunity to provide alternatives for students not thriving in public schools. But 90% or more of students receiving EFAs were already in private or home schools. While we lack adequate outcome measures for New Hampshire voucher students, the outcomes in other states with similar programs have been so dismal, some states have stopped tracking outcomes. This bill furthers that by allowing any school-age New Hampshire resident to receive voucher funds without ever benefiting from public school enrollment. This undermines our quality public education while using taxpayer funds to pay for programs with selective enrollment and no requirement for certified educators. The minority strongly recommends Inexpedient to Legislate on this extremely expensive, irresponsible legislation.

#### Majority Amendment (0651h)

Amend the bill by replacing section 1 with the following:

1 Education Freedom Accounts; Definitions; Eligible Student. Amend RSA 194-F:1, VI to read as follows:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program is less than or equal to ~~[350]~~ **400** percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2). ***After June 30, 2026, no income threshold need be met in subsequent years for a kindergarten through grade 12 student to enroll in the EFA program,*** provided the student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

#### AMENDED ANALYSIS

This bill increases the income eligibility for the EFA program in fiscal year 2026 and removes the income eligibility criteria beginning in fiscal year 2027.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Luneau offered floor amendment (0916h).

**Floor Amendment (0916h)**

Amend RSA 194-F:1, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program, ***and for each successive school year during the student's participation***, is less than or equal to 350 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2). ~~[No income threshold need be met in subsequent years, provided the student otherwise qualifies.]~~ Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

**AMENDED ANALYSIS**

This bill requires students to meet eligibility requirements annually to qualify for an education freedom account under RSA 194-F.

The question being adoption of floor amendment (0916h).

Rep. McDonnell spoke against.

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

**YEAS 170 - NAYS 205****YEAS - 170  
BELKNAP**

St. Clair, Charlie

**CARROLL**

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

**CHESHIRE**

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rourke, Terri

**GRAFTON**

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen  
Sykes, George

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Spahr, Terry

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
LeClerc, Daniel  
Murray, Megan  
Petrigno, Peter  
Raymond, Heather  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
Leishman, Peter  
Manohar, Sanjeev  
Plamondon, Marc  
Rombeau, Catherine  
Salvi, Santosh  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Lloyd, Christal  
McGhee, Kat  
Preece, David  
Rung, Rosemarie  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Judy, Jean  
Foxy, Loren  
Long, Patrick  
Murphy, Nancy  
Newman, Ray  
Ryan, Linda  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

**MERRIMACK**

Bricchi, Tracy  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Wallner, Mary Jane

Caplan, Tony  
Gibbs, Merryl  
Hall, Muriel  
Richards, Beth  
Schultz, Kris  
Woods, Gary

Colby, Eleana  
Hicks, Matthew  
MacKay, James  
Roesener, James  
Snodgrass, Jim

Kelly, Eileen  
Lane, Connie  
Newsom, James  
Sargent, Gregory  
Soucy, Timothy

**ROCKINGHAM**

Balboni, Peggy  
Grote, Jaci

de Vries, Erica  
Haskins, Linda

Edgar, Michael  
Murray, Kate

Gilman, Julie  
Knab, Allison

Cahill, Michael  
Manos, Zoe  
Read, Ellen  
Turer, Eric

Maggiore, Jim  
Meuse, David  
Scherr, Buzz  
Vallone, Mark

Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Mandelbaum, Jennifer  
Raynolds, Ned  
Sorensen, Carrie  
Weinstein, Toni

### STRAFFORD

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Pearson, Wayne

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Selig, Loren  
Wade, Alice

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Southworth, Thomas  
Wall, Janet

England, Myles  
Horrigan, Timothy  
Larochelle, John  
Miller, Seth  
Stone, John

### SULLIVAN

Sullivan, Brian  
Palmer, William

Cloutier, John

Damon, Hope

Girard, Dale

### NAYS - 205

#### BELKNAP

Aldrich, Glen  
Coker, Matthew  
Harvey-Bolia, Juliet  
Terry, Paul

Bean, Harry  
Comtois, Barbara  
Lunney, Matthew  
Toner, Travis

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom  
Varney, Peter

Bordes, Mike  
Freeman, Lisa  
Minor, Sheri

#### CARROLL

Avellani, Lino  
Hamblen, Joseph  
Taylor, Brian

Belcher, Mike  
MacDonald, John

Cordelli, Glenn  
Peternel, Katy

Crawford, Karel  
Brown, Richard

#### CHESHIRE

Murphy, Denis  
Nalevanko, Rich

Hunt, John  
Qualey, James

Karasinski, Sly  
Thackston, Dick

Mattson, Rita

#### COOS

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete  
Valerino, Brian

#### GRAFTON

Barton, Joseph  
Franz, Linda  
Sellers, John

Beaulier, Calvin  
Ladd, Rick

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

### HILLSBOROUGH

Alexander, Joe  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon  
Flanagan, Jack  
Gorski, Ted  
Labrie, Brian  
McLean, Mark  
Noble, Kristin  
Paquette, Kathleen  
Presa, Adam  
Rice, Kimberly  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

Ammon, Keith  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre  
Griffin, Gerald  
Gould, Linda  
Lascelles, Richard  
Miles, Julie  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark  
Schneller, John  
Sirois, Shane  
Mannion, Tom

Boyd, Bill  
Cole, Brian  
Daniels, Gary  
Erf, Keith  
Gagne, Larry  
Kenny, Catherine  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Peeples, Raymond  
Prout, Andrew  
Scully, Kevin  
Slottje, Jeremy  
Ulery, Jordan

Barbour, Liz  
Corcoran, Travis  
Drew, Matt  
Fedolfi, Jim  
Giasson, Henry  
Kesselring, Steven  
Mazur, Lisa  
Morton, Jonathan  
Panek, Sandra  
Post, Lisa  
Reinfurt, Sherri  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

### MERRIMACK

Andrus, Louise  
Cambrils, Jose  
Hill, Gregory  
Pitaro, Matthew  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
See, Alvin

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Polozov, Yuri  
Walsh, Thomas

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Boyd, Stephen  
Thibault, James

### ROCKINGHAM

Ball, Lorie  
Bryer, Scott  
DeVito, Sayra

Bennett, Cindy  
Mannion, Dennis  
Donnelly, Tanya

Bernardy, JD  
Thomas, Douglas  
Drago, Mike

Bridle, Nicholas  
DeSimone, Debra  
Dunn, Ron

Edwards, Jess  
Guzofski, James  
Miner, Laurence  
Love, David  
Markell, Jay  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Tudor, Paul  
MacDonald, Wayne

Foote, Charles  
Harb, Robert  
Walsh, Lilli  
Lundgren, David  
McDonnell, Valerie  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Selby, Donald  
Sytek, John  
Vandecasteele, Susan  
Weyler, Kenneth

Ford, Mary  
Janigian, John  
Layon, Erica  
Lynn, Bob  
McGrath, Linda  
Nadeau, Brian  
Perez, Kristine  
Roy, Terry  
Soti, Julius  
Dolan, Tom  
Verville, Kevin  
Wilson, Vicki

Guthrie, Joseph  
Khan, Aboul  
Litchfield, Melissa  
Pearson, Mark  
McMahon, Charles  
Nelson, Jodi  
Porcelli, Susan  
Pearson, Stephen  
Spillane, James  
Tripp, Richard  
Vose, Michael

### STRAFFORD

Ankarberg, Aidan  
DeLemus, Susan  
Harrington, Michael  
Walker, David

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

### SULLIVAN

Drye, Margaret  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Spilsbury, Walter

Aron, Judy

and floor amendment (0916h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Ames offered floor amendment (0922h).

### Floor Amendment (0922h)

Amend RSA 194-F:1, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school [and], whose annual household income at the time the student applies for the program is less than or equal to 350 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2)[-], ***and for whom, at the time of the student's application, funds appropriated to the department of education for education freedom account funding in the then current fiscal year are sufficient to fund the student's education freedom account after all previously received education freedom account applications and education freedom account renewals seeking funding in that fiscal year have been approved and funded.*** No income threshold need be met in subsequent years, provided the student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

### AMENDED ANALYSIS

This bill requires students to meet eligibility requirements annually to qualify for an education freedom account under RSA 194-F.

The question being adoption of floor amendment (0922h).

Rep. Ladd spoke against.

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

### YEAS 171 - NAYS 205

### YEAS - 171

### BELKNAP

St. Clair, Charlie

### CARROLL

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

### CHESHIRE

Ames, Dick  
Germana, Dylan  
Jacobs, Samantha  
O'Rorke, Terri

Berch, Paul  
Faulkner, Barry  
Jones, Philip  
Parshall, Lucius

Harvey, Cathryn  
Gruber, James  
Germana, Nicholas  
Weber, Lucy

Fox, Dru  
Hunt, John  
Newell, Jodi

### GRAFTON

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen  
Sykes, George

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Spahr, Terry

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Stringham, Jerry



**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
LeClerc, Daniel  
Murray, Megan  
Petrigno, Peter  
Raymond, Heather  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
Leishman, Peter  
Manohar, Sanjeev  
Plamondon, Marc  
Rombeau, Catherine  
Salvi, Santosh  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Lloyd, Christal  
McGhee, Kat  
Preece, David  
Rung, Rosemarie  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

Booras, Efsthathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Judy, Jean  
Foxy, Loren  
Long, Patrick  
Murphy, Nancy  
Newman, Ray  
Ryan, Linda  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

**MERRIMACK**

Bricchi, Tracy  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Wallner, Mary Jane

Caplan, Tony  
Gibbs, Merryl  
Hall, Muriel  
Richards, Beth  
Schultz, Kris  
Woods, Gary

Colby, Eleana  
Hicks, Matthew  
MacKay, James  
Roesener, James  
Snodgrass, Jim

Kelly, Eileen  
Lane, Connie  
Newsom, James  
Sargent, Gregory  
Soucy, Timothy

**ROCKINGHAM**

Balboni, Peggy  
Grote, Jaci  
Cahill, Michael  
Manos, Zoe  
Read, Ellen  
Turer, Eric

de Vries, Erica  
Haskins, Linda  
Maggiore, Jim  
Meuse, David  
Scherr, Buzz  
Vallone, Mark

Edgar, Michael  
Murray, Kate  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Gilman, Julie  
Knab, Allison  
Mandelbaum, Jennifer  
Raynolds, Ned  
Sorensen, Carrie  
Weinstein, Toni

**STRAFFORD**

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Pearson, Wayne

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Selig, Loren  
Wade, Alice

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Southworth, Thomas  
Wall, Janet

England, Myles  
Horrigan, Timothy  
Larochelle, John  
Miller, Seth  
Stone, John

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John

Damon, Hope

Girard, Dale

**NAYS - 205****BELKNAP**

Aldrich, Glen  
Coker, Matthew  
Harvey-Bolia, Juliet  
Terry, Paul

Bean, Harry  
Comtois, Barbara  
Lunney, Matthew  
Toner, Travis

Bogert, Steven  
Dumais, Russell  
Ploszaj, Tom  
Varney, Peter

Bordes, Mike  
Freeman, Lisa  
Minor, Sheri

**CARROLL**

Avellani, Lino  
Hamblen, Joseph  
Taylor, Brian

Belcher, Mike  
MacDonald, John

Cordelli, Glenn  
Peternel, Katy

Crawford, Karel  
Brown, Richard

**CHESHIRE**

Murphy, Denis  
Qualey, James

Karasinski, Sly  
Rhodes, Jennifer

Mattson, Rita  
Thackston, Dick

Nalevanko, Rich

**COOS**

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete  
Valerino, Brian

**GRAFTON**

Barton, Joseph  
Franz, Linda  
Sellers, John

Beaulier, Calvin  
Ladd, Rick

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

**HILLSBOROUGH**

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Drew, Matt  
Fedolfi, Jim  
Giasson, Henry  
Kesselring, Steven  
Mazur, Lisa  
Morton, Jonathan  
Panek, Sandra  
Post, Lisa  
Reinfurt, Sherri  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

Ammon, Keith  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon  
Flanagan, Jack  
Gorski, Ted  
Labrie, Brian  
McLean, Mark  
Noble, Kristin  
Paquette, Kathleen  
Presa, Adam  
Rice, Kimberly  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

Boyd, Bill  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre  
Griffin, Gerald  
Gould, Linda  
Lascelles, Richard  
Miles, Julie  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark  
Schneller, John  
Sirois, Shane  
Mannion, Tom

Barbour, Liz  
Cole, Brian  
Daniels, Gary  
Erf, Keith  
Gagne, Larry  
Kenny, Catherine  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Peeples, Raymond  
Prout, Andrew  
Scully, Kevin  
Slottje, Jeremy  
Ulery, Jordan

**MERRIMACK**

Andrus, Louise  
Cambriis, Jose  
Hill, Gregory  
Pitaro, Matthew  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
See, Alvin

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Polozov, Yury  
Walsh, Thomas

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Boyd, Stephen  
Thibault, James

**ROCKINGHAM**

Ball, Lorie  
Bryer, Scott  
DeVito, Sayra  
Edwards, Jess  
Guzofski, James  
Miner, Laurence  
Love, David  
Markell, Jay  
Melvin, Charles  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Selby, Donald  
Sytek, John  
Vandecasteele, Susan  
Weyler, Kenneth

Bennett, Cindy  
Mannion, Dennis  
Donnelly, Tanya  
Foote, Charles  
Harb, Robert  
Walsh, Lilli  
Lundgren, David  
McDonnell, Valerie  
Nadeau, Brian  
Perez, Kristine  
Roy, Terry  
Soti, Julius  
Dolan, Tom  
Verville, Kevin  
Wilson, Vicki

Bernardy, JD  
Thomas, Douglas  
Drago, Mike  
Ford, Mary  
Janigian, John  
Layon, Erica  
Lynn, Bob  
McGrath, Linda  
Nelson, Jodi  
Porcelli, Susan  
Pearson, Stephen  
Spillane, James  
Tripp, Richard  
Vose, Michael

Bridle, Nicholas  
DeSimone, Debra  
Dunn, Ron  
Guthrie, Joseph  
Khan, Aboul  
Litchfield, Melissa  
Pearson, Mark  
McMahon, Charles  
Osborne, Jason  
Potucek, John  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Tudor, Paul  
MacDonald, Wayne

**STRAFFORD**

Ankarberg, Aidan  
DeLemus, Susan  
Harrington, Michael  
Walker, David

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

**SULLIVAN**

Drye, Margaret  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Spilsbury, Walter

Aron, Judy

and floor amendment (0922h) failed.

Rep. Hunt voted Yea and intended to vote Nay.

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

Rep. LeClerc spoke against.

Rep. McDonnell spoke in favor.

Rep. Luneau requested a roll call; sufficiently seconded.

**YEAS 198 - NAYS 180****YEAS - 198****BELKNAP**

Aldrich, Glen  
Dumais, Russell  
Ploszaj, Tom  
Varney, Peter

Bean, Harry  
Freeman, Lisa  
Minor, Sheri

Bogert, Steven  
Harvey-Bolia, Juliet  
Terry, Paul

Comtois, Barbara  
Lunney, Matthew  
Toner, Travis

**CARROLL**

Avellani, Lino  
MacDonald, John

Belcher, Mike  
Pernel, Katy

Cordelli, Glenn  
Brown, Richard

Hamblen, Joseph

**CHESHIRE**

Murphy, Denis  
Nalevanko, Rich

Hunt, John  
Qualey, James

Karasinski, Sly  
Rhodes, Jennifer

Mattson, Rita  
Thackston, Dick

**COOS**

Davis, Arnold  
King, Seth

Durkin, Sean  
Tierney, James

Korzen, Lori  
Valerino, Brian

Ouellet, Mike

**GRAFTON**

Barton, Joseph  
Franz, Linda  
Sellers, John

Beaulier, Calvin  
Ladd, Rick

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

**HILLSBOROUGH**

Alexander, Joe  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon  
Flanagan, Jack  
Gorski, Ted  
Kofalt, Jim  
Mazur, Lisa  
Morton, Jonathan  
Panek, Sandra  
Post, Lisa  
Reinfurt, Sherri  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

Ammon, Keith  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre  
Griffin, Gerald  
Gould, Linda  
Labrie, Brian  
McLean, Mark  
Noble, Kristin  
Paquette, Kathleen  
Presa, Adam  
Rice, Kimberly  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

Barbour, Liz  
Cole, Brian  
Daniels, Gary  
Erf, Keith  
Gagne, Larry  
Kenny, Catherine  
Lascelles, Richard  
Miles, Julie  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark  
Schneller, John  
Sirois, Shane  
Mannion, Tom

Berry, Ross  
Corcoran, Travis  
Drew, Matt  
Fedolfi, Jim  
Giasson, Henry  
Kesselring, Steven  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Peebles, Raymond  
Prout, Andrew  
Scully, Kevin  
Slottje, Jeremy  
Ulery, Jordan

**MERRIMACK**

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
See, Alvin

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Polozov, Yury  
Walsh, Thomas

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Boyd, Stephen  
Thibault, James

Cambrils, Jose  
Hill, Gregory  
Pitaro, Matthew  
Seaworth, Brian  
Wood, Clayton

**ROCKINGHAM**

Ball, Lorie  
Mannion, Dennis  
Donnelly, Tanya  
Foote, Charles  
Janigian, John  
Layon, Erica  
Lynn, Bob  
McGrath, Linda  
Nadeau, Brian  
Perez, Kristine  
Roy, Terry  
Soti, Julius  
Tripp, Richard  
Vose, Michael

Bennett, Cindy  
Thomas, Douglas  
Drago, Mike  
Ford, Mary  
Khan, Aboul  
Litchfield, Melissa  
Pearson, Mark  
McMahon, Charles  
Nelson, Jodi  
Porcelli, Susan  
Pearson, Stephen  
Spillane, James  
Tudor, Paul  
MacDonald, Wayne

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Guzowski, James  
Miner, Laurence  
Love, David  
Markell, Jay  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Vandecasteele, Susan  
Weyler, Kenneth

Bryer, Scott  
DeVito, Sayra  
Edwards, Jess  
Harb, Robert  
Walsh, Lilli  
Lundgren, David  
McDonnell, Valerie  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Selby, Donald  
Dolan, Tom  
Verville, Kevin  
Wilson, Vicki

**STRAFFORD**

Ankarberg, Aidan  
DeLemus, Susan  
Harrington, Michael  
Walker, David

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

**SULLIVAN**

Drye, Margaret  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Spilsbury, Walter

Aron, Judy

**NAYS - 180****BELKNAP**

Bordes, Mike

Coker, Matthew

St. Clair, Charlie

**CARROLL**

Buco, Thomas  
McAleer, Chris

Burroughs, Anita  
Taylor, Brian

Crawford, Karel  
Woodcock, Stephen

Paige, David

**CHESHIRE**

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

**COOS**

Morency, Pete

**GRAFTON**

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen  
Sykes, George

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Spahr, Terry

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alissandra  
Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Jeudy, Jean  
Foxx, Loren  
Long, Patrick  
Murphy, Nancy  
Newman, Ray  
Ryan, Linda  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

Boyd, Bill  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
LeClerc, Daniel  
Murray, Megan  
Petrigno, Peter  
Raymond, Heather  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
Leishman, Peter  
Manohar, Sanjeev  
Plamondon, Marc  
Rombeau, Catherine  
Salvi, Santosh  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Lloyd, Christal  
McGhee, Kat  
Preece, David  
Rung, Rosemarie  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

**MERRIMACK**

Andrus, Louise  
Kelly, Eileen  
Lane, Connie  
Newsom, James  
Sargent, Gregory  
Soucy, Timothy

Bricchi, Tracy  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Wallner, Mary Jane

Caplan, Tony  
Gibbs, Merryl  
Hall, Muriel  
Richards, Beth  
Schultz, Kris  
Woods, Gary

Colby, Eleana  
Hicks, Matthew  
MacKay, James  
Roesener, James  
Snodgrass, Jim

**ROCKINGHAM**

Balboni, Peggy  
Gilman, Julie  
Murray, Kate  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Vallone, Mark

Bridle, Nicholas  
Grote, Jaci  
Knab, Allison  
Mandelbaum, Jennifer  
Raynolds, Ned  
Sorensen, Carrie  
Ward, Gerald

de Vries, Erica  
Guthrie, Joseph  
Cahill, Michael  
Manos, Zoe  
Read, Ellen  
Sytek, John  
Weinstein, Toni

Edgar, Michael  
Haskins, Linda  
Maggiore, Jim  
Meuse, David  
Scherr, Buzz  
Turer, Eric

**STRAFFORD**

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Pearson, Wayne

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Selig, Loren  
Wade, Alice

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Southworth, Thomas  
Wall, Janet

England, Myles  
Horriggan, Timothy  
Larochelle, John  
Miller, Seth  
Stone, John

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John

Damon, Hope

Girard, Dale

and the majority committee report was adopted.

Rep. Kuttub recused herself and did not participate in the vote.

Rep. Tom Dolan voted Yea and intended to vote Nay.

The Speaker referred the bill to the Committee on Finance.

**MOTION TO PRINT DEBATE**

Rep. Nicholas Germana moved that the debate on **HB 115-FN**, relative to universal eligibility for the education freedom account program, be printed in the Permanent Journal.

Without objection, the Speaker ordered.



**DEBATE ON HB 115-FN**

**Speaker Steven Smith:** The Ayes have it and the amendment is adopted. The bill is on second reading. The House will be in order. The bill is on second reading and open to further amendment. Rep. Luneau offers floor amendment (0916h) which can be found in your seat pockets. Rep. Luneau is recognized to speak to his amendment.

**Representative Luneau:** Thank you very much, Mister Speaker. This is a simple amendment, and it is directed to the income eligibility for the school voucher program. Unlike other public assistance programs with income qualifications, like Medicaid, like SNAP and like the federal school lunch program to make sure kids are fed and ready to learn, the state's school voucher program doesn't require annual income certification. So, what this amendment does is apply an annual income certification to the program to make sure that every year at the present level of about \$110,000 a year for a family of four, that the student's family is eligible for this public assistance program. It's that simple. I hope we can all support this measure to make sure that families who receive this public assistance are in fact eligible. Of course, there's more to do to make sure the money is a good investment for taxpayers such as making sure the money is spent on educational goods and services that lead to strong student outcomes and making sure that taxpayer funds aren't being misappropriated like what is happening in other states with similar voucher programs. On Tuesday, towns across the state passed resolutions demanding accountability to the EFA program and urging legislators not to expand the program any further. So, there's more to do but this is a good conservative first step. So, I hope you'll support this common-sense amendment, and we can get out ahead of the state auditor's report that is due out later this year. I think taxpayers will want to know who is being responsible because transparency is important to us. So, I would like to call for a roll call vote. Thank you very much, Mister Speaker.

**Speaker Steven Smith:** Rep. McDonnell is recognized to speak against the amendment.

**Representative McDonnell:** Thank you, Mister Speaker. Opponents have repeatedly filed legislation to dismantle the EFA program and this amendment is no different. By replacing the entire bill, leaving the income gap in place and requiring families to be recertified each year, this amendment forces children to switch schools simply because their parents' income fluctuates from year to year. Also, this 11<sup>th</sup> hour floor amendment was not presented to the committee for consideration, despite there being ample opportunities to do so. The only thing I agree with the previous speaker on is that I would also like a roll call vote. So please press the red button.

**Speaker Steven Smith:** Reps. Luneau and McDonnell request a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members take your seats. The question is on the adoption of floor amendment (0916h). This is a roll call vote. Rep. Ames is recognized for a parliamentary inquiry.

**Representative Ames:** Thank you, Mister Speaker. If I know that this amendment requires continuing annual reconfirmation that each EFA recipients' income remains below the statutory income cap. And if I know that the current cap is adjusted each year to keep up with inflation and that this adjustment will continue if this amendment is adopted. And if I know that that adjustment occurs through the adjustment and the annual setting of the poverty level in the country and in this region. And if I believe that reserving public funded grants such as the EFA to those applicants with relatively low annual income is good public policy and knowing all of this, would I not then push the green button to vote for this amendment? Thank you.

**Speaker Steven Smith:** Rep. McDonnell is recognized for a parliamentary inquiry.

**Representative McDonnell:** Thank you, Mister Speaker. Mister Speaker, if I know that this amendment replaced the entire bill. This amendment has not been seen by the committee. And finally, Mister Speaker if I know this amendment is a poison pill to the bill, would I now press the red button so that we can debate the underlying bill? Thank you.

**Speaker Steven Smith:** The question is on the adoption of floor amendment (0916h). This is a roll call vote. If you are in favor, press the green button. If you are opposed, press the red. 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. 170 in the affirmative and 205 in the negative, the amendment fails. The bill is on second reading and open to further amendment. Rep. Ames moves floor amendment (0922h) which can be found in your seat pockets and is recognized to speak.

**Representative Ames:** Thank you, Mister Speaker. Hello again. This is a simple amendment. Easy to understand. It simply applies to the EFA program the budgetary restrictions and discipline of our standard of appropriation and spending process. It requires that it must be appropriated and unobligated funds available for each EFA at the time of the determination and decision on an applicant application for an EFA. So, it renders the EFA process subject to the appropriation process just as so many other parts of state government in our state system are also limited and subject to the budgetary discipline. So please press the green button when you get to the calling of the vote and I do, Mister Speaker, request a roll call.

**Speaker Steven Smith:** Rep. Ladd is recognized to speak against the amendment.

**Representative Ladd:** Thank you very much, Mister Speaker. It is ironic, sort of like catastrophic aid. If there is not enough money appropriated for catastrophic aid, go back to the education trust fund and get the

money necessary, but you can't do it for an EFA. That's what they are trying to say. They're trying to say if it's not appropriated, but you have children in your family are now going to come to kindergarten and brother and sister already in an EFA program, you're not going to get those children in an EFA program either or a new student moving into town. This is just another roadblock, another effort to chip away at the EFA program. A program that has been extremely successful. I urge you to vote no on this amendment. Thank you.

**Speaker Steven Smith:** Rep. Ames requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. Members will take their seats. The question is on the adoption of floor amendment (0922h), and this is a roll call vote. Rep. Luneau is recognized for a parliamentary inquiry.

**Representative Luneau:** Thank you very much, Mister Speaker. If I know that on Tuesday voters from all across the state voted affirmatively to urge the legislature not to expand this program, then would I press the green button to pass this amendment to at least set the cap on this wildly out of control spending of taxpayer money? Thank you.

**Speaker Steven Smith:** Rep. Ladd is recognized for a parliamentary inquiry.

**Representative Ladd:** Thank you, Mister Speaker. If I know this wildly exceptional program is very successful. And if I know this is the best fit for so many children that have been bullied, that are in schools where they are not receiving the academic challenge they deserve, would I then vote to oppose this amendment? Vote red.

**Speaker Steven Smith:** The question is on the adoption of floor amendment (0922h). This is a roll call vote. If you are in favor; press the green button. If you are opposed, press the red. 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. 171 in the affirmative; 205 in the negative, the amendment fails. Now on to the main motion of Ought to Pass as Amended. Rep. LeClerc is recognized to speak against the committee report.

**Representative LeClerc:** Mister Speaker, I rise today to ask this body to protect the EFA program by voting no on HB 115. For the current school year, the EFA program serves 5,321 students, helping families with low to moderate means provide an education to their children. Proponents call this program successful. Some even say wildly successful. The bill before us expands the program moderately this year and removes the income cap entirely next year. Significantly expanding the EFA program now before its performance audit is complete, runs the risk of putting a negative spotlight on the program and haring its long-term solvency. While the concept of universally EFAs are popular nationally, the taxpayers we represent here in New Hampshire aren't so sure. The Granite State Taxpayers, our longest running taxpayer advocacy organization opposes this bill, telling the education committee that, "Expanding an existing program at a time when a budget deficit looms and even human services face cuts, is inappropriate." Putting aside disagreement over what the expansion in this bill will cost taxpayers, the majority report states that this bill will cost \$11 million in new money in the second year once the income cap is removed. We all know the spending and revenue crunch our state is under right now and that there is no extra money available to expand the programs we support. In the Finance Committee there has been talk of increasing fees to help balance the budget and the governor's budget itself includes significant increases on developers. The governors budget doubles fees on excavating and dredging, doubles fees on applications for shoreline terrain alterations and even raises the fees on the registration of dams. We have choices to make. Wouldn't it be nice to pass a budget with no increase to fees? Instead of spending \$11 million helping the people who are generally well off and able and already pay for the private education themselves, shouldn't we be holding the line on taxes and fees and working to keep costs down on the business we need to solve our housing crisis? Remember, we don't need this bill to expand the EFA program. The governors budget expands EFAs in a revenue neutral way, providing universal choices to students who public school is not working for. Let's not risk a good thing by spending money that we just do not have. Please join me in pressing the red button against the OTP. Thank you, Mister Speaker.

**Speaker Steven Smith:** Rep. McDonnell is recognized to speak in support of the committee report.

**Representative McDonnell:** Thank you, Mister Speaker. Honorable colleagues, I look forward to the day when children will no longer be turned away from education because of their zip code or their family's inability to pay. By providing school choice to every New Hampshire family, HB 115-FN guarantees that children will never be turned away again. So, I rise again today in support of the committee report. As a product of public schools and even as a recent graduate of a public high school here in New Hampshire, but education should not be a one size fits all approach because one size does not fit all. Therefore, we should celebrate students' differences rather than erase them. Furthermore, this bill empowers students to excel and to exceed expectations by expanding education freedom accounts, EFAs, universally. First, the maximum eligible annual income would increase in fiscal year in 2026 and better yet, be completely eliminated in all subsequent years. This change levels the playing field because means testing is not required for admission to public schools under current law. The same should be true for all educational pathways including the EFA program, which despite what we are often told, is not a voucher program. In addition to this blatant lie, we often hear three other misconceptions about EFA expansion. Number one, EFAs can only be spent on private school tuition to the detriment of public schools. Wrong. Current EFA participants also learn online, in homeschool programs and even in New Hampshire's public schools. Number two, the EFA program lacks accountability. Wrong.

The award-winning non-profit who administers the program has made both an itemized list of expenditures and an audit report publicly available for anyone to review. Number three, EFA expansion increases local property taxes. Wrong again. The EFA program is funded by the state education trust fund and has already returned more than \$266 million tax dollars to taxpayers. Finally, today the other body is also considering so called universal EFA expansion, however, the other body's bill merely exchanges the income limitations under current law for limitations on the total number of students. So, their bill is a step backwards and this bill is a step forwards. So please join the resounding 84% of parents, the majority of the committee and myself in supporting our youngest constituents via HB 115-FN. Thank you, and Mister Speaker I request a roll call vote please.

**Speaker Steven Smith:** The question is on the majority committee report of Ought to Pass as Amended. Rep. Luneau requested a roll call which looks like it is sufficiently seconded. This will be a roll call vote. Members take your seats. The question is on the majority committee report of Ought to Pass as Amended on HB 115. This is a roll call vote. Rep. Damon is recognized for a parliamentary inquiry.

**Representative Damon:** Thank you, Mister Speaker. Good morning, colleagues. If I know that providing universal education freedom accounts means paying for children of affluent families who are already in private schools at a cost of over \$100 million per year. And if I know that the New Hampshire EFA program lacks outcome measures but similar programs in other states have shown dismal outcomes. And if I know that this legislation fails to meet our basic obligation to fiscal responsibility for the taxpayers we all represent during a time of a looming budget crisis, would I now press the red button to defeat this extreme expensive irresponsible legislation? Thank you.

**Speaker Steven Smith:** Rep. Ladd is recognized for a parliamentary inquiry.

**Representative Ladd:** Thank you very much, Mister Speaker. If I know New Hampshire's cost per pupil has dramatically increased producing a perfect inverse correlation on plummeting education scores. And if I know those parents seeking a better fit for their children deserve this opportunity to attend a school where they can achieve and accomplish their goals. If I know projected cost for the EFA program contained in HB 115 are much less than the exaggerated \$100 million that have been incorrectly exaggerated by the opposition. And lastly and perhaps more important for our public throughout this country, if I know HB 115 sends a clear message to the education consumer to shop around comparative and successful educational choice options are now available in New Hampshire. Thank you. Press that beautiful green button.

**Speaker Steven Smith:** Remember, its like Jeopardy, put it in the form of a question. The question being adoption of the majority committee report of Ought to Pass as Amended on HB 115. This is a roll call vote. If you are in favor, press the green button. If you are opposed, 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. 198 in the affirmative, 180 in the negative, the committee report is adopted.

The House recessed at 12:00 p.m.

## RECESS

The House reconvened at 1:00 p.m.

(Speaker Packard in the Chair)

## MOTION TO REMOVE FROM THE TABLE

Rep. Lascelles moved that **HB 159-FN**, authorizing the state to report mental health data for firearms background check purposes and providing for processes for voluntary surrender of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities, be removed from the table.

The question being adoption of the motion to remove from the table.

Rep. Kuttub requested a roll call; not sufficiently seconded.

On a division vote, with 174 members having voted in the affirmative, and 198 in the negative, the motion failed.

## REFERRAL DECLINED

Rep. Roy, Chairman of the Committee on Criminal Justice and Public Safety, under the provisions of House Rule 47 (f), declined the referral of **HB 655-FN**, relative to fish and game violations and permits.

## REFERRAL DECLINED

Rep. Weyler, Chairman of the Committee on Finance, under the provisions of House Rule 47 (f), declined the referral of **HB 451-FN**, establishing the paint product stewardship program.

## REGULAR CALENDAR CONT'D

**HB 319-FN**, relative to the responsibility of local school districts to provide transportation and meals for pupils in kindergarten. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dan McGuire for the Majority of Education Funding. This bill would relieve schools of the requirement to provide meals and transportation for kids in half-day kindergarten. The committee found that removing meals could jeopardize lunch programs for other grades. The committee's amendment deletes that part. Students in half-day kindergarten necessarily need significant daytime adult supervision at home or in daycare, and in some districts mid-day bus rides for a small group of kids can be very long and costly. The majority thinks it reasonable to allow school boards to decide whether or not to offer transportation for this group. Vote 10-8.

Rep. Hope Damon for the Minority of Education Funding. Kindergarten is valuable to children's cognitive, behavioral, and social development. Kindergarten attendance reduces special education services needs in first grade. Kindergarten attendance is not mandatory in New Hampshire. When midday transportation is not provided for half-day kindergarten, many parents find it extremely challenging to make arrangements. This results in some children not attending kindergarten. The bill's amendment effectively addresses compliance with the federal law that requires a meal to be offered for all students, regardless of full or part-time status.

### **Majority Amendment (0345h)**

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

AN ACT relative to the responsibility of local school districts to provide transportation for pupils in kindergarten.

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

### **AMENDED ANALYSIS**

This bill removes the requirement that school districts provide transportation to half-day kindergarten students.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Rep. Dan McGuire spoke in favor.

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

### **YEAS 204 - NAYS 171**

#### **YEAS - 204**

#### **BELKNAP**

Aldrich, Glen  
Coker, Matthew  
Harvey-Bolia, Juliet  
Toner, Travis

Bean, Harry  
Comtois, Barbara  
Ploszaj, Tom  
Varney, Peter

Bogert, Steven  
Dumais, Russell  
Minor, Sheri

Bordes, Mike  
Freeman, Lisa  
Terry, Paul

#### **CARROLL**

Avellani, Lino  
Hamblen, Joseph  
Taylor, Brian

Belcher, Mike  
MacDonald, John

Cordelli, Glenn  
Peternel, Katy

Crawford, Karel  
Brown, Richard

#### **CHESHIRE**

Murphy, Denis  
Qualey, James

Hunt, John  
Rhodes, Jennifer

Mattson, Rita  
Thackston, Dick

Nalevanko, Rich

#### **COOS**

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete

#### **GRAFTON**

Barton, Joseph  
Franz, Linda  
Sellers, John

Beaulier, Calvin  
Ladd, Rick  
Spahr, Terry

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

#### **HILLSBOROUGH**

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Drew, Matt  
Flanagan, Jack  
Gorski, Ted  
Kofalt, Jim  
Mazur, Lisa  
Morton, Jonathan  
Panek, Sandra  
Post, Lisa

Ammon, Keith  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon  
Griffin, Gerald  
Gould, Linda  
Labrie, Brian  
McLean, Mark  
Noble, Kristin  
Paquette, Kathleen  
Presa, Adam

Boyd, Bill  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre  
Gagne, Larry  
Kenny, Catherine  
Lascelles, Richard  
Miles, Julie  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark

Barbour, Liz  
Cole, Brian  
Daniels, Gary  
Erf, Keith  
Giasson, Henry  
Kesselring, Steven  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Peebles, Raymond  
Prout, Andrew



Reinfurt, Sherri  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

Rice, Kimberly  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

Schneller, John  
Sirois, Shane  
Mannion, Tom

Scully, Kevin  
Slottje, Jeremy  
Ulery, Jordan

### MERRIMACK

Andrus, Louise  
Cambriels, Jose  
Hill, Gregory  
Pitaro, Matthew  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
See, Alvin

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Polozov, Yury  
Walsh, Thomas

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Boyd, Stephen  
Thibault, James

### ROCKINGHAM

Ball, Lorie  
Mannion, Dennis  
Donnelly, Tanya  
Foote, Charles  
Janigian, John  
Walsh, Lilli  
Lundgren, David  
McDonnell, Valerie  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Selby, Donald  
Sytek, John  
Vandecasteele, Susan  
Weyler, Kenneth

Bennett, Cindy  
Thomas, Douglas  
Drago, Mike  
Ford, Mary  
Khan, Aboul  
Layon, Erica  
Lynn, Bob  
McGrath, Linda  
Nadeau, Brian  
Perez, Kristine  
Roy, Terry  
Soti, Julius  
Dolan, Tom  
Verville, Kevin  
Wilson, Vicki

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Guzofski, James  
Kuttab, Katelyn  
Litchfield, Melissa  
Pearson, Mark  
McMahon, Charles  
Nelson, Jodi  
Porcelli, Susan  
Pearson, Stephen  
Spillane, James  
Tripp, Richard  
Vose, Michael

Bridle, Nicholas  
DeVito, Sayra  
Edwards, Jess  
Harb, Robert  
Miner, Laurence  
Love, David  
Markell, Jay  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Tudor, Paul  
MacDonald, Wayne

### STRAFFORD

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

DeLemus, Susan  
Harrington, Michael  
Walker, David

### SULLIVAN

Drye, Margaret  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Smith, Steven

Aron, Judy  
Spilsbury, Walter

### NAYS - 171

### BELKNAP

St. Clair, Charlie

### CARROLL

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

### CHESHIRE

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

### COOS

Valerino, Brian

### GRAFTON

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Stavis, Laurel

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stringham, Jerry

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Sykes, George

### HILLSBOROUGH

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
LeClerc, Daniel

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
Leishman, Peter

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Lloyd, Christal

Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Jeudy, Jean  
Foxy, Loren  
Long, Patrick

Murray, Megan  
 Petrigno, Peter  
 Raymond, Heather  
 Newman, Sue  
 Spier, Carry  
 Tellez, Trinidad  
 Thomas, Wendy

Manohar, Sanjeev  
 Plamondon, Marc  
 Rombeau, Catherine  
 Salvi, Santosh  
 Staub, Kathy  
 Vail, Suzanne  
 Wheeler, Jonah

McGhee, Kat  
 Preece, David  
 Rung, Rosemarie  
 Seibert, Christine  
 Swanson, Dale  
 Veilleux, Daniel  
 Wilhelm, Matthew

Murphy, Nancy  
 Newman, Ray  
 Ryan, Linda  
 Sofikitis, Catherine  
 Telerski, Laura  
 Dolan, William

### MERRIMACK

Bricchi, Tracy  
 Gallagher, Eric  
 Luneau, David  
 Payeur, Stephanie  
 Schultz, Kris  
 Woods, Gary

Caplan, Tony  
 Gibbs, Merryl  
 Hall, Muriel  
 Roesener, James  
 Snodgrass, Jim

Colby, Eleana  
 Hicks, Matthew  
 MacKay, James  
 Sargent, Gregory  
 Soucy, Timothy

Kelly, Eileen  
 Lane, Connie  
 Newsom, James  
 Schamberg, Thomas  
 Wallner, Mary Jane

### ROCKINGHAM

Balboni, Peggy  
 Gilman, Julie  
 Murray, Kate  
 Malloy, Dennis  
 Muns, Chris  
 Simpson, Alexis  
 Ward, Gerald

Bryer, Scott  
 Grote, Jaci  
 Knab, Allison  
 Mandelbaum, Jennifer  
 Reynolds, Ned  
 Sorensen, Carrie  
 Weinstein, Toni

de Vries, Erica  
 Guthrie, Joseph  
 Cahill, Michael  
 Manos, Zoe  
 Read, Ellen  
 Turer, Eric

Edgar, Michael  
 Haskins, Linda  
 Maggiore, Jim  
 Meuse, David  
 Scherr, Buzz  
 Vallone, Mark

### STRAFFORD

Ankarberg, Aidan  
 England, Myles  
 Horrigan, Timothy  
 Larochelle, John  
 Miller, Seth  
 Pearson, Wayne

Bay, Luz  
 Smith, Geoffrey  
 Howland, Allan  
 Levesque, Cassandra  
 Schmidt, Peter  
 Wade, Alice

Bixby, Peter  
 Gilmore, Gary  
 Johnson, Erik  
 Smith, Marjorie  
 Southworth, Thomas  
 Wall, Janet

Burton, Wayne  
 Howard, Heath  
 LaMontagne, Jessica  
 Malone, Amy  
 Stone, John

### SULLIVAN

Sullivan, Brian  
 Palmer, William

Cloutier, John

Damon, Hope

Girard, Dale

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

**HB 527-FN**, replacing the statewide education property tax with a local revenue contribution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Daniel Popovici-Muller for the Majority of Education Funding. The bipartisan decision of the Education Funding Committee to recommend this bill Inexpedient to Legislate was made because it does not address the changes in the Statewide Education Property Tax (SWEPT) that are needed to meet the needs of this budget cycle. The committee will send a different bill to the House to deal with that important matter, making the remaining bills related to SWEPT unnecessary. Vote 15-2.

Rep. Sallie Fellows for the Minority of Education Funding. In 1999, the New Hampshire Supreme Court ruled the state must fund the cost of an adequate education, so the state did two things. It made a modest increase to state aid, and it invented SWEPT (Statewide Education Property Tax) by splitting the local assessment for schools on property tax bills into two lines, local education tax and SWEPT. The total assessment for schools did not change, but SWEPT created the illusion of additional state aid. Half of what the state portrayed as adequacy aid was, and still is, just local property taxes. This bill eliminates SWEPT and restores transparency by acknowledging on property tax bills and in the adequacy aid formula, that property taxes are a local, not state, contribution. Because SWEPT is just an accounting gimmick, eliminating it will have no fiscal impact on the state or municipalities. Municipalities are responsible for road maintenance, police, fire, schools and other services, and the property tax is their only significant source of revenue. The state should not encroach on their primary revenue source.

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

**HB 563-FN**, relative to adequate education grant amounts for pupils receiving special education services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education Funding. This bill, as amended, increases education adequacy costs and revises the estimated special education differentiated aid amount in accordance with average caseload cost for the thirteen individualized education program (IEP) categories, and reintroduces fiscal capacity disparity aid to better support property/income poor communities. Due to reduced revenue projections, the committee recommends that the current funding formula, with the statutory 2% annual adjustment, continue for FY26. This includes the base cost, the three differentiated aid components, extraordinary needs grant, and the projected 20% hold

harmless reduction. All elements have been rounded up to the nearest dollar. Virtually no change will occur with the extraordinary needs grant and all component amounts within the formula will now be rounded up to the nearest dollar (no more pennies). The FY27 portion of the formula does the following. Base cost increases to \$4,361. This amount includes updated input element costs for: teacher, principal, administrative assistant, guidance counselor, library/media specialist, technology coordinator, custodian, instructional materials, technology, teacher professional development, facilities operations and maintenance, and transportation. Differentiated aid has been upgraded to recognize IEP caseload costs that significantly vary from autism to speech language disability services. Fiscal disparity aid will be reestablished in FY27 with an equalized valuation per pupil (ADMR) range of \$1 million to \$1.6 million and a maximum grant of \$1,250 per pupil. This aid will impact 40 communities for a total of \$13.4 million. The bill, as amended, limits total extraordinary needs and fiscal capacity aid to no more than \$3,750 per pupil for municipalities with average daily membership in residence (ADMR) of 5,000 or more. The only two districts with 5,000 or more ADMR are Manchester and Nashua; however, only Manchester is impacted by this cap, approximately \$12.7 million. The bill makes no change to the FY25 hold harmless that specifies a 20% reduction each biennium moving forward. The bill makes no changes to the statewide education property tax (SWEPT), as this formula component is addressed in another bill. Vote 18-0.

#### **Amendment (0650h)**

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

AN ACT relative to the cost of an opportunity for an adequate education, extraordinary need grants, fiscal capacity disparity aid, and determination of education grants.

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

1 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a, I-II to read as follows:

I. ~~[For the biennium]~~ Beginning July 1, ~~[2023]~~ **2026**, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be as specified in paragraph II. The department shall adjust the rates specified in this paragraph in accordance with RSA 198:40-d.

II.(a) A cost of ~~[\$4,100]~~ **\$4,351** per pupil in the ADMR, plus differentiated aid as follows:

(b) An additional ~~[\$2,300]~~ **\$2,441** for each pupil in the ADMR who is eligible for a free or reduced price meal anytime during the determination year; plus

(c) An additional ~~[\$800]~~ **\$849** for each pupil in the ADMR who is an English language learner anytime during the determination year; plus

(d) An additional ~~[\$2,100]~~ **\$3,140** for each pupil in the ADMR who is receiving special education services anytime during the determination year.

2 Annual Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Annual Adjustment.

Beginning July 1, ~~[2024]~~ **2027**, and every year thereafter, the department of education shall adjust the following with an increase of 2 percent annually, ***rounded up to the nearest whole dollar***:

I. Per pupil costs in RSA 198:40-a, II; ***and***

II. ~~[Extraordinary need grant “grant floor,” “grant ceiling,” “factor,” and “max grant” as defined in RSA 198:40-f, II, (a)-(d); and~~

~~HH:] Chartered public school additional grants under RSA 194-B:11, I(b)(1)(A) and (B).~~

3 Extraordinary Need Grants. RSA 198:40-f is repealed and reenacted to read as follows:

198:40-f Extraordinary Need Grants.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each year the commissioner shall calculate an extraordinary need grant for schools and provide that amount of aid to a municipality's school districts as follows:

(a) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-priced meal of \$1,700,000 or less shall receive \$11,730 per pupil eligible to receive a free or reduced-price meal in the municipality's ADMR.

(b) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-price meal between \$1,700,001 and \$6,999,999 shall receive a grant equal to \$0.00221321 for each dollar of difference between its equalized valuation per pupil eligible to receive a free or reduced-price meal and \$6,999,999, for each pupil eligible to receive a free or reduced-price meal in the municipality's ADMR.

(c) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-price meal of \$7,000,000 or more shall not receive an extraordinary need grant.

II. In this section:

(a) “Grant floor” means \$1,700,000 in equalized valuation per free or reduced-price meal pupil.

(b) “Grant ceiling” means \$7,000,000 in equalized valuation per free or reduced-price meal pupil.

(c) “Factor” means \$0.00221321 for each dollar difference between equalized valuation per free or reduced-price meal pupil.

(d) “Maximum grant” means \$11,730 per free or reduced-price meal pupil.

III. The extraordinary needs grants shall be calculated using the formula described in paragraph I, however, beginning July 1, 2027, and every year thereafter, the grant floor, grant ceiling, and maximum grant shall be increased by 2 percent. The factor shall be readjusted by taking the newly adjusted maximum grant and dividing by the difference between the grant floor and grant ceiling.

4 New Section; Fiscal Capacity Disparity Aid. Amend RSA 198 by inserting after section 40-f the following new section:

198:40-g Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each year the commissioner shall calculate a fiscal capacity disparity aid grant for schools and provide that amount of aid to a municipality's school districts as follows:

(a) A municipality with an equalized valuation per pupil of \$1,000,000 or less shall receive \$1,250 per pupil eligible in the municipality's ADMR.

(b) A municipality with an equalized valuation per pupil between \$1,000,001 and \$1,599,999 shall receive a grant equal to \$0.00208333 for each dollar of difference between its equalized valuation per pupil and \$1,599,999, for each pupil the municipality's ADMR.

(c) A municipality with an equalized valuation per pupil of \$1,600,000 or more shall not receive a fiscal capacity disparity aid grant.

II. In this section:

(a) "Grant floor" means \$1,000,000 in equalized valuation per pupil.

(b) "Grant ceiling" means \$1,600,000 in equalized valuation per pupil.

(c) "Factor" means \$0.00208333 for each dollar difference between equalized valuation per pupil.

(d) "Maximum grant" means \$1,250 per pupil.

III. The fiscal capacity disparity aid grants shall be calculated using the formula described in paragraph I, however, beginning July 1, 2027, and every year thereafter, the grant floor, grant ceiling, and maximum grant shall be increased by 2 percent. The factor shall be readjusted by taking the newly adjusted maximum grant and dividing by the difference between the grant floor and grant ceiling.

5 Determination of Education Grants. Amend RSA 198:41, I(b)-(c) to read as follows:

(b) Subtract the amount of the education tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax year; ~~and~~

(c) Add the municipality's extraordinary need grant pursuant to RSA 198:40-f; ~~and~~

*(d) Add the municipality's fiscal capacity disparity aid grant pursuant to RSA 198:40-g; and*

*(e) For municipalities with a total ADMR of 5,000 or more, subtract the amount necessary to limit the total additional targeted aid to \$3,750 per pupil in the municipality's ADMR. For the purpose of this paragraph, additional targeted aid shall be the sum of a municipality's extraordinary needs grant and fiscal capacity disparity aid grant.*

6 Effective Date. This act shall take effect July 1, 2026.

#### AMENDED ANALYSIS

This bill changes the calculation of costs of an opportunity for an adequate education, extraordinary need grants, and determination of education grants. It also establishes fiscal capacity disparity aid grants.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**HB 646-FN-L**, requiring school districts to establish an online application for participation in the free and reduced price meal program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for the Majority of Education Funding. This bill directs the Department of Education (DOE) to adopt rules to require school districts to offer online free or reduced price school meals applications. It also requires the department to provide administrative and technical assistance to districts for this purpose and makes an appropriation of \$102,000 in FY26 and \$104,000 in FY27 for a support position at DOE. Further, the fiscal note includes an additional \$1,000,000 for the purpose of providing program software for the biennium ending June 30, 2027. Estimates as to timing, amounts of expenditures, or start date for the new position, are not provided in the bill. Any unexpended funds would lapse back to the General Fund. The bill's potential impact for FY 28, and beyond, is unknown. Lastly, some districts have already gone ahead and implemented their own online Free and Reduced Price Meals program application process; therefore, eliminating the need for another state level "requirement." This legislation and associated costs are not necessary. In addition, some school districts have reported that this requirement is not needed due to small average daily membership in residence (ADMR) numbers. This matter is best handled at the local level without the need for another costly, state requirement. Vote 10-8.



Rep. Toni Weinstein for the Minority of Education Funding. The Free and Reduced Price School Meal program is a vital tool to tackling childhood hunger by providing healthy, nutritious meals to students facing food insecurity. An online application would be easier and more convenient for families and be more efficient and streamline the process for school districts. Having an online form would also make it easier for families to apply to the program at any point in the school year if their circumstances change. In response to concerns that this bill could be burdensome for some school districts, an amendment was drafted to make the program opt-in with reimbursement to the district for start-up software cost.

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

Rep. Weinstein spoke against.

Rep. Ladd spoke in favor.

Rep. Luneau requested a roll call; sufficiently seconded.

## YEAS 209 - NAYS 165

### YEAS - 209

#### BELKNAP

Aldrich, Glen  
Coker, Matthew  
Harvey-Bolia, Juliet  
Toner, Travis

Bean, Harry  
Comtois, Barbara  
Ploszaj, Tom  
Varney, Peter

Bogert, Steven  
Dumais, Russell  
Minor, Sheri

Bordes, Mike  
Freeman, Lisa  
Terry, Paul

#### CARROLL

Avellani, Lino  
Hamblen, Joseph  
Taylor, Brian

Belcher, Mike  
MacDonald, John

Cordelli, Glenn  
Peternel, Katy

Crawford, Karel  
Brown, Richard

#### CHESHIRE

Murphy, Denis  
Qualey, James

Hunt, John  
Rhodes, Jennifer

Mattson, Rita  
Thackston, Dick

Nalevanko, Rich

#### COOS

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete  
Valerino, Brian

#### GRAFTON

Barton, Joseph  
Franz, Linda  
Sellers, John

Beaulier, Calvin  
Ladd, Rick  
Stringham, Jerry

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

#### HILLSBOROUGH

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Drew, Matt  
Flanagan, Jack  
Gorski, Ted  
Kesselring, Steven  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Peeples, Raymond  
Prout, Andrew  
Scully, Kevin  
Slottje, Jeremy  
Ulery, Jordan

Ammon, Keith  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon  
Griffin, Gerald  
Gould, Linda  
Kofalt, Jim  
Mazur, Lisa  
Morton, Jonathan  
Panek, Sandra  
Post, Lisa  
Reinfurt, Sherri  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

Boyd, Bill  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre  
Gagne, Larry  
Hartnett, Tim  
Labrie, Brian  
McLean, Mark  
Noble, Kristin  
Paquette, Kathleen  
Presa, Adam  
Rice, Kimberly  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

Barbour, Liz  
Cole, Brian  
Daniels, Gary  
Erf, Keith  
Giasson, Henry  
Kenny, Catherine  
Lascelles, Richard  
Miles, Julie  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark  
Schneller, John  
Sirois, Shane  
Mannion, Tom

#### MERRIMACK

Andrus, Louise  
Cambrils, Jose  
Hill, Gregory  
Pitaro, Matthew  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
See, Alvin

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Polozov, Yury  
Walsh, Thomas

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Boyd, Stephen  
Thibault, James

#### ROCKINGHAM

Ball, Lorie  
Bryer, Scott  
DeVito, Sayra

Bennett, Cindy  
Mannion, Dennis  
Donnelly, Tanya

Bernardy, JD  
Thomas, Douglas  
Drago, Mike

Bridle, Nicholas  
DeSimone, Debra  
Dunn, Ron

Edwards, Jess  
Guzofski, James  
Kuttab, Katelyn  
Litchfield, Melissa  
Pearson, Mark  
McMahon, Charles  
Nelson, Jodi  
Porcelli, Susan  
Pearson, Stephen  
Spillane, James  
Tripp, Richard  
Vose, Michael

Foote, Charles  
Harb, Robert  
Miner, Laurence  
Love, David  
Markell, Jay  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Tudor, Paul  
Weyler, Kenneth

Ford, Mary  
Janigian, John  
Walsh, Lilli  
Lundgren, David  
McDonnell, Valerie  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Selby, Donald  
Sytek, John  
Vandecasteele, Susan  
Wilson, Vicki

Guthrie, Joseph  
Khan, Aboul  
Layon, Erica  
Lynn, Bob  
McGrath, Linda  
Nadeau, Brian  
Perez, Kristine  
Roy, Terry  
Soti, Julius  
Dolan, Tom  
Verville, Kevin

### STRAFFORD

Ankarberg, Aidan  
DeLemus, Susan  
Harrington, Michael  
Walker, David

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

### SULLIVAN

Drye, Margaret  
Aron, Judy  
Spilsbury, Walter

Girard, Dale  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Smith, Steven

### NAYS - 165

### BELKNAP

St. Clair, Charlie

### CARROLL

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

### CHESHIRE

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

### GRAFTON

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Spahr, Terry

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Sykes, George

### HILLSBOROUGH

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Herbert, Christopher  
Kerwin, Erin  
Leishman, Peter  
Manohar, Sanjeev  
Plamondon, Marc  
Rombeau, Catherine  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Jack, Martin  
Kluger, Lee Ann  
Lloyd, Christal  
McGhee, Kat  
Preece, David  
Rung, Rosemarie  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jeudy, Jean  
Foxy, Loren  
Long, Patrick  
Murphy, Nancy  
Newman, Ray  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hegner, Karen  
Juris, Louis  
LeClerc, Daniel  
Murray, Megan  
Petrigno, Peter  
Raymond, Heather  
Salvi, Santosh  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

### MERRIMACK

Bricchi, Tracy  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Wallner, Mary Jane

Caplan, Tony  
Gibbs, Merryl  
Hall, Muriel  
Richards, Beth  
Schultz, Kris  
Woods, Gary

Colby, Eleana  
Hicks, Matthew  
MacKay, James  
Roesener, James  
Snodgrass, Jim

Kelly, Eileen  
Lane, Connie  
Newsom, James  
Sargent, Gregory  
Soucy, Timothy

### ROCKINGHAM

Balboni, Peggy  
Grote, Jaci  
Cahill, Michael

de Vries, Erica  
Haskins, Linda  
Maggiore, Jim

Edgar, Michael  
Murray, Kate  
Malloy, Dennis

Gilman, Julie  
Knab, Allison  
Mandelbaum, Jennifer

Manos, Zoe  
Read, Ellen  
Turer, Eric

Meuse, David  
Scherr, Buzz  
Vallone, Mark

Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Raynolds, Ned  
Sorensen, Carrie  
Weinstein, Toni

### STRAFFORD

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Wade, Alice

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Stone, John

England, Myles  
Horrigan, Timothy  
Larochelle, John  
Miller, Seth  
Pearson, Wayne

### SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Palmer, William

and the majority committee report was adopted.

**HB 675-FN-A-L**, increasing the total revenue raised under the statewide education property tax, requiring municipalities to remit excess statewide education property tax payments to the department of revenue administration, limiting the authority of school districts to make certain appropriations, and increasing base adequacy costs per pupil. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dan McGuire for the Majority of Education Funding. This bill is a multi-faceted bill that raises the statewide education property tax (SWEPT), requires municipalities to remit excess SWEPT, increases base adequacy payments to schools, and limits growth in school operating budgets. The committee's amendment simplifies the bill to just be the spending cap, slightly modified to smooth changes over five years instead of three. The bill allows operating budgets to increase with student population and they are never required to shrink. The limitations can be overridden with a two-thirds vote. School budgets, and thus property taxes, have been growing way out of proportion. Over the last 30 years, while the public school student population in the state has declined 11%, the number of school staff has increased 55% (primarily non-teachers). Over the last ten years, spending per pupil is up 58%, easily topping the 35% inflation. This bill, as amended, is a modest bill to let property taxpayers catch their breath while giving school districts that really want to increase spending an avenue to do so. Vote 10-8.

Rep. Hope Damon for the Minority of Education Funding. The original version of this bill had four purposes: increasing the total revenue raised under the statewide education property tax (SWEPT), requiring municipalities to remit excess SWEPT payments to the Department of Revenue Administration, imposing a budget cap for local school districts, and increasing base adequacy aid per pupil. As amended, only the tax cap is addressed. Along with completely overriding local school districts' control over their budget, this legislation perpetuates the existing very significant funding inequities between districts. Current spending per student, largely driven by the wide differences in property wealth, varies from \$17,000 to \$44,000. Placing a cap means that districts with less resources would continue to be locked into those limited budgets. With the passage of SB 383 last year, districts already are allowed to vote locally on creating a budget cap – thus far, those efforts have largely resulted in profound defeats. Further, if there is a significant increase in special education funding in a district with a budget cap, those students' services will be provided (as mandated by federal law) leaving much reduced funds for the general education population. All students deserve to have quality education, fairly funded. The proponents of this bill believe that permitting a 2/3 majority vote to override the budget cap is sufficient flexibility – but the reality is that 2/3 votes are rarely successful. There may be merit to a cap on school district budgets in the future – but certainly not before we have equitable funding from the state to municipalities so that a student's zip code doesn't determine the adequacy of their education resources. This bill is an extreme measure that is absent of a thoughtful, comprehensive approach to funding education.

### Majority Amendment (0548h)

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

AN ACT limiting the authority of school districts to make certain appropriations.

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

1 New Paragraphs; Commissioner's Warrant. Amend RSA 76:8 by inserting after paragraph III the following new paragraphs:

IV. Until June 30, 2027, school district appropriation amounts, less facilities acquisition and construction, authorized in paragraph III and reported pursuant to RSA 198:4-a, shall not be more than the previous year's appropriation, less facilities acquisition and construction, times the previous 5 years average Consumer Price Index pursuant to paragraph VI.

(a) After June 30, 2027, the school district appropriation amount, less facilities acquisition and construction, authorized in paragraph III shall not be more than the greater of the following:

(1) The 5-year average percent change in ADMR used for the purposes of calculating adequate education grants pursuant to RSA 198:40-a applied to the previous year's appropriation, less facilities acquisition and construction, or

(2) The 5-year average appropriation, less facilities acquisition and construction.

(b) School districts seeking appropriations, less facilities acquisition and construction, to assess local property taxes in excess of paragraph IV, as applicable, shall do so by a 2/3 majority vote of their legislative body on each vote or warrant article in excess of the appropriation determined in paragraph V. The vote to exceed the excess shall not be a voice vote.

(c) Districts seeking emergency appropriations shall follow the provisions of RSA 197:3.

V. Within 45 days after the reported appropriation amounts are submitted pursuant to RSA 198:4-a, the commissioner of the department of revenue administration shall notify the school board of any excess appropriations not made in accordance with RSA 76:8, IV and delete those appropriations when computing district taxation pursuant to RSA 198:4-a, IV.

VI. Previous 5 years average Consumer Price Index shall be calculated by using the All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average annual change shall be calculated using the 5 calendar years ending 18 months before the start of the fiscal year.

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

#### AMENDED ANALYSIS

This bill establishes a tax cap for local school districts.

The question being adoption of the majority committee amendment.

#### MOTION TO LAY ON THE TABLE

Rep. Nicholas Germana moved that **HB 675-FN-A-L**, limiting the authority of school districts to make certain appropriations, be laid on the table.

On a division vote, with 187 members having voted in the affirmative, and 189 in the negative, the motion failed.

The question being adoption of the majority committee amendment.

On a division vote, with 204 members having voted in the affirmative, and 173 in the negative, the majority committee amendment was adopted.

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

Rep. Damon spoke against.

Rep. Dan McGuire spoke in favor.

Rep. Damon requested a roll call; sufficiently seconded.

#### YEAS 190 - NAYS 185

##### YEAS - 190

##### BELKNAP

Aldrich, Glen  
Dumais, Russell  
Minor, Sheri

Bean, Harry  
Freeman, Lisa  
Terry, Paul

Bogert, Steven  
Harvey-Bolia, Juliet  
Toner, Travis

Comtois, Barbara  
Ploszaj, Tom  
Varney, Peter

##### CARROLL

Avellani, Lino  
MacDonald, John

Belcher, Mike  
Peternel, Katy

Cordelli, Glenn  
Brown, Richard

Hamblen, Joseph

##### CHESHIRE

Murphy, Denis  
Qualey, James

Hunt, John  
Rhodes, Jennifer

Mattson, Rita  
Thackston, Dick

Nalevanko, Rich

##### COOS

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete  
Valerino, Brian

##### GRAFTON

Barton, Joseph  
Franz, Linda  
Sellers, John

Beaulier, Calvin  
Ladd, Rick

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

##### HILLSBOROUGH

Alexander, Joe  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon

Ammon, Keith  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre

Barbour, Liz  
Cole, Brian  
Daniels, Gary  
Erf, Keith

Berry, Ross  
Corcoran, Travis  
Drew, Matt  
Flanagan, Jack



Griffin, Gerald  
Gould, Linda  
Labrie, Brian  
McLean, Mark  
Noble, Kristin  
Pauer, Diane  
Proulx, Mark  
Scully, Kevin  
Slottje, Jeremy  
Ulery, Jordan

Gagne, Larry  
Kenny, Catherine  
Lascelles, Richard  
Miles, Julie  
Notter, Jeanine  
Peeples, Raymond  
Prout, Andrew  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

Giasson, Henry  
Kesselring, Steven  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Post, Lisa  
Reinfurt, Sherri  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

Gorski, Ted  
Kofalt, Jim  
Mazur, Lisa  
Morton, Jonathan  
Paquette, Kathleen  
Presa, Adam  
Schneller, John  
Sirois, Shane  
Mannion, Tom

Andrus, Louise  
Cambrils, Jose  
Hill, Gregory  
Pitaro, Matthew  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
See, Alvin

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Polozov, Yury  
Walsh, Thomas

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Boyd, Stephen  
Thibault, James

## MERRIMACK

Ball, Lorie  
Mannion, Dennis  
Donnelly, Tanya  
Ford, Mary  
Miner, Laurence  
Love, David  
Markell, Jay  
Melvin, Charles  
Brown, Pam  
Roy, Terry  
Soti, Julius  
Tudor, Paul  
MacDonald, Wayne

Bennett, Cindy  
Thomas, Douglas  
Drago, Mike  
Guzowski, James  
Walsh, Lilli  
Lundgren, David  
McDonnell, Valerie  
Milz, David  
Perez, Kristine  
Pearson, Stephen  
Spillane, James  
Vandecasteele, Susan  
Weyler, Kenneth

Bernardy, JD  
DeSimone, Debra  
Dunn, Ron  
Harb, Robert  
Layon, Erica  
Lynn, Bob  
McGrath, Linda  
Nadeau, Brian  
Potucek, John  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Verville, Kevin  
Wilson, Vicki

Bryer, Scott  
DeVito, Sayra  
Edwards, Jess  
Janigian, John  
Litchfield, Melissa  
Pearson, Mark  
McMahon, Charles  
Osborne, Jason  
Prudhomme-O'Brien, Katherine  
Selby, Donald  
Tripp, Richard  
Vose, Michael

## ROCKINGHAM

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

DeLemus, Susan  
Harrington, Michael  
Walker, David

## STRAFFORD

Drye, Margaret  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Smith, Steven

Aron, Judy  
Spilsbury, Walter

## SULLIVAN

## NAYS - 185

## BELKNAP

St. Clair, Charlie

Bordes, Mike

Coker, Matthew

## CARROLL

Crawford, Karel  
Woodcock, Stephen

Paige, David

Buco, Thomas  
McAleer, Chris

Burroughs, Anita  
Taylor, Brian

## CHESHIRE

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rourke, Terri

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

## GRAFTON

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Stringham, Jerry

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen  
Sykes, George

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Spahr, Terry

## HILLSBOROUGH

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
LeClerc, Daniel

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Leishman, Peter

Murray, Alissandra  
Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Jeudy, Jean  
Foxx, Loren

Boyd, Bill  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
Leapley, Nicole

Lloyd, Christal  
McGhee, Kat  
Plamondon, Marc  
Rombeau, Catherine  
Salvi, Santosh  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

Long, Patrick  
Murphy, Nancy  
Preece, David  
Rung, Rosemarie  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

Murray, Megan  
Panek, Sandra  
Newman, Ray  
Ryan, Linda  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

Manohar, Sanjeev  
Petrigno, Peter  
Raymond, Heather  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

### MERRIMACK

Bricchi, Tracy  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Wallner, Mary Jane

Caplan, Tony  
Gibbs, Merryl  
Hall, Muriel  
Richards, Beth  
Schultz, Kris  
Woods, Gary

Colby, Eleana  
Hicks, Matthew  
MacKay, James  
Roesener, James  
Snodgrass, Jim

Kelly, Eileen  
Lane, Connie  
Newsom, James  
Sargent, Gregory  
Soucy, Timothy

### ROCKINGHAM

Balboni, Peggy  
Gilman, Julie  
Murray, Kate  
Cahill, Michael  
Manos, Zoe  
Porcelli, Susan  
Simpson, Alexis  
Turer, Eric

Bridle, Nicholas  
Grote, Jaci  
Khan, Aboul  
Maggiore, Jim  
Meuse, David  
Raynolds, Ned  
Sorensen, Carrie  
Vallone, Mark

de Vries, Erica  
Guthrie, Joseph  
Knab, Allison  
Malloy, Dennis  
Muns, Chris  
Read, Ellen  
Sytek, John  
Ward, Gerald

Edgar, Michael  
Haskins, Linda  
Kuttab, Katelyn  
Mandelbaum, Jennifer  
Nelson, Jodi  
Scherr, Buzz  
Dolan, Tom  
Weinstein, Toni

### STRAFFORD

Ankarberg, Aidan  
England, Myles  
Horrigan, Timothy  
Laroche, John  
Miller, Seth  
Pearson, Wayne

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Wade, Alice

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Stone, John

### SULLIVAN

Sullivan, Brian  
Palmer, William

Cloutier, John

Damon, Hope

Girard, Dale

and the majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**HB 703-FN-A-L**, relative to prohibiting school districts from denying meals to students with unpaid meal balances, and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond Peeples for the Majority of Education Funding. This bill requires school districts with meal programs approved to operate through the United States Department of Agriculture (USDA) to adopt school meal policies that do not deny or stigmatize students with unpaid meal balances. It also requires the Department of Education to pay for school meal debts accrued by students participating in the USDA National School Lunch program and makes an appropriation, therefor. By allowing meal debt to go unchecked and eliminating any and all forms of collection puts a burden on the local taxpayer to pick up the cost of the program. While we all agree that no student should be denied a meal for any reason, it is unfair to school districts and the nutrition programs they rely on to bear the strain of this debt, by limiting the tools at the local level to handle the issue. This bill further authorizes the school to complete the application for free meals, a right that should stay with the parent or guardian. Vote 10-8.

Rep. Hope Damon for the Minority of Education Funding. This bill would require school districts participating in the US Department of Agriculture school meal programs to adopt policies that prohibit denying or stigmatizing students with unpaid meal balances. The original version also required the state Department of Education to pay for school meal debts and would make an appropriation for that. The proposed amendment would eliminate the section requiring the state to pay off school meal debt. As such, the bill then becomes fiscally neutral. It simply asks for a kind, thoughtful recognition that we should not in any way be penalizing children, who through no fault of their own, are poor and consequently food insecure. For many children, school meals are the bulk of their food intake. If a child is served different foods, or identified as a poor student with a token, sticker, stamp, or posted lists, they will often choose not to eat. Shame runs deep – even when it is fully undeserved. These are students who are already entitled to meal benefits, this bill is not increasing eligibility. The minority recognizes that it is essential to children's educational success to be fed adequately and routinely. Food insecure children are twice as likely to receive special education services; twice as likely to repeat a grade; twice as likely to be suspended, which interferes with learning; and have increased hyperactivity as well as difficulty focusing. This is a no-cost policy statement to fairly feed children without stigma.

The question being adoption of the majority committee report of Inexpedient to Legislate.  
 Rep. Damon spoke against.  
 Rep. Peeples spoke in favor.  
 Rep. Luneau requested a roll call; sufficiently seconded.

**YEAS 202 - NAYS 173****YEAS - 202****BELKNAP**

Aldrich, Glen  
 Comtois, Barbara  
 Ploszaj, Tom  
 Varney, Peter

Bean, Harry  
 Dumais, Russell  
 Minor, Sheri

Bogert, Steven  
 Freeman, Lisa  
 Terry, Paul

Coker, Matthew  
 Harvey-Bolia, Juliet  
 Toner, Travis

**CARROLL**

Avellani, Lino  
 Hamblen, Joseph  
 Taylor, Brian

Belcher, Mike  
 MacDonald, John

Cordelli, Glenn  
 Petermel, Katy

Crawford, Karel  
 Brown, Richard

**CHESHIRE**

Murphy, Denis  
 Qualey, James

Hunt, John  
 Rhodes, Jennifer

Mattson, Rita  
 Thackston, Dick

Nalevanko, Rich

**COOS**

Davis, Arnold  
 Ouellet, Mike

Durkin, Sean  
 King, Seth

Korzen, Lori  
 Tierney, James

Morency, Pete  
 Valerino, Brian

**GRAFTON**

Barton, Joseph  
 Franz, Linda  
 Sellers, John

Beaulier, Calvin  
 Ladd, Rick

Berezhny, Lex  
 Louis, Darrell

Bjelobrk, Marie Louise  
 McFarlane, Donald

**HILLSBOROUGH**

Alexander, Joe  
 Berry, Ross  
 Corcoran, Travis  
 Drew, Matt  
 Flanagan, Jack  
 Gorski, Ted  
 Kofalt, Jim  
 Mazur, Lisa  
 Morton, Jonathan  
 Panek, Sandra  
 Post, Lisa  
 Rice, Kimberly  
 Sheehan, Vanessa  
 Mannion, Tim  
 Wherry, Robert

Ammon, Keith  
 Boehm, Ralph  
 Creighton, James  
 Dumont, Dillon  
 Griffin, Gerald  
 Gould, Linda  
 Labrie, Brian  
 McLean, Mark  
 Noble, Kristin  
 Paquette, Kathleen  
 Proulx, Mark  
 Schneller, John  
 Sirois, Shane  
 Mannion, Tom

Boyd, Bill  
 Colcombe, Riché  
 Kelley, Diane  
 Dupont, Pierre  
 Gagne, Larry  
 Kenny, Catherine  
 Lascelles, Richard  
 Miles, Julie  
 Notter, Jeanine  
 Pauer, Diane  
 Prout, Andrew  
 Scully, Kevin  
 Slottje, Jeremy  
 Ulery, Jordan

Barbour, Liz  
 Cole, Brian  
 Daniels, Gary  
 Erf, Keith  
 Giasson, Henry  
 Kesselring, Steven  
 Murphy, Mary  
 Mooney, Maureen  
 Ohm, Bill  
 Peeples, Raymond  
 Reinfurt, Sherri  
 Seidel, Sheila  
 Tenczar, Jeffrey  
 Warden, Mark

**MERRIMACK**

Andrus, Louise  
 Cambrils, Jose  
 Hill, Gregory  
 Plante, Raymond  
 See, Alvin

Aures, Cyril  
 McGuire, Dan  
 Mehegan, Peter  
 Polozov, Yuri  
 Walsh, Thomas

Aylward, Deborah  
 Devoid, Ricky  
 Moffett, Michael  
 Boyd, Stephen  
 Thibault, James

McGuire, Carol  
 Gonzalez, Ernesto  
 Pitaro, Matthew  
 Seaworth, Brian  
 Wood, Clayton

**ROCKINGHAM**

Ball, Lorie  
 Mannion, Dennis  
 Drago, Mike  
 Ford, Mary  
 Harb, Robert  
 Miner, Laurence  
 Love, David  
 Markell, Jay  
 Melvin, Charles  
 Brown, Pam  
 Prudhomme-O'Brien, Katherine  
 Selby, Donald  
 Sytek, John  
 Vandecasteele, Susan  
 Weyler, Kenneth

Bennett, Cindy  
 Thomas, Douglas  
 Dunn, Ron  
 Gilman, Julie  
 Janigian, John  
 Walsh, Lilli  
 Lundgren, David  
 McDonnell, Valerie  
 Nadeau, Brian  
 Perez, Kristine  
 Roy, Terry  
 Soti, Julius  
 Dolan, Tom  
 Verville, Kevin  
 Wilson, Vicki

Bernardy, JD  
 DeVito, Sayra  
 Edwards, Jess  
 Guthrie, Joseph  
 Khan, Aboul  
 Layon, Erica  
 Lynn, Bob  
 McGrath, Linda  
 Nelson, Jodi  
 Porcelli, Susan  
 Pearson, Stephen  
 Spillane, James  
 Tripp, Richard  
 Vose, Michael

Bryer, Scott  
 Donnelly, Tanya  
 Foote, Charles  
 Guzowski, James  
 Kuttab, Katelyn  
 Litchfield, Melissa  
 Pearson, Mark  
 McMahon, Charles  
 Osborne, Jason  
 Potucek, John  
 Sabourin dit Choinière, Matt  
 Sweeney, Joe  
 Tudor, Paul  
 MacDonald, Wayne

**STRAFFORD**

Ankarberg, Aidan  
DeLemus, Susan  
Harrington, Michael  
Walker, David

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

**SULLIVAN**

Drye, Margaret  
Aron, Judy

Girard, Dale  
Aron, Michael

Grant, George  
Smith, Steven

Hemingway, Wayne  
Spilsbury, Walter

**NAYS - 173****BELKNAP**

Bordes, Mike

St. Clair, Charlie

**CARROLL**

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

**CHESHIRE**

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

**GRAFTON**

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen  
Sykes, George

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Spahr, Terry

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
Leapley, Nicole  
Long, Patrick  
Murphy, Nancy  
Presa, Adam  
Rung, Rosemarie  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
LeClerc, Daniel  
Murray, Megan  
Petrigno, Peter  
Newman, Ray  
Ryan, Linda  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Leishman, Peter  
Manohar, Sanjeev  
Plamondon, Marc  
Raymond, Heather  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Jeudy, Jean  
Foss, Loren  
Lloyd, Christal  
McGhee, Kat  
Preece, David  
Rombeau, Catherine  
Salvi, Santosh  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

**MERRIMACK**

Bricchi, Tracy  
Gallager, Eric  
Luneau, David  
Newsom, James  
Sargent, Gregory  
Soucy, Timothy

Caplan, Tony  
Gibbs, Merryl  
Hall, Muriel  
Payeur, Stephanie  
Schamberg, Thomas  
Wallner, Mary Jane

Colby, Eleana  
Hicks, Matthew  
MacKay, James  
Richards, Beth  
Schultz, Kris  
Woods, Gary

Kelly, Eileen  
Lane, Connie  
Morse, Bryan  
Roesener, James  
Snodgrass, Jim

**ROCKINGHAM**

Balboni, Peggy  
Grote, Jaci  
Cahill, Michael  
Manos, Zoe  
Read, Ellen  
Turer, Eric

Bridle, Nicholas  
Haskins, Linda  
Maggiore, Jim  
Meuse, David  
Scherr, Buzz  
Vallone, Mark

de Vries, Erica  
Murray, Kate  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Edgar, Michael  
Knab, Allison  
Mandelbaum, Jennifer  
Raynolds, Ned  
Sorensen, Carrie  
Weinstein, Toni

**STRAFFORD**

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Wade, Alice

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Stone, John

England, Myles  
Horrigan, Timothy  
Larochelle, John  
Miller, Seth  
Pearson, Wayne



## SULLIVAN

Sullivan, Brian  
Rollins, Skip

Cloutier, John

Damon, Hope

Palmer, William

and the majority committee report was adopted.

## MOTION TO PRINT DEBATE

Rep. Telerski moved that the debate on **HB 703-FN-A-L**, relative to prohibiting school districts from denying meals to students with unpaid meal balances, and making an appropriation therefor, be printed in the Permanent Journal. Without objection, the Speaker ordered.

## DEBATE ON HB 703-FN-A-L

**Speaker Packard:** The question being adoption of the majority committee report of Inexpedient to Legislate. The Chair recognizes Rep. Damon.

**Representative Damon:** Thank you, Mister Speaker. I rise to ask my colleagues to reach deeply for kindness and empathy and please join me in defeating the ITL for HB 703. I hope that we all believe that every child deserves the opportunity to learn, to thrive and that no child should go hungry during the school day. This bill prohibits schools from denying meals, serving alternative lesser meals or stigmatizing students based on their meal payment status. It also would require school districts to accept voluntary donations to alleviate school meal debt which addresses an issue that occurred last year in New Hampshire. An amendment that would make the bill budget neutral by removing the requirement for the department of education to pay for district school meal debt is ready for your attention. As such, HB 703 is then simply asking districts to have a clear policy that protects our students from being shamed for the economic status. Thirty-nine percent of New Hampshire children, over 1/3, live in households who have insufficient food access. Children living with food insecurity are twice as likely to receive special education services, twice as likely to repeat a grade, have increased hyper activity and difficulty focusing and are twice as likely to be suspended which also interferes with learning. Children are not responsible for their poverty. Let me say that again. Children are not responsible for their poverty. Yet we know that when students are labeled for being poor, they often choose to go hungry rather than be seen getting a meal that stigmatizes them. Using tokens, stickers, stamps, a public list of students with meal debt, alternative meals, prohibiting extra curricular or field trip participation or requiring students to do chores to earn their meals are all ways that we call out children for poverty. My mom was a hard-working food service director, and I know most nutrition and school staff are compassionate wonderful people, but sometimes policies are created that are not kind, wonderful and fair to students. Access to the school meals program is strongly associated with improved education and health benefits, including less childhood obesity. It is associated with reduced absenteeism and tardiness and fewer behavioral issues. School meal programs have to balance offering foods that are appealing to today's children with providing nutritionally sound meals. Many items served in the school meal program are required by federal rules to meet nutrition standards that are much healthier than the same item you could purchase at a store or at a restaurant. You cannot tell the amount of nutrition provided by the name on a menu. The minority recognizes that it is essential to children's educational success to be fed adequately and routinely. Please join me in voting against the ITL so a better, kinder motion can be made for our kids. Thank you.

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

**Representative Peeples:** Thank you, Mister Speaker. This bill requires school districts with meal programs to adopt meal policies that do not deny or stigmatize students with unpaid meal balances. This bill further authorizes the school to complete the application for free meals, a right that should stay with the parent or guardian. Allowing meal debt to go unchecked and eliminating all forms of collection, puts a burden on the taxpayer to pick up the cost. School nutrition programs are vital to our students and while we can all agree that no student should be denied a meal for any reason, we also can agree that its unfair to dump that bad debt onto the taxpayer. This is an issue that's best handled at the local level allowing local districts control over the policies that govern their school lunch programs. I would urge you to support the recommendation of ITL.

**Speaker Packard:** The motion before us is the majority committee report of Inexpedient to Legislate on HB 703. Rep. Luneau has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. The motion before us is the majority committee report of Inexpedient to Legislate on HB 703. This is a roll call vote. The Chair recognizes Rep. Weinstein for a parliamentary inquiry.

**Representative Weinstein:** Thank you, Mister Speaker. Mister Speaker, if I know that there are students in New Hampshire schools that are stigmatized by poverty and are facing food insecurity. And if I know that those students shouldn't be subjected to meal shaming practices like denying meals, serving alternative meals or stigmatizing students based on their meal payment status. And I know that this bill addresses that by simply asking school districts to adopt compassionate policies, then would I now press the red button to defeat the ITL motion so that a better motion can be made? Thank you.

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

**Representative Ladd:** Thank you very much, Mister Speaker. If I know the amount of meal debt accrued at the local level estimated by the department to be as much as \$2.5 million annually. And if we all know that no child should be denied a meal for any reason, however, if I also know that by allowing meal debt to be unchecked and then requiring the department of education to pay the unpaid meal debt, it would unfairly shift the burden of debt responsibility onto local taxpayers, would I then leave the management of local school meal programs to the local district and press the green button and ITL this bill?

**Speaker Packard:** The motion before us is the majority committee report of Inexpedient to Legislate on HB 703. 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. 202 voting Yea; 173 voting Nay, the committee report is adopted.

### REGULAR CALENDAR CONT'D

**HB 739-FN**, relative to excess funds paid to municipalities for the use of school districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Walter Spilsbury for the Majority of Education Funding. This bill requires municipalities to remit any excess Statewide Education Property Tax (SWEPT) to the state for deposit to the Education Trust Fund (ETF). It does that by restoring into law several brief provisions that were repealed in 2011. An "excess" SWEPT payment is due when the municipality has collected more in SWEPT than it is due for its annual share of state adequacy aid. The effect of current law, which allows a municipality to retain excess SWEPT, is to create effectively unequal rates of taxation of a state tax as applied across different municipalities, as has recently been held unconstitutional in the *Rand* case, now pending appeal before the New Hampshire Supreme Court. This bill resolves that constitutional issue by requiring that the municipality pay the excess portion only to the Department of Revenue Administration (DRA) for deposit in the ETF. The fiscal note estimates this bill will result in \$28.6 million of new state revenue to the ETF, but since no longer retained there would be a corresponding decrease in revenue to the municipalities that are required to transmit excess SWEPT to DRA. While the bill's effective date will be July 1, 2025, the majority amendment makes it clear that the first excess SWEPT payment shall be remitted on or by March 15, 2027, thus avoiding unanticipated adjustments in FY26 budgets that are already formed and being presented to voters by deferring this requirement until relating to FY27. Vote 17-1.

Rep. Sallie Fellows for the Minority of Education Funding. For decades, the state has paid only a small share of the cost to operate local schools and municipalities have repeatedly sued the state seeking property tax relief. A Supreme Court decision in 1997 ordered the state to pay for the core costs of "an adequate education." In 1999, the state increased aid and, at the same time, created the statewide education property tax (SWEPT). The state gave \$825 million in property tax relief with one hand and used SWEPT to take back half that amount from property tax payers with the other hand. If a municipality's SWEPT was greater than the state computed cost of an adequate education, it had to return the excess. Remitting SWEPT was highly unpopular and was effectively repealed in 2005 by changing the excess calculation to a comparison of SWEPT to actual municipal expenditures for schools. Today, no school districts can provide an education with the state's average cost of an adequate education (including the supplemental for special education and low-income student) of \$5,300. The current SWEPT, which raises \$363 million, will require only 38 municipalities to either increase their property taxes or cut their school budgets. Should the amount to be raised by SWEPT increase, as some bills have proposed, then more than 100 municipalities could be required to remit excess.

### Majority Amendment (0680h)

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

AN ACT relative to excess funds paid to municipalities for use in school districts.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:  
5 Applicability. The first excess SWEPT payment shall be remitted on or by March 15, 2027.

### AMENDED ANALYSIS

This bill requires municipalities to remit any excess statewide education property tax to the state for deposit in the education trust fund.

The question being adoption of the majority committee amendment.

### MOTION TO LAY ON THE TABLE

Rep. Cordelli moved that **HB 739-FN**, relative to excess funds paid to municipalities for use in school districts, be laid on the table.

On a division vote, with 150 members having voted in the affirmative, and 223 in the negative, the motion failed.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Rep. Spilsbury spoke in favor.

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

**YEAS 246 - NAYS 128****YEAS - 246  
BELKNAP**Comtois, Barbara  
St. Clair, Charlie

Harvey-Bolia, Juliet

Ploszaj, Tom

Minor, Sheri

**CARROLL**Belcher, Mike  
McAleer, ChrisBuco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

**CHESHIRE**Ames, Dick  
Germana, Dylan  
Jacobs, Samantha  
O'Rorke, Terri  
Weber, LucyBerch, Paul  
Murphy, Denis  
Jones, Philip  
Parshall, LuciusHarvey, Cathryn  
Faulkner, Barry  
Germana, Nicholas  
Rhodes, JenniferFox, Dru  
Gruber, James  
Newell, Jodi  
Thackston, Dick**COOS**Korzen, Lori  
Valerino, Brian

Morency, Pete

Ouellet, Mike

Tierney, James

**GRAFTON**Almy, Susan  
Berezny, Lex  
Franz, Linda  
Louis, Darrell  
Oppel, Thomas  
Stavis, LaurelBaldwin, Heather  
Bolton, Bill  
Hakken-Phillips, Mary  
Lovett, Peter  
Rockmore, Ellen  
Sykes, GeorgeBarton, Joseph  
Cormen, Thomas  
Sullivan, Jared  
Lucas, Janet  
Sellers, JohnBeaulier, Calvin  
Fracht, David  
Ladd, Rick  
Muirhead, Russell  
Spahr, Terry**HILLSBOROUGH**Murray, Aissandra  
Bergeron, Dan  
Bouchard, Donald  
Colcombe, Riché  
Daniels, Gary  
Dupont, Pierre  
Flanagan, Jack  
Giasson, Henry  
Hartnett, Tim  
Judy, Jean  
Kluger, Lee Ann  
LeClerc, Daniel  
Murray, Megan  
Miles, Julie  
Pauer, Diane  
Preece, David  
Rung, Rosemarie  
Scully, Kevin  
Sofikitis, Catherine  
Telerski, Laura  
Veilleux, Daniel  
Wherry, RobertAlexander, Joe  
Berry, Ross  
Budathoki, Suraj  
Cornell, Patricia  
Darby, Will  
Elberger, Susan  
Foss, Lily  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
Kofalt, Jim  
Leishman, Peter  
Murphy, Mary  
Mooney, Maureen  
Peeples, Raymond  
Presa, Adam  
Ryan, Linda  
Seibert, Christine  
Spier, Carry  
Tellez, Trinidad  
Dolan, William  
Wilhelm, MatthewBoyd, Bill  
Boehm, Ralph  
Chourasia, Manoj  
Creighton, James  
Dargie, Paul  
Erf, Keith  
Griffin, Gerald  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
Foxy, Loren  
Lloyd, Christal  
Mazur, Lisa  
Morton, Jonathan  
Petrigno, Peter  
Newman, Ray  
Newman, Sue  
Seidel, Sheila  
Staub, Kathy  
Ulery, Jordan  
Thomas, WendyBeauchemin, Paige  
Booras, Efstathia  
Chretien, Suzanne  
Kelley, Diane  
DiSilvestro, Linda  
Davis, Fred  
Georges, Mary  
Harriott-Gathright, Linda  
Jack, Martin  
Kesselring, Steven  
Leapley, Nicole  
Long, Patrick  
McGhee, Kat  
Murphy, Nancy  
Plamondon, Marc  
Raymond, Heather  
Salvi, Santosh  
Sirois, Shane  
Swanson, Dale  
Vail, Suzanne  
Wheeler, Jonah**MERRIMACK**Bricchi, Tracy  
Colby, Eleana  
Gallager, Eric  
Luneau, David  
Moffett, Michael  
Richards, Beth  
Schultz, Kris  
Soucy, TimothyMcGuire, Carol  
McGuire, Dan  
Gibbs, Merryl  
Hall, Muriel  
Morse, Bryan  
Roesener, James  
Seaworth, Brian  
Wallner, Mary JaneCambrils, Jose  
Devoid, Ricky  
Hicks, Matthew  
MacKay, James  
Newsom, James  
Sargent, Gregory  
See, Alvin  
Woods, GaryCaplan, Tony  
Kelly, Eileen  
Lane, Connie  
Mehegan, Peter  
Payeur, Stephanie  
Schamberg, Thomas  
Snodgrass, Jim**ROCKINGHAM**Bennett, Cindy  
de Vries, Erica  
Gilman, Julie  
Khan, Aboul  
Layon, Erica  
McMahon, Charles  
Roy, Terry  
Sorensen, Carrie  
MacDonald, WayneBernardy, JD  
DeSimone, Debra  
Guthrie, Joseph  
Knab, Allison  
Lynn, Bob  
Meuse, David  
Pearson, Stephen  
Tripp, Richard  
Weinstein, ToniBridle, Nicholas  
DeVito, Sayra  
Haskins, Linda  
Kuttab, Katelyn  
Cahill, Michael  
Muns, Chris  
Scherr, Buzz  
Turer, Eric  
Weyler, KennethMannion, Dennis  
Dunn, Ron  
Janigian, John  
Miner, Laurence  
Manos, Zoe  
Read, Ellen  
Simpson, Alexis  
Vallone, Mark

**STRAFFORD**

Ankarberg, Aidan  
DeDe-Poulin, Denise  
Howard, Heath  
Johnson, Erik  
Levesque, Cassandra  
Potenza, Kelley  
Pearson, Wayne

Bay, Luz  
England, Myles  
Harrington, Michael  
Kaczynski, Thomas  
Smith, Marjorie  
Schmidt, Peter  
Wade, Alice

Bixby, Peter  
Smith, Geoffrey  
Horrigan, Timothy  
LaMontagne, Jessica  
Malone, Amy  
Southworth, Thomas  
Walker, David

Burton, Wayne  
Gilmore, Gary  
Howland, Allan  
Larochelle, John  
Miller, Seth  
Stone, John  
Wall, Janet

**SULLIVAN**

Sullivan, Brian  
Girard, Dale  
Rollins, Skip

Cloutier, John  
Aron, Judy  
Smith, Steven

Damon, Hope  
Aron, Michael  
Spilsbury, Walter

Drye, Margaret  
Palmer, William

**NAYS - 128****BELKNAP**

Aldrich, Glen  
Dumais, Russell  
Varney, Peter

Bean, Harry  
Freeman, Lisa

Bogert, Steven  
Terry, Paul

Coker, Matthew  
Toner, Travis

**CARROLL**

Avellani, Lino  
MacDonald, John

Cordelli, Glenn  
Brown, Richard

Crawford, Karel  
Taylor, Brian

Hamblen, Joseph

**CHESHIRE**

Hunt, John

Mattson, Rita

Nalevanko, Rich

Qualey, James

**COOS**

Davis, Arnold

Durkin, Sean

King, Seth

**GRAFTON**

Bjelobrk, Marie Louise

Fellows, Sallie

McFarlane, Donald

Stringham, Jerry

**HILLSBOROUGH**

Ammon, Keith  
Drew, Matt  
Gould, Linda  
Manohar, Sanjeev  
Ohm, Bill  
Proulx, Mark  
Rombeau, Catherine  
Tenczar, Jeffrey

Barbour, Liz  
Dumont, Dillon  
Kenny, Catherine  
McLean, Mark  
PANEK, Sandra  
Prout, Andrew  
Schneller, John  
Mannion, Tim

Cole, Brian  
Gagne, Larry  
Labrie, Brian  
Noble, Kristin  
Paquette, Kathleen  
Reinfurt, Sherri  
Sheehan, Vanessa  
Mannion, Tom

Corcoran, Travis  
Gorski, Ted  
Lascelles, Richard  
Notter, Jeanine  
Post, Lisa  
Rice, Kimberly  
Slottje, Jeremy  
Warden, Mark

**MERRIMACK**

Andrus, Louise  
Hill, Gregory  
Boyd, Stephen

Aures, Cyril  
Pitaro, Matthew  
Walsh, Thomas

Aylward, Deborah  
Plante, Raymond  
Thibault, James

Gonzalez, Ernesto  
Polozov, Yuri  
Wood, Clayton

**ROCKINGHAM**

Balboni, Peggy  
Drago, Mike  
Ford, Mary  
Murray, Kate  
Lundgren, David  
Mandelbaum, Jennifer  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Selby, Donald  
Sytek, John  
Verville, Kevin

Ball, Lorie  
Edgar, Michael  
Grote, Jaci  
Walsh, Lilli  
Pearson, Mark  
Markell, Jay  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Dolan, Tom  
Vose, Michael

Thomas, Douglas  
Edwards, Jess  
Guzofski, James  
Litchfield, Melissa  
Maggiore, Jim  
McDonnell, Valerie  
Nadeau, Brian  
Perez, Kristine  
Raynolds, Ned  
Spillane, James  
Tudor, Paul  
Ward, Gerald

Donnelly, Tanya  
Foote, Charles  
Harb, Robert  
Love, David  
Malloy, Dennis  
McGrath, Linda  
Nelson, Jodi  
Porcelli, Susan  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Vandecasteele, Susan  
Wilson, Vicki

**STRAFFORD**

Bailey, Glenn  
Farrington, Samuel

Burnham, Claudine  
Granger, Michael

DeLemus, Susan  
Turcotte, Len

DeRoy, Susan

**SULLIVAN**

Grant, George

Hemingway, Wayne

and the majority committee report was adopted.

Rep. Reinfurt vote Nay and intended to vote Yea.

The Speaker referred the bill to the Committee on Ways and Means.



**MOTION TO PRINT DEBATE**

Rep. Weber moved that the debate on **HB 739-FN**, relative to excess funds paid to municipalities for use in school districts, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

**DEBATE ON HB 739-FN**

**Speaker Packard:** For what reason does the member rise?

**Representative Cordelli:** For a motion.

**Speaker Packard:** State your motion.

**Representative Cordelli:** I would like to have HB 739 be laid on the table.

**Speaker Packard:** That is a proper motion. The motion before us is to lay HB 739 on the table. A division has been requested. Members take your seats. The motion before us is to lay HB 739 on the table. This is a division vote. The Chair recognizes Rep. Cordelli for a parliamentary inquiry.

**Representative Cordelli:** Thank you, Mister Speaker. Mister Speaker, if I know that this is simply a redistribution of money scheme. And if I know the last time that this donor town scheme was introduced, it led to a bipartisan division across the state. And if I know that this will simply pit neighbor against neighbor once more, would I now press the green button?

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

**Representative Spilsbury:** Thank you, Mister Speaker. Mister Speaker if I know that HB 739 resolves a constitutional issue that has been put in play by a superior court decision. And if I know that the education funding committee has voted for HB 739 OTP 17 to 1 even though we know it affects different communities differently. And finally, Mister Speaker, if I know that the decision up or down needs to be made today so that the bill can move to Finance and so that Finance can determine how to use the \$30 million that it would raise, would I now vote against the table motion?

**Speaker Packard:** The motion before us is the tabling motion on HB 739. 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. 150 voting Yea; 223 voting Nay, the motion fails. The amendment is (0680h) printed in House Record 15 page 64. Are you ready for the question on the amendment? All those in favor, say Aye; those opposed, Nay. The Ayes have it and the amendment is adopted. Right now, we are on to Ought to Pass with Amendment and the Chair recognizes Rep. Cordelli.

**Representative Cordelli:** Thank you, Mister Speaker. This bill actually should be titled the pitting against neighbor bill because that is what this bill does. After all, it is basic redistribution of tax dollars from one town to another, from one taxpayer to another. The bill proposes to do with taxpayer funds raised by the statewide education property tax or SWEPT, if the town collects more than the state says that they have to collect, that is referred to as excess SWEPT, although that term appears nowhere in current statute. This bill would require that that excess amount that is over what the state requires towns to collect, be sent to the state and have it redistributed to other towns around the state. Maybe we should expand that concept. Maybe we should let Manchester tax Bedford taxpayers. And if the amount of education adequacy grant increases, the list of donor towns will grow from the current 40. Why do these towns raise more money than the state says that they have to? The Department of Revenue Administration determines an equalized property value for towns and uses that to determine the amount owed by each town to raise the required SWEPT funds. It is a uniform rate across the state as required by our constitution. It happens that some towns have some properties that have more value than others. Maybe around the lake. Let's look at the two towns that I represent. They are a good example. Considering there are 236 towns, let's take a look at the percentage of students qualifying for free and reduced lunch because that's a commonly used measure of poverty. Tuftonboro, free and reduced percentage is 26.5%. Wolfeboro is 25.5%. The state average is 14.5% as a measure of poverty. Let's look at the 2020-2025, median income per household. For Wolfeboro, it is \$98,300. For Tuftonboro, it's \$84,500. The state average is \$95,600. Are my two towns wealthy? Clearly not. But let's take those taxpayer monies and distribute it to other towns. For those two towns currently, this would require \$3 million to be sent from these towns to the state to be redistributed. What do you think is going to happen to local property taxes and the people who are struggling to make ends meet? We talk about fairness. Does this sound fair? What do I tell Marilyn, a friend of mine who lives in an old trailer in a trailer park and has to rely on people to bring her groceries? What am I going to tell her when I have to say that some of her tax dollars is going to people in Grafton County? Or how about the families in town for whom my church spends over \$10,000 a year to help them keep their heat on during the winter? What am I going to tell them? Please vote red to stop this excess SWEPT caper and stop pitting neighbor against neighbor. And, Mister Speaker, I request a roll call.

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

**Representative Spilsbury:** Thank you, Mister Speaker. Love it or hate it, the statewide education property tax is current law. As current law, it has to be administered in a way that is constitutional. It looks an awful

lot like the local property tax to our taxpayers but it is a state tax and so it has to be apportioned with an equal rate across the state. When certain communities are allowed to keep the portion of the tax they've collected through SWEPT that exceeds the amount they are due from adequacy aid, they can defray other costs in the community. I and the committee concurs with the judge that has decided that is not constitutional and the current law can't stand as it is written. So, it is not the purpose to pit communities against other communities. I think we have to be matter of fact and recognize that when we impose any kind of a tax, we are not necessarily trying to have the monies that have been collected spent directly where they have been collected or in proportion to the distribution of collections. Look for example at the meals and rooms tax. The meals and rooms tax is shared across the communities regardless of which communities have more hotels, more restaurants, more hospitals or whatever draws people into the community. We are not trying to match up community by community the amount collected, and the amount sent there. That's the same proposition here. So, if we are going to collect part of our taxes on the real estate through SWEPT, if that's the wisdom of this body, then we need to make it constitutional. Please support the motion of the committee.

**Speaker Packard:** The motion before us is the majority committee report of Ought to Pass as Amended on HB 739. Rep. Cordelli 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 with Amendment on HB 739. This is a roll call vote. The Chair recognizes Rep. McFarlane for a parliamentary inquiry.

**Representative McFarlane:** Mister Speaker, if I know that education funding in New Hampshire is and should remain local. And if I know that forcing certain so-called donor towns including two of the ten towns in my district, Bridgewater and Hebron, to send their local education tax dollars to the state will necessarily result in higher property taxes for those communities hurting working families and senior on fixed incomes in those towns. And if I know that should the supreme court uphold the ConVal decision, the SWEPT tax rate could increase so as to fund the 18% higher adequacy amount and increasing thereby the number of donor towns in the state by over 3 times. And if I know that despite claims of fairness, this bill merely incentivizes those donor towns to spend their otherwise excess funds on local boondoggles that they can label educational, ensuring that despite the intent of the proponents of this bill, no real redistribution of wealth would actually occur in the long term and that the bill would ultimately raise educational spending.

**Speaker Packard:** Representative, this is a parliamentary inquiry. Not a speech.

**Representative McFarlane:** Thank you, Mister Speaker. I will wrap it up. And if I know that the bill would therefore raise educational spending in the donor towns and fail to provide meaningful tax relief to other communities. And if I know that New Hampshire voters have rejected state taxes in favor of local control and this would create division between towns, would I now press the red button?

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

**Representative Spilsbury:** Thank you, Mister Speaker. If I know you don't have to agree with the judge and all the rest of the ConVal to see the constitutional problem. And if I know you have already heard me twice tell you the reasons to support this bill, then would I now vote yes?

**Speaker Packard:** The motion before us is the majority committee report of Ought to Pass as Amended on HB 739. 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. 246 voting Yea; 128 voting Nay, the committee report is adopted.

#### REGULAR CALENDAR CONT'D

**HB 773-FN**, relative to aid to school districts for the cost of special education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Walter Spilsbury for Education Funding. This bill removes the requirement that catastrophic special education funds be prorated among the school districts entitled to such aid and requires that disbursements for special education to a school district shall be at least 80 percent of the district's entitlement for catastrophic aid costs in the fiscal year. Claims for catastrophic aid of about \$50 million submitted to the Department of Education by districts for the past year exceed the appropriated amount of \$34 million by nearly 50 percent, which has triggered the existing proration requirement. This has meant that districts will receive substantially less in reimbursements than anticipated and bear a correspondingly greater share of the costs of special education that exceed the statutory threshold of 3 and ½ times the estimated state average expenditure per pupil for the preceding year. The committee considered this bill in conjunction with HB 742, which would have entirely eliminated the proration requirement, and determined to fashion an amendment to this bill, combining elements of both bills, to create a partial solution in light of the state's budgetary constraints. Thus, the amendment sets a floor of 80 percent in the event of a future shortfall of the annual appropriation relative to the claims submitted. In the event a shortfall should occur in which the appropriation is less than 80 percent of eligible claims, the Governor would first draw from the education trust funds, and if that source is exhausted, could then draw from general funds, to make up the difference. The committee anticipates that

appropriations will be set at a level intended to cover fully 100 percent of eligible claims in future years, and intends that shortfalls should be avoided, but has determined that it is prudent to allow some degree of proration in the event that unanticipated higher claims exceed appropriations, provided that the 80 percent floor would mitigate the impact on districts. Vote 18-0.

**Amendment (0714h)**

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

1 Education; Special Education; State Aid. Amend RSA 186-C:18, III(a)-(b) to read as follows:

III.(a) The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3 **and** 1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. ~~[If in any year, the amount appropriated for distribution as special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant.]~~ ***If in any year, the amount appropriated for distribution as special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant, provided that the department of education shall distribute to the school district not less than 80 percent of the district's entitlement for catastrophic aid costs in the fiscal year.*** If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements and episodes of treatment under RSA 186-C:19-b. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance to mitigate the impact of special education costs. The state may designate up to an additional \$250,000 of the funds which are appropriated under this paragraph for each fiscal year for any community of 1,000 or fewer residents to mitigate the impact of special education costs when emergency assistance is necessary to prevent significant financial harm to such district or community. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain children with disabilities, it shall not receive special education aid for those same children with disabilities. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting special education cost increases in their special education programs as provided by this paragraph.

(b) The school district shall be liable for 3 **and** 1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution, plus 20 percent of the additional cost, up to 10 times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

2 Education; Special Education; State Aid. Amend RSA 186-C:18, IV to read as follows:

IV. ~~[The state shall appropriate an amount for each fiscal year to assist special education programs that are statewide in their scope, and that meet the standards for such programs established by the state board of education. Funds under this paragraph shall be administered and distributed by the state board of education through the commissioner.]~~ ***The amount necessary to fund special education aid under this section is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the state comptroller shall transfer sufficient funds from the general fund to eliminate such deficit. The commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of payments.***

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

**AMENDED ANALYSIS**

This bill removes the requirement that catastrophic special education funds be prorated among the school districts entitled to such aid and requires that disbursements for special education to a school district shall be at least 80 percent of the district's entitlement for catastrophic aid costs in the fiscal year.

The question being adoption of the committee amendment.

Committee amendment was adopted.

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

Committee report was adopted.

The Speaker referred the bill to the Committee on Finance.



**HB 667-FN**, relative to health education and requiring the viewing of certain videos demonstrating gestational development from embryo to fetus through birth by public school students and college or university students. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the Majority of Education Policy and Administration. This bill, as amended, is simple legislation to update the statute on health curriculum to state that curriculum should be age appropriate and medically accurate. It further states that sexuality instruction should include abstinence, adoption, and healthy relationships most of which is taken from health curriculum standards. Knowledge of the growth and development of a baby is important and requires the showing of presentation of an animation or video that shows the development of the vital organs in early fetal development. Vote 10-8.

Rep. Stephen Woodcock for the Minority of Education Policy and Administration. This is a bill that prescriptively requires, by state statute, the curriculum of a portion of the K-12 Health Education Curriculum. The minority believes that the guidance provided by the Department of Education via their curriculum standards provides the guiding standards for all K-12 Health Education. The minority further believes that it is the responsibility, obligation, and requirement of a local school board to identify the specific curriculum for each subject area, including health education, that needs to be taught within their local community.

#### **Majority Amendment (0615h)**

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

AN ACT relative to health education and requiring the viewing of certain videos demonstrating gestational development from embryo to fetus through birth by public school students.

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

1 New Paragraph; Studies; Health Curriculum. Amend RSA 189:10 by inserting after paragraph II the following new paragraph:

II-a. The health curriculum shall include age appropriate and medically accurate sexuality education including instruction relative to abstinence, adoption, healthy relationships, and human growth and development which shall include presentation of a high quality computer generated animation or ultrasound video that shows the development of the heart, brain, and other vital organs in early fetal development.

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

#### **AMENDED ANALYSIS**

This bill specifies required instruction under the public school health curriculum and requires public school students to watch a simulated or ultrasound video demonstrating gestational development.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Rep. Woodcock spoke against.

Rep. Cordelli spoke in favor.

#### **MOTION TO LAY ON THE TABLE**

Rep. Nicholas Germana moved that **HB 667-FN**, relative to health education and requiring the viewing of certain videos demonstrating gestational development from embryo to fetus through birth by public school students, be laid on the table.

On a division vote, with 180 members having voted in the affirmative, and 188 in the negative, the motion failed.

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

On a division vote, with 189 members having voted in the affirmative, and 180 in the negative, the majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**(Rep. Steven Smith in the Chair)**

#### **REGULAR CALENDAR CONT'D**

**HB 365-FN**, relative to proof of United States citizenship for indigent voters. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the Majority of Election Law. This bill establishes a necessary and responsible process for verifying voter citizenship while ensuring that indigent voters are not disenfranchised due to financial hardship. Although no single federal database comprehensively verifies citizenship, the Secretary of State has access to New Hampshire birth records and certain DMV data, which will assist many voters, and the bill mandates reasonable efforts to utilize all available state, federal, and out-of-state resources to confirm eligibility. The voucher program offers a practical, state-backed solution for those unable to afford documentation, ensuring that financial barriers do not translate into lost voting rights. Election security measures exist



to prevent vulnerabilities before they arise, and the state has a compelling interest not only in protecting the integrity of elections but also in maintaining public confidence in their legitimacy. This bill provides a transparent and enforceable framework for voter verification, strengthening both election security and accessibility without imposing undue burdens on municipalities or voters by adding balance to the need to ensure only citizens are voting in New Hampshire's elections while recognizing that the state should act as an aid to helping people prove citizenship to vote. Vote 10-8.

Rep. Connie Lane for the Minority of Election Law. This bill provides a flawed procedure for election officials and the Secretary of State (SOS) to verify the citizenship of a voter who does not have documentary proof of citizenship. If the voter tries to register before election day, election officials and the SOS must use "reasonable efforts" (not defined) to access local, state, federal, and out-of-state databases that could provide evidence of citizenship. The problem is that while there may be a few federal databases that are helpful, there is not one comprehensive database. Additionally, there was no testimony that the SOS has access to any federal database that might be helpful. The SOS has access to New Hampshire birth certificates, so for the one-third of voters born in New Hampshire, this will be of help. Some Real IDs may show citizenship, but not all of them. For the few who do, the DMV database should work. If the efforts of the election officials and SOS are unsuccessful, the voter is on their own. However, the voter may complete an affidavit form that proves "indigency" (again, not defined) and the SOS will work with the municipalities to cover the costs associated with obtaining citizenship evidence. Completing an affidavit to prove you are indigent in front of your local official is demoralizing and humiliating. And no one has proven that non-citizens have voted in New Hampshire. If the voter registers on election day, election officials and the SOS do not have to use efforts to obtain citizenship documents, and the voter will be unable to vote. This bill creates a smoke and mirrors solution to a problem that no one has proven exists. Until the oft-lauded databases exist and are accessible to the SOS, this bill is not ready to be enacted. For these reasons the minority disagrees with the motion of Ought to Pass and supports a motion of Inexpedient to Legislate.

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

Rep. Lane spoke against.

Rep. Berry spoke in favor.

On a division vote, with 200 members having voted in the affirmative, and 169 in the negative, the majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**HB 521-FN, authorizing online voter registration. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Guzofski for the Majority of Election Law. This bill attempts to solve a problem that does not exist. New Hampshire's current voter registration system functions effectively, and there is no demonstrated need for the addition of online voter registration. Implementing this bill would require at least 12 months and cost taxpayers between \$1 million and \$2.5 million in start-up expenses from the general fund. Additionally, it would impose an ongoing maintenance cost of approximately \$150,000 per year and necessitate hiring a new administrative secretary to handle online registration issues, an expense projected at \$76,000 in FY 2026, \$76,000 in FY 2027, and \$78,000 in FY 2028. Given the significant costs and lack of necessity, the burden on taxpayers far outweighs any potential benefits. New Hampshire's existing voter registration process remains secure, accessible, and effective without the need for costly and unnecessary online expansion. Vote 10-8.

Rep. Connie Lane for the Minority of Election Law. This bill creates an online voter registration process, which is a major step in modernizing our registration system. Under the bill, a registrant starts the process online and submits a voter registration application with documentation to local officials. This means that a voter does not have to go to town or city hall to register if they have the necessary information to submit digitally. The supervisor of the checklist then reviews the application and documents, just as is done now, and retains the power to accept or reject an application. Forty-two other states have online voter registration, so this is not a radical new idea, and New Hampshire will be able to learn from the other states' experiences. The Special Committee on Voter Confidence supported the modernization of our systems, such as this bill. The House passed an online registration bill last session that died because of changes made by the Senate to which the House did not concur. Other states have saved administrative costs using online registration. This bill is one way to make voter registration easier in New Hampshire, which has been recognized as one of the most difficult states in which to register. For these reasons, the minority supports a motion to Ought to Pass.

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

Rep. Muirhead spoke against.

Rep. Berry spoke in favor.

Rep. Granger requested a roll call; sufficiently seconded.

**YEAS 202 - NAYS 169****YEAS - 202****BELKNAP**

Aldrich, Glen  
Dumais, Russell  
Minor, Sheri

Bean, Harry  
Freeman, Lisa  
Terry, Paul

Bogert, Steven  
Harvey-Bolia, Juliet  
Toner, Travis

Comtois, Barbara  
Ploszaj, Tom

**CARROLL**

Avellani, Lino  
Hamblen, Joseph  
Taylor, Brian

Belcher, Mike  
MacDonald, John

Cordelli, Glenn  
Peternel, Katy

Crawford, Karel  
Brown, Richard

**CHESHIRE**

Murphy, Denis  
Qualey, James

Hunt, John  
Rhodes, Jennifer

Mattson, Rita  
Thackston, Dick

Nalevanko, Rich

**COOS**

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete  
Valerino, Brian

**GRAFTON**

Barton, Joseph  
Franz, Linda  
Sellers, John

Beaulier, Calvin  
Ladd, Rick

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

**HILLSBOROUGH**

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Drew, Matt  
Flanagan, Jack  
Gorski, Ted  
Kofalt, Jim  
Mazur, Lisa  
Morton, Jonathan  
Panek, Sandra  
Post, Lisa  
Reinfurt, Sherri  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

Ammon, Keith  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon  
Griffin, Gerald  
Gould, Linda  
Labrie, Brian  
McLean, Mark  
Noble, Kristin  
Paquette, Kathleen  
Presa, Adam  
Rice, Kimberly  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

Boyd, Bill  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre  
Gagne, Larry  
Kenny, Catherine  
Lascelles, Richard  
Miles, Julie  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark  
Schneller, John  
Sirois, Shane  
Mannion, Tom

Barbour, Liz  
Cole, Brian  
Daniels, Gary  
Erf, Keith  
Giasson, Henry  
Kesselring, Steven  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Peeples, Raymond  
Prout, Andrew  
Scully, Kevin  
Slottje, Jeremy  
Ulery, Jordan

**MERRIMACK**

Andrus, Louise  
Cambriis, Jose  
Hill, Gregory  
Pitaro, Matthew  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
See, Alvin

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Polozov, Yury  
Walsh, Thomas

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Boyd, Stephen  
Thibault, James

**ROCKINGHAM**

Ball, Lorie  
Bryer, Scott  
DeVito, Sayra  
Edwards, Jess  
Guzowski, James  
Kuttab, Katelyn  
Litchfield, Melissa  
Pearson, Mark  
McMahon, Charles  
Nelson, Jodi  
Porcelli, Susan  
Pearson, Stephen  
Spillane, James  
Tripp, Richard  
MacDonald, Wayne

Bennett, Cindy  
Mannion, Dennis  
Donnelly, Tanya  
Foote, Charles  
Harb, Robert  
Miner, Laurence  
Love, David  
Markell, Jay  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Tudor, Paul  
Weyler, Kenneth

Bernardy, JD  
Thomas, Douglas  
Drago, Mike  
Ford, Mary  
Janigian, John  
Walsh, Lilli  
Lundgren, David  
McDonnell, Valerie  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Selby, Donald  
Sytek, John  
Verville, Kevin  
Wilson, Vicki

Bridle, Nicholas  
DeSimone, Debra  
Dunn, Ron  
Guthrie, Joseph  
Khan, Aboul  
Layon, Erica  
Lynn, Bob  
McGrath, Linda  
Nadeau, Brian  
Perez, Kristine  
Roy, Terry  
Soti, Julius  
Dolan, Tom  
Vose, Michael

**STRAFFORD**

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

DeLemus, Susan  
Harrington, Michael  
Walker, David

**SULLIVAN**

Drye, Margaret  
Aron, Judy

Girard, Dale  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Spilsbury, Walter

**NAYS - 169****BELKNAP**

St. Clair, Charlie

**CARROLL**

Buco, Thomas  
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

**CHESHIRE**

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

**GRAFTON**

Almy, Susan  
Fracht, David  
Lucas, Janet  
Spahr, Terry

Baldwin, Heather  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Stringham, Jerry

Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen  
Sykes, George

**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
Leapley, Nicole  
Long, Patrick  
Murphy, Nancy  
Newman, Ray  
Ryan, Linda  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
LeClerc, Daniel  
Murray, Megan  
Petrigno, Peter  
Raymond, Heather  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Leishman, Peter  
Manohar, Sanjeev  
Plamondon, Marc  
Rombeau, Catherine  
Salvi, Santosh  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Judy, Jean  
Foxy, Loren  
Lloyd, Christal  
McGhee, Kat  
Preece, David  
Rung, Rosemarie  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

**MERRIMACK**

Bricchi, Tracy  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Wallner, Mary Jane

Caplan, Tony  
Gibbs, Merryl  
Hall, Muriel  
Richards, Beth  
Schultz, Kris  
Woods, Gary

Colby, Eleana  
Hicks, Matthew  
MacKay, James  
Roesener, James  
Snodgrass, Jim

Kelly, Eileen  
Lane, Connie  
Newsom, James  
Sargent, Gregory  
Soucy, Timothy

**ROCKINGHAM**

Balboni, Peggy  
Grote, Jaci  
Cahill, Michael  
Manos, Zoe  
Read, Ellen  
Turer, Eric

de Vries, Erica  
Haskins, Linda  
Maggiore, Jim  
Meuse, David  
Scherr, Buzz  
Vallone, Mark

Edgar, Michael  
Murray, Kate  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Gilman, Julie  
Knab, Allison  
Mandelbaum, Jennifer  
Raynolds, Ned  
Sorensen, Carrie  
Weinstein, Toni

**STRAFFORD**

Ankarberg, Aidan  
England, Myles  
Horrigan, Timothy  
Larochelle, John  
Miller, Seth  
Pearson, Wayne

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Wade, Alice

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Stone, John

**SULLIVAN**

Sullivan, Brian

Cloutier, John

Damon, Hope

Palmer, William

and the majority committee report was adopted.

**REFERRAL DECLINED**

Rep. Weyler, Chairman of the Committee on Finance, under the provisions of House Rule 47 (f), declined the referral of **HB 667-FN**, relative to health education and requiring the viewing of certain videos demonstrating gestational development from embryo to fetus through birth by public school students.

**REGULAR CALENDAR CONT'D**

**HB 714-FN**, creating a single primary ballot. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Clayton Wood for the Majority of Election Law. A single primary ballot undermines true democratic choice by reducing competition, distorting representation, and weakening political parties. By allowing the top vote-getters to advance regardless of party, this system risks producing general elections where only candidates from the same party appear on the ballot—silencing opposition voices and leaving many voters without a real alternative. Instead of offering a clear ideological contrast, it forces voters to choose from a narrow, often uninspiring selection that fails to reflect the full spectrum of public opinion. This structure also erodes political parties, pressuring candidates to cater to a mixed electorate rather than remaining accountable to a core set of principles. Without party accountability, politicians become more opportunistic, shifting positions to appeal to shifting primary coalitions rather than standing firm on consistent policies. Additionally, a single primary ballot invites strategic manipulation, allowing voters and well-funded special interests to distort outcomes by propping up weaker candidates or those aligned with narrow agendas, rather than the most representative choices. A party-based primary system preserves meaningful competition, ensures clear ideological contrasts in the general election, and upholds the integrity of political representation by giving voters a real and principled choice. Vote 11-7.

Rep. Russell Muirhead for the Minority of Election Law. This bill would create a single-ballot primary. In practice, this means that a primary voter might choose a Republican candidate for the governor's office, a Democratic candidate for Congress, and an Independent for Executive Council. The top two vote-getters for every office would proceed to the general election. This bill arose out of last summer's New Hampshire Citizens Assembly, which brought together delegates from across the state of all political views to discuss public issues. This proposal was one of the very few garnering support from over 80 percent of delegates. The principle animating the single-ballot primary is that in any election funded by taxpayers, every voter should be able to vote for any candidate. If parties would like to close their selection process, they should stop relying on taxpayer-funded elections and hold a private party caucus or convention. The purpose is to increase popular participation in primary elections while ensuring that the candidates who appear on general are in fact those who are the most popular in the eyes of the whole citizenry of New Hampshire.

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

**MOTION TO LAY ON THE TABLE**

Rep. Berry moved that **HB 714-FN**, creating a single primary ballot, be laid on the table.  
Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 52**, relative to legal holidays. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Heath Howard for the Majority of Executive Departments and Administration. There are a number of state holidays that give people time off from work and school to celebrate our democratic republic, like Memorial Day and the Fourth of July. Those holidays commemorate the people who fought and died for our country, and all of the rights we are provided because of them. This adds election day to that list. Election day is when we practice what we celebrate so many times throughout the year. This does not force private employers to give employees the day off but provides private employees with protections for taking up to three hours to vote. This guarantees an employee's constitutional rights without placing their job at risk. This also ensures that schools used as polling locations, which may be gun free zones, will be closed from their normal educational duties thus removing any potential conflict in allowing people their second amendment rights. Vote 9-7.

Rep. Erica Layon for the Minority of Executive Departments and Administration. The minority of the committee finds that this bill is a solution in search of a problem which will create inequity between Granite Staters. The bill adds two new state holidays for the presidential and state primaries and creates two duties for legal holidays. First, it closes any state office, city, town, school district, and community college or university which is supported by the state on legal holidays, except for essential services. Second, it nicely asks New Hampshire employers to give employees three hours off to vote. While well intentioned, this creates three classes of people: government employees who have the full day off to vote and participate in the voting and electioneering process; those employed by private industry who may get a designated amount of time off from work to vote; and those who work out of state and have no such benefit. The minority believes that those who live in towns with multi-hour waits to vote are likely to be disenfranchised by this bill, which is contrary to the sponsor's intention. Therefore, the minority of the committee opposes passage of this bill.



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

Rep. Layon spoke against.

Rep. Heath Howard spoke in favor.

On a division vote, with 166 members having voted in the affirmative, and 205 in the negative, the majority committee report failed.

Rep. Layon moved the minority committee report of Inexpedient to Legislate.

Minority committee report was adopted.

**HB 536-FN**, relative to a cost of living adjustment in the state retirement system. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for the Majority of Executive Departments and Administration. This bill provides a cost of living adjustment (COLA) to members of the New Hampshire Retirement System who have been hired for at least 60 months as of July 1, 2025. Cost of living adjustments are not automatic and are subject to legislation. The last COLA was awarded in 2019 for the fiscal year 2021 but did not apply to all retirees or beneficiaries. Group II retirees, in particular, do not receive social security and do not benefit from any increase in benefits. One-time payments of \$500 were granted in 2022 and 2023. COLAs and one-time payments are funded either through increased employer contributions or state general funds. The committee supports the policy of this bill and realizes that Finance will do the fiscal determination. Vote 8-7.

Rep. Erica Layon for the Minority of Executive Departments and Administration. Many Granite Staters are dealing with increased costs without increased income. This bill proposes to create a perpetual cost of living adjustment which would benefit each and every person with a state pension who retired prior to July 2, 2020. One member of the committee recused themselves due to conflict of interest as they are on state retirement and therefore stand to personally benefit from this bill. This bill would add a permanent 1.5% increase to the first \$50,000 of retirement, \$750 per year, at an annual cost to the state of \$1.57 million, cost political subdivisions \$6.62 million, and a \$100.7 million increases in accrued liability. While this bill was offered as a way to help state retirees deal with increased property taxes, this would ultimately increase property taxes and create a vicious circle where state retirees seek cost of living increases to offset increased property taxes which increase property taxes. A special fund established in the past to provide cost of living increases led to increased accrued liabilities and higher property taxes. While the minority feels for the higher cost of living for retirees, including property taxes, they recognize that this bill will create a vicious circle of increasing benefits and increasing property taxes that will harm all residents not receiving a state pension prior to July 2, 2020 with potentially negligible benefits once the true cost hits the property tax bills.

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

#### **MOTION TO LAY ON THE TABLE**

Rep. Osborne moved that **HB 536-FN**, relative to a cost of living adjustment in the state retirement system, be laid on the table.

Rep. Granger requested a roll call; not sufficiently seconded.

On a division vote, with 185 members having voted in the affirmative, and 177 in the negative, the motion was adopted.

Reps. Dennis Mannion, Sytek, Grant and Harrington recused themselves and did not participate in the vote.

#### **REGULAR CALENDAR CONT'D**

**HB 570-FN**, relative to membership of the prescription drug affordability board and the definition of public payor for purposes of board administration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for the Majority of Executive Departments and Administration. The Prescription Drug Affordability Board (PDAB) seeks to lower the cost of drugs in New Hampshire, a worthy goal. Unfortunately, this task has proven challenging not just for the PDAB but also for Pharmaceutical Benefits Managers, another entity created to lower the cost of prescription drugs. The bill, as introduced, extends the one-time position of Executive Director through 2030 at a cost of nearly \$300,000 for each biennium and growing over time. Looking to the 2024 PDAB Annual Report, the bulk of the 47-page report looks at dynamics far outside the scope of the New Hampshire legislature and therefore provides questionable benefits as an advisory board. Much of the report is a critique of the free market and seeks multi-state and federal cooperation for greater government intervention. As amended, the bill would repeal the costly PDAB in its entirety. The legislature already has the ability to lower prescription drug costs through expanded access to biosimilars with HB 117, as the PDAB report shows three of the 10 drugs with the highest spending in the state have biosimilars available and two more will have biosimilars in the future. Of note, the other five most costly drugs to the state are diabetes and weight loss drugs, 4 of 10, and blood thinner Eliquis. Given that the legislature already has the power to lower drug costs, and the focus on policy concerns of the PDAB are beyond the scope of the New Hampshire Legislature, the majority of the committee believes that the PDAB should be repealed by passing this bill, as amended by the committee. Vote 9-7.

Rep. Jaci Grote for the Minority of Executive Departments and Administration. This bill, as amended, repeals the prescription drug affordability board (PDAB), its administration fund and the executive director position. Some of the members of the committee are concerned that the data collected by PDAB is duplicative to the that data collected by the Department of Insurance. Although it is correct that the Department of Insurance collects drug prescription data, the agency collects all health insurance data, and that data is not available to PDAB or other agencies due to privacy policy. Furthermore, the Department of Insurance is tasked with assuring policy holders of the solvency of their plan. Meanwhile, the PDAB is quite different in that its mission is to balance access and affordability. By its nature, it develops strategies to lower the cost of pharmaceuticals for granite staters and makes those recommendations to state healthcare agencies. The recommendations are for those prescription drugs paid with New Hampshire tax dollars. The board meets regularly, is completely transparent in the meetings they hold and recommendations they make which is all available on their website. In their 2024 annual report, available on their website, the recommendations made by PDAB, if implemented, will save Granite Staters \$6 million in reduced drug costs, a savings for the state of that amount.

### **Majority Amendment (0190h)**

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

AN ACT repealing the prescription drug affordability board.

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

1 Salaries Established. Amend RSA 94:1-a, I(b) by deleting in GG:

GG Department of heath and human services executive director, prescription drug affordability board

2 Repeal. The following are repealed:

I. RSA 6:12, I(b)(384), relative to the New Hampshire prescription drug affordability board administration fund.

II. RSA 126-BB, relative to the prescription drug affordability board.

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

### **AMENDED ANALYSIS**

This bill repeals the prescription drug affordability board.

### **MOTION TO LAY ON THE TABLE**

Rep. Grote moved that **HB 570-FN**, repealing the prescription drug affordability board, be laid on the table. Rep. Osborne requested a roll call; sufficiently seconded.

### **YEAS 167 - NAYS 207**

#### **YEAS - 167 BELKNAP**

Coker, Matthew

St. Clair, Charlie

#### **CARROLL**

Burroughs, Anita  
Woodcock, Stephen

Paige, David

McAleer, Chris

Taylor, Brian

#### **CHESHIRE**

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

#### **GRAFTON**

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Spahr, Terry

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stavis, Laurel

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Sykes, George

#### **HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Glegg, Alicia  
Hegner, Karen  
Juris, Louis  
Leapley, Nicole  
Murray, Megan  
Plamondon, Marc  
Rombeau, Catherine

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
LeClerc, Daniel  
Manohar, Sanjeev  
Preece, David  
Rung, Rosemarie

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Lloyd, Christal  
McGhee, Kat  
Newman, Ray  
Ryan, Linda

Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Jeudy, Jean  
Foxy, Loren  
Long, Patrick  
Murphy, Nancy  
Raymond, Heather  
Newman, Sue

Salvi, Santosh  
 Staub, Kathy  
 Vail, Suzanne  
 Wilhelm, Matthew

Seibert, Christine  
 Swanson, Dale  
 Veilleux, Daniel

Sofikitis, Catherine  
 Telerski, Laura  
 Dolan, William

Spier, Carry  
 Tellez, Trinidad  
 Thomas, Wendy

### MERRIMACK

Bricchi, Tracy  
 Gallagher, Eric  
 Luneau, David  
 Payeur, Stephanie  
 Schamberg, Thomas  
 Wallner, Mary Jane

Caplan, Tony  
 Gibbs, Merryl  
 Hall, Muriel  
 Richards, Beth  
 Schultz, Kris  
 Woods, Gary

Colby, Eleana  
 Hicks, Matthew  
 MacKay, James  
 Roesener, James  
 Snodgrass, Jim

Kelly, Eileen  
 Lane, Connie  
 Newsom, James  
 Sargent, Gregory  
 Soucy, Timothy

### ROCKINGHAM

Balboni, Peggy  
 Grote, Jaci  
 Cahill, Michael  
 Mandelbaum, Jennifer  
 Raynolds, Ned  
 Sorensen, Carrie  
 Weinstein, Toni

de Vries, Erica  
 Haskins, Linda  
 Pearson, Mark  
 Manos, Zoe  
 Read, Ellen  
 Turer, Eric

Edgar, Michael  
 Murray, Kate  
 Maggiore, Jim  
 Meuse, David  
 Scherr, Buzz  
 Vallone, Mark

Gilman, Julie  
 Knab, Allison  
 Malloy, Dennis  
 Muns, Chris  
 Simpson, Alexis  
 Ward, Gerald

### STRAFFORD

Ankarberg, Aidan  
 England, Myles  
 Horrigan, Timothy  
 Larochelle, John  
 Miller, Seth  
 Wade, Alice

Bay, Luz  
 Smith, Geoffrey  
 Howland, Allan  
 Levesque, Cassandra  
 Southworth, Thomas  
 Wall, Janet

Bixby, Peter  
 Gilmore, Gary  
 Johnson, Erik  
 Smith, Marjorie  
 Stone, John

Burton, Wayne  
 Howard, Heath  
 LaMontagne, Jessica  
 Malone, Amy  
 Pearson, Wayne

### SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Palmer, William

### NAYS - 207

### BELKNAP

Aldrich, Glen  
 Comtois, Barbara  
 Ploszaj, Tom

Bean, Harry  
 Dumais, Russell  
 Minor, Sheri

Bogert, Steven  
 Freeman, Lisa  
 Terry, Paul

Bordes, Mike  
 Harvey-Bolia, Juliet  
 Toner, Travis

### CARROLL

Avellani, Lino  
 Hamblen, Joseph

Belcher, Mike  
 MacDonald, John

Cordelli, Glenn  
 Peternel, Katy

Crawford, Karel  
 Brown, Richard

### CHESHIRE

Murphy, Denis  
 Qualey, James

Hunt, John  
 Rhodes, Jennifer

Mattson, Rita  
 Thackston, Dick

Nalevanko, Rich

### COOS

Davis, Arnold  
 Ouellet, Mike

Durkin, Sean  
 King, Seth

Korzen, Lori  
 Tierney, James

Morency, Pete  
 Valerino, Brian

### GRAFTON

Barton, Joseph  
 Franz, Linda  
 Sellers, John

Beaulier, Calvin  
 Ladd, Rick  
 Stringham, Jerry

Berezhny, Lex  
 Louis, Darrell

Bjelobrk, Marie Louise  
 McFarlane, Donald

### HILLSBOROUGH

Alexander, Joe  
 Berry, Ross  
 Corcoran, Travis  
 Drew, Matt  
 Flanagan, Jack  
 Gorski, Ted  
 Kofalt, Jim  
 Murphy, Mary  
 Mooney, Maureen  
 Ohm, Bill  
 Peeples, Raymond  
 Proulx, Mark  
 Schneller, John  
 Sirois, Shane  
 Mannion, Tom  
 Wherry, Robert

Ammon, Keith  
 Boehm, Ralph  
 Creighton, James  
 Dumont, Dillon  
 Griffin, Gerald  
 Gould, Linda  
 Labrie, Brian  
 Mazur, Lisa  
 Morton, Jonathan  
 Panek, Sandra  
 Petrigno, Peter  
 Prout, Andrew  
 Scully, Kevin  
 Slottje, Jeremy  
 Ulery, Jordan

Boyd, Bill  
 Colcombe, Riché  
 Kelley, Diane  
 Dupont, Pierre  
 Gagne, Larry  
 Kenny, Catherine  
 Lascelles, Richard  
 McLean, Mark  
 Noble, Kristin  
 Paquette, Kathleen  
 Post, Lisa  
 Reinfurt, Sherri  
 Seidel, Sheila  
 Tenczar, Jeffrey  
 Warden, Mark

Barbour, Liz  
 Cole, Brian  
 Daniels, Gary  
 Erf, Keith  
 Giasson, Henry  
 Kesselring, Steven  
 Leishman, Peter  
 Miles, Julie  
 Notter, Jeanine  
 Pauer, Diane  
 Presa, Adam  
 Rice, Kimberly  
 Sheehan, Vanessa  
 Mannion, Tim  
 Wheeler, Jonah

**MERRIMACK**

Andrus, Louise  
 Cambrils, Jose  
 Hill, Gregory  
 Pitaro, Matthew  
 Seaworth, Brian  
 Wood, Clayton

Aures, Cyril  
 McGuire, Dan  
 Mehegan, Peter  
 Plante, Raymond  
 See, Alvin

Aylward, Deborah  
 Devoid, Ricky  
 Moffett, Michael  
 Polozov, Yury  
 Walsh, Thomas

McGuire, Carol  
 Gonzalez, Ernesto  
 Morse, Bryan  
 Boyd, Stephen  
 Thibault, James

**ROCKINGHAM**

Ball, Lorie  
 Bryer, Scott  
 DeVito, Sayra  
 Edwards, Jess  
 Guzowski, James  
 Kuttub, Katelyn  
 Litchfield, Melissa  
 Markell, Jay  
 Melvin, Charles  
 Osborne, Jason  
 Potucek, John  
 Sabourin dit Choinière, Matt  
 Sweeney, Joe  
 Tudor, Paul  
 MacDonald, Wayne

Bennett, Cindy  
 Mannion, Dennis  
 Donnelly, Tanya  
 Foote, Charles  
 Harb, Robert  
 Miner, Laurence  
 Love, David  
 McDonnell, Valerie  
 Milz, David  
 Brown, Pam  
 Prudhomme-O'Brien, Katherine  
 Selby, Donald  
 Sytek, John  
 Vandecasteele, Susan  
 Weyler, Kenneth

Bernardy, JD  
 Thomas, Douglas  
 Drago, Mike  
 Ford, Mary  
 Janigian, John  
 Walsh, Lilli  
 Lundgren, David  
 McGrath, Linda  
 Nadeau, Brian  
 Perez, Kristine  
 Roy, Terry  
 Soti, Julius  
 Dolan, Tom  
 Verville, Kevin  
 Wilson, Vicki

Bridle, Nicholas  
 DeSimone, Debra  
 Dunn, Ron  
 Guthrie, Joseph  
 Khan, Aboul  
 Layon, Erica  
 Lynn, Bob  
 McMahon, Charles  
 Nelson, Jodi  
 Porcelli, Susan  
 Pearson, Stephen  
 Spillane, James  
 Tripp, Richard  
 Vose, Michael

**STRAFFORD**

Bailey, Glenn  
 DeRoy, Susan  
 Kaczynski, Thomas  
 Walker, David

Burnham, Claudine  
 Farrington, Samuel  
 Potenza, Kelley

DeDe-Poulin, Denise  
 Granger, Michael  
 Schmidt, Peter

DeLemus, Susan  
 Harrington, Michael  
 Turcotte, Len

**SULLIVAN**

Drye, Margaret  
 Aron, Judy

Girard, Dale  
 Aron, Michael

Grant, George  
 Rollins, Skip

Hemingway, Wayne  
 Spilsbury, Walter

and the motion failed.

The question now being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Rep. Grote spoke against.

Rep. Edwards spoke in favor.

On a division vote, with 205 members having voted in the affirmative, and 168 in the negative, the majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**REFERRAL DECLINED**

Rep. Janigian, Chairman of the Committee on Ways and Means, under the provisions of House Rule 47 (f), declined the referral of **HB 739-FN**, relative to excess funds paid to municipalities for use in school districts, and **HB 499-FN**, making technical corrections to certain insurance laws.

**REGULAR CALENDAR CONT'D**

**HB 581-FN**, establishing a state retirement plan group for new state employee members of the retirement system. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Half of the committee believes that creating a defined contribution retirement plan for new state employees will benefit both state employees and the people of New Hampshire. By offering a retirement plan which mirrors those offered in the private sector, new state employees will better be able to move into public service when needed and move back to the private sector without facing a loss to their retirement planning. It is true that today state employees with less than 10 years of service can take their personal contributions, however they only get a token interest rate, which takes away the biggest power of savings, growth. By passing this bill, we can put state employees on equal footing with private sector employees and empower movement in and out of government employment. After 40 years and assuming conservative assumptions, a state employee under the plan created by this bill would have 70% higher annual retirement income than the current defined benefit pension, and funds to insulate them from inflation. It will benefit the state by moving away from the difficult to model defined benefit plan and its large unfunded liabilities. Today, private pensions have largely disappeared leaving young New Hampshire families saving for their own retirement while paying extra property taxes to make up for poor decisions in the state pension plan from 1991 to 2007. New Hampshire is on track to retire the pre-2017 unfunded li-



ability by 2039, and this bill provides a path towards a more sustainable and equitable retirement system as the state will continue to pay into the existing New Hampshire Retirement System for these employees as we unwind our unfunded liabilities. This bill helps the state right-size headcounts by helping employees move between public and private employment without losing retirement security and therefore removing the harm of expanding or contracting the number of state employees to meet the needs of the state. The committee amendment makes minor changes to the medical insurance section, to ensure Group III retirees have the same benefits as Group I.

Rep. Erica Layon

Statement in support of Inexpedient to Legislate: Half the committee supports the testimony of the union representatives for the New Hampshire firefighters and the New Hampshire state employees who oppose this new retirement plan. The New Hampshire Retirement Plan is a defined benefit plan that has provided security and stability for state and municipal employees since 1967. This bill completely changes the plan from a defined benefit to a defined contribution for all new state employees hired after January 1, 2026. The plan would be administered by the Deferred Compensation Commission and its Executive Director; the New Hampshire Retirement System (NHRS) would not administer this new plan. With this change, the long-term risk increases since closing off part of the current plan essentially creates a closed group. A significant percentage of individuals prefer to know their retirement benefits and plan their lives accordingly. This bill puts the burden of investment risk management onto our state employees. This bill assigns the accrued liability contribution percentage chargeable to the positions in this new group to the state. The new plan doubles the employer contributions from 2.4% to 5% for the retirement account. Please also note that the significant cost of this change would be \$4.3 million for the first year and growing after that in perpetuity to the NHRS.

Rep. Jaci Grote

#### MOTION TO LAY ON THE TABLE

Rep. Osborne moved that **HB 581-FN**, establishing a state retirement plan group for new state employee members of the retirement system, be laid on the table.

Motion was adopted.

#### REGULAR CALENDAR CONT'D

**HB 637-FN**, relative to the reduction in the calculation of state retirement annuities at age 65 for certain group I retirement system members. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Erica Layon for the Majority of Executive Departments and Administration. This bill was presented as an attempt to fix an oversight in the 2023 budget, as those employees who retired prior to July 1, 2023 who did not have their retirement payments increased between the age of 65 and full social security age, unlike those who retired after that date. Unlike the situation with some Group II retirees, this group of people knew the terms of their retirement and are now asking for a retrospective change. The language which this bill seeks to amend began as SB 57 which had a hearing on January 18, 2023 where the issue was raised that the change would only apply to those retiring after July 1<sup>st</sup>. The bill passed the Senate Executive Departments and Administration committee on consent, was heard in Senate Finance and passed 23-1, and then was tabled and added to the budget. The Senate was well aware that the bill was not retroactive and failed three times to amend the bill to include these retirees. There was no fiscal note on this bill, however its predecessor bill SB 57 (2023) had a \$1.4 million impact to the state and \$5.7 million to local governments in FY 2026 and a \$45 million increase in the accrued liability for the pension system. The majority of the committee believes it is appropriate to hold retirees to the terms they agreed to upon retirement, rather than retrospectively increasing payments at an unknown cost. Vote 11-3.

Rep. Heath Howard for the Minority of Executive Departments and Administration. This bill is about equality in policy for retirees who retired before July 1, 2023 and who have not reached social security retirement age by July 1, 2025. The purpose of this legislation is to close the loop on the work the legislature had done on SB 57 in 2023 and further implemented with HB 2 during the 2024-2025 budget. In 1988, the NHRS benefits were unlinked from Social Security. This bill is an attempt to reestablish that link for the retirees left behind when the legislature reestablished the link for anyone retiring on or after July 1, 2023. This bill addresses the 2,700 retirees who were left out when the legislature acted. This legislation is about equality and doing the right thing.

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

#### MOTION TO LAY ON THE TABLE

Rep. Granger moved that **HB 637-FN**, relative to the reduction in the calculation of state retirement annuities at age 65 for certain group I retirement system members, be laid on the table.

On a division vote, with 229 members having voted in the affirmative, and 136 in the negative, the motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 645-FN**, relative to data collection and reporting requirements of the prescription drug affordability board. **UGHT TO PASS WITH AMENDMENT.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. This bill, as amended, provides the Prescription Drug Affordability Board with access to data which can support the board's mission of increasing pricing transparency and reducing costs for public payers. The board is currently hampered from achieving its objectives because it lacks access to such data. Vote 17-0.

**Amendment (0505h)**

Amend RSA 126-BB:5, I(e) as inserted by section 2 of the bill by replacing it with the following:

*(e) The board shall enter into a memorandum of understanding (MOU) with the department of health and human services and other state agencies, as appropriate, regarding data collection and information sharing practices. Whenever possible, an existing MOU between the department of health and human services and another state agency shall be modified or amended to address information and data sharing between the agency and board. For efficiency and to minimize redundancy, the board may access data collected by state agencies that the board requests so it can meet its statutory requirements, and state agencies shall release said data to the board. The MOU shall follow common processes and shall, at a minimum, include any cost-sharing or data-sharing arrangement between the board and agency.*

**MOTION TO LAY ON THE TABLE**

Rep. Osborne moved that **HB 645-FN**, relative to data collection and reporting requirements of the prescription drug affordability board, be laid on the table.

Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 572-FN**, establishing the "partners in housing" program, a low-interest loan and grant program under the housing champions fund to assist municipalities, counties, and developers in building workforce housing. **UGHT TO PASS WITH AMENDMENT.**

Rep. David Paige for Housing. The "Partners in Housing" program created by this bill will bring private developers, local governments, and the state of New Hampshire together with one common purpose: tackling our state's housing crisis. This program will reduce costs and accelerate production by identifying municipal and county-owned land suitable for development and expediting the planning board review process. Future housing investments under this program would be targeted to ensure the most efficient possible use of state resources in our efforts to increase housing supply. The bill's broad support from diverse stakeholders, including the Department of Business and Economic Affairs, the Business and Industry Association, the New Hampshire Municipal Association, AARP, and Stay Work Play, underscores its importance as a practical solution for meeting our state's critical housing needs. Vote 16-0.

**Amendment (0560h)**

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

AN ACT establishing the "partners in housing" program, an initiative under the housing champions fund to assist municipalities, counties, and developers in building workforce housing, and making an appropriation therefor.

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

## 1 Legislative Intent.

This act creates a program under the housing champions fund to assist municipalities and developers in building workforce housing, specifically single-family starter homes, duplexes, small apartment buildings, and other missing middle housing on municipally and county-owned land that is suitable for residential development.

## 2 Town Property; Authority of Select Board. Amend RSA 41:11-a to read as follows:

## 41:11-a Town Property.

I. The ~~[selectmen]~~ **select board** shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.

II. The authority under paragraph I shall include the power to rent or lease such property during periods not needed for public use, provided, however, that any rental or lease agreement for a period of more than one year shall not be valid unless ratified by vote of the town.

III. Notwithstanding paragraph II, the legislative body may vote to ~~[authorize the board of selectmen]~~ **grant the select board the authority** to rent or lease **any** municipal property for a term of up to 5 years ~~[without further vote or ratification of the town]~~. Once adopted, this authority shall remain in effect until specifically rescinded by the legislative body at any duly warned meeting, ~~[provided that the term of any lease entered into prior to the rescission shall remain in effect]~~ **however, such rescission shall not terminate any existing leases.**

***IV. The governing body may choose to send to the planning board a list of real property owned by the town and managed by the select board that is in their judgment appropriate for development for residential use. No property acquired under tax deed pursuant to RSA 80 shall be added to this list.***

3 New Paragraph; Duties of the Planning Board. Amend RSA 674:1 by inserting after paragraph VI the following new paragraph:

VII. The planning board may vote to designate any property recommended to it as appropriate for development as a residential use by the select board pursuant to RSA 41:11-a, IV, as appropriate for development for residential use and forward a description of said property to the office of planning and development pursuant to RSA 12-O:55, VIII.

4 New Paragraph; Data and Information Services; Descriptions of Property to be Compiled. Amend RSA 12-O:55 by inserting after paragraph VII the following new paragraph:

VIII. Pursuant to RSA 674:1, VII, compile descriptions of municipally and county-owned property determined to be appropriate for residential development by the select board as a residential use into a publicly available list of properties available for grant or loan funding pursuant to RSA 12-O:72-a.

5 New Section; Partners in Housing Program. Amend RSA 12-O by inserting after section 72 the following new section:

12-O:72-a Partners in Housing Program. The department shall establish a program, known as the partners in housing program, for the purpose of building workforce housing. Properties identified on the list created pursuant to RSA 674:1, VII shall be given priority for program funding. Available funding may be made by the department to housing developers to whom a municipality or county, pursuant to RSA 28:8-c, transfers ownership of the municipally or county-owned property for the purpose of residential development where at least 20 percent of the housing units to be developed will be affordable for a period of at least 20 years. The department shall adopt rules pursuant to RSA 541-A to implement the provisions of this section no later than December 1, 2026.

6 New Paragraphs; Power to Review Site Plans. Amend RSA 674:43 by inserting after paragraph V the following new paragraphs:

VI. If the planning board has submitted a property description to the office of planning and development, then the local governing body may further vote to authorize that properties in the municipality on the list generated pursuant to RSA 12-O:55, VIII qualify for expedited review and approval pursuant to RSA 676:4, III.

VII. If the local legislative body of a municipality has by ordinance or resolution authorized minor site plan review pursuant to RSA 674:43, III, then all solely residential development projects proposing to construct workforce housing, as defined in RSA 674:58, IV, that are included on the list generated pursuant to RSA 12-O:55, VIII, may also qualify for expedited review and approval pursuant to RSA 676:4, III.

VIII. The local legislative body of a municipality may by ordinance or resolution adopt pattern zoning regulations to accelerate the construction of infill housing in neighborhoods. To meet the definition of infill housing, projects must be new residential development constructed on vacant lots interspersed among lots with existing, non-vacant development. Pattern zoning provides permit-ready designs with appropriate zoning and regulations to speed the process of building high quality infill housing that is compatible with existing homes in the neighborhood.

7 Appropriations; Housing Champion Designation and Grant Program Fund.

The sum of \$150,000 for the fiscal year ending June 30, 2025, which shall not lapse until June 30, 2027, is hereby appropriated to the New Hampshire housing champion designation and grant program fund established pursuant to RSA 12-O:74, for the purpose of establishing the compilation, pursuant to RSA 674:1, VII, of municipally and county-owned property determined to be appropriate for residential development by the select board as a residential use and eligible for available grant or loan funding pursuant to RSA 12-O:72-a into a publicly available list of properties available for grant or loan funding. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect July 1, 2025.

#### AMENDED ANALYSIS

This bill creates the “partners in housing” program, an initiative under the housing champions fund to assist municipalities, counties, and developers in building modestly priced housing on municipally or county-owned land that is suitable for development.

The question being adoption of the committee amendment.

Committee amendment was adopted.

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

Committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**HB 611-FN, abolishing recoupment procedures regarding appointed counsel for indigent criminal defendants. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for the Majority of Judiciary. As originally drafted, this bill would have eliminated the recoupment processes utilized by the Office of Cost Containment (OCC) within the Department of Administrative Services to obtain reimbursement from criminal defendants and those facing juvenile delinquency charges for the costs incurred by the state in providing such individuals with legal counsel and related services. The argument advanced in favor of doing this was that it costs the state more to try to collect money from such people than is recovered from them by OCC. Even if this were true, the majority of the committee strongly disagrees with the notion that individuals who can afford to pay some or all of the costs of the legal services they received should not be required to do so. Adopting such a philosophy is yet another example of a form of benign discrimination based on low expectations that provides an incentive for irresponsibility by persons subject to such discrimination. In addition, based on the fiscal note accompanying the bill, it appears that the amount collected by OCC fell precipitously after the legislature amended RSA 604-A:9 in 2020. That amendment eliminated any obligation to reimburse the state for counsel fees if the defendant was not convicted, and it also precluded OCC from conducting any investigation of a defendant's ability to pay if the court determined that the person did not have such ability. The amendment to this bill repeals the 2020 amendments to RSA 604-A:9 and restores the law to the way it was before these amendments. The majority of the committee believes that this is entirely fair and reasonable, since it places individuals who receive state-appointed counsel in the same position as persons who retain private counsel. The latter are required to pay for their lawyers whether they are convicted or not, and they have no ability to make the state reimburse them for such costs if they are not convicted. Vote 10-8.

Rep. Paul Berch for the Minority of Judiciary. This bill, as amended, seeks to expand what the minority considers a failed program to try to obtain repayment from indigent defendants as well as children charged with delinquency for the costs of their constitutionally required appointed counsel. This bill would change the current law to include forced repayment from these adults and children or their parents who have been found completely innocent of the charges and who have no current ability to pay such fees but may have that ability at some point in the future. The minority objects on two grounds. First, year after year, it costs more to try to collect this money from indigents than it brings in. Second, it is bad enough that the state charged these individuals with offenses that they did not do, and it offends Granite State values to force these innocent folks when they are freed to pay the state money that they do not have. The minority amendment would simply end the repayment program, saving taxpayer money.

**Majority Amendment (0638h)**

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

AN ACT relative to repayment regarding appointed counsel for indigent criminal defendants.

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

1 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. RSA 604-A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

I. Any adult defendant who has had counsel or a public defender assigned to the defendant at the expense of the state shall be ordered by the court under paragraph I-b to repay the state through the unit of cost containment, the fees and expenses paid by the state on the defendant's behalf according to a schedule established by the administrator of the cost containment unit with the approval of the administrative justices of the courts on such terms as the court may order consistent with the defendant's present or future ability to pay, such ability to be determined by the unit of cost containment. The state may collect from the defendant a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant. At no time shall the defendant be required to repay, for legal services, an amount greater than the state's flat rate for a contract attorney as established contractually pursuant to RSA 604-B. If the defendant is placed on probation or sentenced to a period of conditional discharge, the defendant shall repay the state, through the department of corrections, all fees and expenses paid on his behalf on such terms as the court may order consistent with the defendant's present or future ability to pay.

I-a. Notwithstanding the provisions of paragraph I, any juvenile charged with being delinquent who has had counsel or a public defender assigned to him or her at the expense of the state, or any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, shall be ordered by the court to repay the state through the unit of cost containment, the fees and expenses paid by the state on the defendant's behalf according to a schedule established by the administrator of the cost containment unit with the approval of the administrative justices of the courts on such terms as the court may order consistent with the defendant's present or future ability to pay. The office of cost containment may collect from the defendant or the person liable for his support a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant. At no time shall the defendant be required to repay, for legal services, an amount greater than the state's flat rate for a contract attorney as established contractually pursuant to RSA 604-B. Liability for repayment under this paragraph shall end when the juvenile reaches the age of majority, except in a case where the juvenile was certified and tried as an adult.



I-b. The court shall enter a separate order, pursuant to the rules adopted by the commissioner of administrative services under RSA 604-A:10, IV, setting forth the terms of repayment of fees and expenses to the state, or if the court finds that the defendant is financially unable to make such payment or payments setting forth the reasons therefor. A copy of each order shall be forwarded to the commissioner of administrative services. Any defendant subject to an order under this section may petition the court for relief from the obligation imposed by this section, which may be granted only upon a finding that the defendant is unable to comply with the terms of the court's order or any modification of the order by the court. If the court does not order full payment for representation under RSA 604-A, the commissioner of administrative services or his designee shall perform an investigation to determine the defendant's present financial condition and his ability to make repayment and may petition the court for a new repayment order at any time within 6 years from the date of the original order.

I-c. In a case where counsel has been appointed, the defendant shall be required to notify the clerk of the court and the office of cost containment of each change of mail address and actual street address. Whenever notice to the defendant is required, notice to the last mail address on file shall be deemed notice to and binding on the defendant.

2 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. Amend RSA 604-A:9, II to read as follows:

II. All petitions for court appointed counsel shall bear the following words in capital letters:  
I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME BY COURT APPOINTED COUNSEL ~~[IF I AM CONVICTED]~~ UNLESS THE COURT FINDS THAT I AM OR WILL BE FINANCIALLY UNABLE TO PAY.

3 Appointment of Counsel for Nonpayment or Performance; Reference Change. Amend RSA 604-A:2-f, IV to read as follows:

IV. When the court appoints counsel to represent a defendant in a proceeding under this section, the court shall grant the defendant relief from the obligation to repay the state for appointed counsel fees under ~~[RSA 604-A:9, I(b)]~~ **RSA 604-A:9, I-b**, if the court determines that the defendant is financially unable to repay.

4 Effective Date. This act shall take effect January 1, 2026.

#### AMENDED ANALYSIS

This bill amends the requirements and process for the repayment of counsel fees for indigent criminal defendants, reverting to a prior version of the law under which the repayment may be required regardless of conviction.

The question being adoption of the majority committee amendment.

Rep. Berch spoke against.

Rep. Lynn spoke in favor.

On a division vote, with 197 members having voted in the affirmative, and 163 in the negative, the majority committee amendment was adopted.

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

Rep. Marjorie Smith offered minority committee amendment (0611h).

#### Minority Amendment (0611h)

Amend the bill by replacing all after section 3 with the following:

4 Directive; Department of Administrative Services. Upon the effective date of this act, the director of the department of administrative services shall immediately cease all active collection efforts related to any money owed under RSA 604-A:9. The director shall wind down all aspects of the program within a reasonable timeframe, and once the program is ended, the director shall have all records related to payment of money owed under RSA 604-A:9 destroyed.

5 Repeal. The following are repealed:

I. RSA 604-A:2-a, relative to additional inquiry regarding appointed counsel for indigent criminal defendants.

II. RSA 604-A:2-d, relative to partial liability regarding appointed counsel for indigent criminal defendants.

III. RSA 604-A:9, relative to repayment regarding appointed counsel for indigent criminal defendants.

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

The question being adoption of the minority committee amendment.

Rep. Marjorie Smith spoke in favor.

On a division vote, with 165 members having voted in the affirmative, and 196 in the negative, the minority committee amendment failed.

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

On a division vote, with 199 members having voted in the affirmative, and 163 in the negative, the majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**HB 615-FN**, relative to drug forfeiture proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Smith for Judiciary. This bill modifies the procedures to be used regarding forfeiture of items used in connection with drug offenses. The sponsors of this bill worked diligently to balance competing pressures. The original 12-page bill considered differences between federal and state law and took into consideration the work of a committee created in last term to study drug forfeiture. The goal was to streamline processes and increase fairness by assigning criminal and civil forfeiture cases to the same court, and to protect innocent owners. After extensive testimony the sponsors submitted to the committee two amendments that were designed to address concerns that had been raised in testimony. The committee supported both amendments but defeated an Ought to Pass with Amendment motion by a vote of 14-4, concluding that even though the amendments did improve the bill, the result created yet additional problems. The committee acknowledged the seriousness of the underlying issues but could not support the bill as amended. Vote 15-3. The question being adoption of the committee report of Inexpedient to Legislate.

**MOTION TO LAY ON THE TABLE**

Rep. Osborne moved that **HB 615-FN**, relative to drug forfeiture proceedings, be laid on the table. On a division vote, with 195 members having voted in the affirmative, and 163 in the negative, the motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 762-FN-A**, appropriating \$30,000 to the judicial branch for the purpose of hiring a contractor to conduct a manual review of domestic violence and stalking cases and related criminal cases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for the Majority of Judiciary. This bill would appropriate \$30,000 to the judiciary for hiring a contractor to review domestic violence and stalking cases for the purpose of gathering data. However, the bill lacks specificity regarding the type of data to be collected and its intended use. The majority of the committee believes that transitioning to electronic filing would not only facilitate ongoing data collection but also prove to be a more cost-effective long-term solution. Vote 10-8.

Rep. Zoe Manos for the Minority of Judiciary. This bill would appropriate \$30,000 to the judicial branch to hire a contractor to conduct a manual review of domestic violence and stalking cases and related criminal cases in order to compile and collate data for analysis for the judicial branch, the Governor's Commission on Domestic Violence, Sexual Assault and Stalking and other interested persons or organizations. The majority of the committee was concerned that the underlying bill did not specify what data would be collected. The minority's amendment to the underlying bill specifies that the analysis would "include, but not be limited to, court-ordered programs, firearms relinquishment, services of temporary orders, relief granted to petitioners, and other specific data that may be determined from existing information available in currently maintained judicial branch records." The amendment specifies that no personally identifiable information would be reported. Without considering this amendment, the committee voted to recommend Inexpedient to Legislate on the underlying bill.

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

**MOTION TO LAY ON THE TABLE**

Rep. Osborne moved that **HB 762-FN-A**, appropriating \$30,000 to the judicial branch for the purpose of hiring a contractor to conduct a manual review of domestic violence and stalking cases and related criminal cases, be laid on the table.

On a division vote, with 199 members having voted in the affirmative, and 160 in the negative, the motion was adopted.

**(Rep. Kofalt in the Chair)**

**REGULAR CALENDAR CONT'D**

**HB 149-FN**, relative to warrant article approvals at ballot referenda form of town meeting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Julie Gilman for the Majority of Municipal and County Government. This bill only applies to official ballot referendum (SB 2) municipalities. It proposes that both the original warrant articles and any amended versions made, but not approved, at the deliberative session to be placed on the official ballot. It is highly problematic for several reasons. It introduces unnecessary complexity that will only serve to confuse voters. The will of the deliberative session is overruled, undermining the defined democratic process. It removes the right provided in RSA 40:10 for a motion to restrict further consideration of a proposed article. There is no provision for an amendment's legality. If an amendment does not have appropriate legal wording, but is approved, does the municipality move forward operating illegally or call a costly special meeting to correct the problem? Ballots may become extensive in length, discouraging voters to consider every article. There is no provision for more than one proposed amendment. The majority of the committee believes it is an unfunded mandate by way of potentially raising costs of ballot printing. This bill is slanted toward amended

articles, raising concerns about potential biases and unfair advantages. It proposes that if both the original and amended articles are approved by the same percentage of Yes votes, then the amended version of the article shall be adopted. In any other voting situation, as in our committees, and in Representatives Hall, a tied vote defeats the question. A percentage should not determine the outcome of a tied vote. This proposed method of declaring victory is clear disenfranchisement. In summary, this bill not only creates confusion but also compromises the integrity and fairness of the legislative process. Vote 16-2.

Rep. Marie Louise Bjelobrk for the Minority of Municipal and County Government. This bill greatly improves the official ballot referenda form of meeting commonly known as SB 2 by enabling the voices of all registered voters of a town or school district to be able to be heard via the official ballot on town election day. This crucial bill simply states that if a warrant article is amended at the deliberative session, both the original warrant article and the amended warrant article will appear on the official ballot on election day. Notably, this bill requires clear labeling of the affected warrant articles on the ballot marked as “original” and “amended” as well as the inclusion of clear voting instructions before the pair of articles stating, “If both the amended and original versions of Article X are approved, the version receiving the higher percentage of ‘yes’ votes will be adopted.” Importantly, if this bill becomes law, the voters of the SB 2 balloting session on town election day will not be unduly limited by the decisions of the voters who are able to attend the deliberative session. Frequently, groups of voters attending the deliberative session purposely make amendments to warrant articles in order to effectively defeat those warrant articles that they deem undesirable before the article reaches the voters on the ballot on election day. Examples of such are numerous and occur year after year. For example, in February 2025: a \$24,000 per pupil school district budget cap was raised to \$45,000 in Epping, New Hampshire; in Bedford, New Hampshire an inflation-based local tax cap was dubiously changed to a 50% fixed percentage local tax cap; and in Milton, New Hampshire a town meeting ballot question to elect their conservation committee members was amended into an article to keep the commission appointed. Testimony also provided several examples of warrant articles proposing to take specific, deliberate action that were instead amended to a study of some sort thereby effectively nullifying these warrant articles, well before voters are able to cast a vote on a true, legitimate measure on the ballot. This bill would discourage such tactics by providing voters with more reasonable and thoughtful options -- not fewer. The governing body, and the budget committee (if any), may include their recommendations on both versions of the warrant articles on the ballot for the consideration by voters. Lastly, it is important to note that the 30+ day period between the deliberative session and the balloting session provides ample opportunity for voters to understand the choices and to make fully informed decisions on both the original and amended versions of warrant articles. Undoubtedly, when voters are presented with more meaningful options, they will be more engaged, voter turnout will increase, and the results of the annual meeting process will better reflect the will of the voters in both the deliberative and balloting sessions.

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

Rep. Sellers spoke against.

Rep. Gilman spoke in favor.

On a division vote, with 244 members having voted in the affirmative, and 112 in the negative, the majority committee report was adopted.

**HB 512-FN**, relative to preventing municipal employees from being paid under multiple municipal contracts simultaneously. **INEXPEDIENT TO LEGISLATE.**

Rep. Denis Murphy for Municipal and County Government. First, the prime sponsor was not in attendance to give his testimony at the public hearing, so the committee could not ask the sponsor questions about the bill. Second, it would limit SAUs and municipalities from getting and retaining part-skilled workers. Some schools and municipalities do not have the demand for a full-time worker. So, an employee might apply to another school or municipality for part-time work so they can work as close to 40 per week. This bill would prevent this. Third, what makes this bill unworkable for the municipality and the employee, perhaps even making the employee commit a felony under certain circumstances. From lines 22 and 23, “Any person who fails to report acceptance of a new superintendent employment offer while under contract as a superintendent shall be guilty of a felony.” Thus, making this bill Inexpedient to Legislate. Vote 18-0.

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

Committee report was adopted.

**HB 643-FN**, expanding the number of Grafton County commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurel Stavis for Municipal and County Government. This bill would increase the number of Grafton County Commissioners from three to five and proposes that all such commissioners serve two-year terms. The prime sponsor of the bill did not appear before our committee to explain the reasoning behind his bill, so we were unable to determine the intent of the proposal. Notwithstanding this fact, the proposed addition of two commissioners would, according to the bill’s fiscal note, add in excess of \$38,000 to the Grafton County budget in FY 2026 and an indeterminate amount each year thereafter. These large increases would have to be shouldered by county taxpayers who would derive little or no benefit from the increase. Vote 18-0.

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

**HB 668-FN-L**, authorizing municipalities to hold a referendum to rescind the licenses of historic horse racing facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. John MacDonald for Municipal and County Government. This bill would authorize municipalities to hold a referendum on whether to prohibit the sale of parimutuel wagers on historic horse racing. The committee had previously passed HB 247-Local which authorized municipalities to hold a referendum on whether to allow the sale of parimutuel wagers on historic horse racing. The committee felt that this bill was redundant as HB 247-L would provide the citizens the opportunity to vote on that question. Vote 18-0.

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

**HB 219-FN**, relative to the phasing out of the minimum electric renewable portfolio standard. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for the Majority of Science, Technology and Energy. This bill sought to phase out the renewable portfolio standard (RPS) over five years. The committee amendment instead changed the bill to make several changes to the RPS that will save ratepayers an estimated \$5.7 million per year. The changes include: 1) wind energy projects that are a result of a government mandate are not eligible to participate to prevent large scale offshore wind mandated by states like MA from swamping the Class I renewable energy certificate (REC) market and drive prices down, a scenario particularly bad for large New Hampshire hydro generators who get a good portion of their revenues from RECs; 2) eliminates Class II, which was saturated; 3) reduces the utility obligation to purchase RECs for useful thermal energy from 2.2% to 1.7 %, which will lower costs to values that, while still higher, leave plenty of room for growth; 4) establishes new, lower prices for ACPs to better align them with the other New England states to drive more REC sales in New Hampshire, plus other small changes to support these reforms. Vote 10-8.

Rep. Dale Swanson for the Minority of Science, Technology and Energy. The amended bill represents a substantial improvement on the original version, which had sought to phase out a commitment to the renewable portfolio standard (RPS) that has been in place since its bipartisan introduction in 2008. The RPS promotes the goal of reducing New Hampshire reliance on imported, non-renewable, fossil-fuel energy. That benefits New Hampshire by promoting investment in home grown renewable energy supplies which, in turn foster local employment and feed the New Hampshire economy. Weakening the RPS won't save ratepayers much money, and it might cost them more the next time natural gas prices spike out of control, like they did in 2022. While the amended version of this bill steps back from overt phaseout of the RPS, it does reduce incentives for investment by lowering the value of renewable energy certificates without complete analysis. The minority favors waiting for the New Hampshire Department of Energy to complete its analysis of the RPS, as mandated by law to take place in 2025, and base any modifications of the RPS on a more comprehensive review.

#### Majority Amendment (0678h)

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

AN ACT relative to changes to the minimum electric renewable portfolio standards.

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

1 Electric Renewable Energy Classes. Amend RSA 362-F:4, I(a) to read as follows:

(a) Wind energy, ***except that mandated by government procurements.***

2 Electric Renewable Energy Classes. RSA 362-F:4, I(h) is repealed and reenacted to read as follows:

(h) Solar energy if the solar energy produces electricity.

3 Minimum Electric Renewable Portfolio Standards. Amend RSA 362-F:3 to read as follows:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

|                     | 2008            | 2009            | 2010             | 2011             | 2012             | 2013            | 2014            | 2015            | 2025 and thereafter |
|---------------------|-----------------|-----------------|------------------|------------------|------------------|-----------------|-----------------|-----------------|---------------------|
| Class I             | 0.0%            | 0.5%            | 1%               | 2%               | 3%               | 3.8%            | 5%              | 6%              | 15% (*)             |
| <del>Class II</del> | <del>0.0%</del> | <del>0.0%</del> | <del>0.04%</del> | <del>0.08%</del> | <del>0.15%</del> | <del>0.2%</del> | <del>0.3%</del> | <del>0.3%</del> | <del>0.7%</del>     |
| Class III           | 3.5%            | 4.5%            | 5.5%             | 6.5%             | 1.4%             | 1.5%            | 3.0%            | 8.0%            | 8.0%                |
| Class IV            | 0.5%            | 1%              | 1%               | 1%               | 1%               | 1.3%            | 1.4%            | 1.5%            | 1.5%                |

\*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.4 percent in 2014, 0.6 percent in 2015, 0.8 percent in 2016, and increased annually by 0.2 percent per



year from 2017 through 2023, **and then reduce to 1.7 percent beginning on August 1, 2025**, after which it shall remain unchanged. ~~[Class II shall increase to 0.5 percent beginning in 2018, 0.6 percent beginning in 2019, and 0.7 percent beginning in 2020, otherwise]~~ Classes ~~[H-IV]~~ **III and IV** shall remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

4 Electric Renewable Energy Classes. Amend RSA 362-F:4, V to read as follows:

V. For good cause, and after notice and hearing, the department of energy may accelerate or delay by up to one year, any given year's incremental increase in class I ~~[or H]~~ renewable portfolio standards requirement under RSA 362-F:3.

5 Electric Renewable Portfolio Standard; Definitions. Amend RSA 362-F:2, XV to read as follows:

XV. "Renewable energy source," "renewable source," or "source" means a class I, ~~[H;]~~ III, or IV source of electricity or a class I source of useful thermal energy. An electrical generating facility, while selling its electrical output at long-term rates established before January 1, 2007, by orders of the commission under RSA 362-A:4, shall not be considered a renewable source.

6 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing special fund shall be continually appropriated to the department of energy to be expended in accordance with this section; provided that at the start of the period in which there is no adopted state operating budget, the department of energy shall in a timely manner seek the approval of the fiscal committee of the general court to continue using moneys from the renewable energy fund to support renewable energy rebate and grant programs in order to ensure there are no interruptions to the programs. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. Any remaining moneys paid into the fund under paragraph II of this section ~~[-excluding class II moneys,]~~ shall be used by the department of energy to support thermal and electrical renewable energy initiatives and offshore wind initiatives, including the office of offshore wind industry development and energy innovation. ~~[Class II moneys shall primarily be used to support solar energy technologies in New Hampshire.]~~ All initiatives supported out of these funds shall be subject to audit by the department of energy as deemed necessary. All fund moneys ~~[including those from class II]~~ may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the department of energy due to the inclusion of useful thermal energy in class I production.

7 Renewable Energy Fund. RSA 362-F:10, III is repealed and reenacted to read as follows:

III. Beginning June 30, 2025 these rates shall be fixed at the following levels:

(a) Class I- \$42, except for that portion of the class electric renewable portfolio standards to be met by qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3, which shall be \$30.

(b) Class III- \$42.

(c) Class IV- \$37.

8 Renewable Energy Certificates. Amend RSA 362-F:6, II-a to read as follows:

II-a. The department of energy shall establish a methodology to estimate the total yearly production for customer-sited sources that are net metered under RSA 362-A:9 and for which class I ~~[or H]~~ certificates are not issued. For purposes of estimation, the department of energy shall use a capacity factor rating of 20 percent for each class I installation. ~~[The department of energy shall separately estimate class II output using a capacity factor rating equal to the annual PV Energy Forecast issued by the Distributed Generation Working Group under ISO New England, or its successor.]~~ Providers of electricity required to obtain and retire certificates under RSA 362-F:3 shall receive an annual credit for such production according to its class. By February 28 of each year, the department of energy shall compute and make public credit percentages that are equal to the estimated production for the prior calendar year in each class divided by the total amount of electricity supplied by providers of electricity to end-use customers in the prior calendar year, with the result converted to a percentage. Each provider may then, at the time of its annual report filing under RSA 362-F:8, claim a class I ~~[and a class H]~~ certificate credit equal to the credit percentage times the total megawatt-hours of electricity supplied by the provider to its end-use customers the prior calendar year.

9 Repeal. The following are repealed:

I. RSA 362-F:4, I(h), relative to class II sources.

II. RSA 362-F:4, II, relative to class II renewable energy.

III. RSA 362-F:15, I, relative to class II increases.

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

#### AMENDED ANALYSIS

This bill makes changes to the minimum electric renewable portfolio standards.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Harrington spoke in favor.

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

### YEAS 189 - NAYS 173

#### YEAS - 189

##### BELKNAP

Aldrich, Glen  
Freeman, Lisa  
Terry, Paul

Bean, Harry  
Harvey-Bolia, Juliet  
Toner, Travis

Bogert, Steven  
Ploszaj, Tom

Comtois, Barbara  
Minor, Sheri

##### CARROLL

Avellani, Lino  
Hamblen, Joseph  
Taylor, Brian

Belcher, Mike  
MacDonald, John

Cordelli, Glenn  
Peternel, Katy

Crawford, Karel  
Brown, Richard

##### CHESHIRE

Murphy, Denis  
Qualey, James

Hunt, John  
Rhodes, Jennifer

Mattson, Rita  
Thackston, Dick

Nalevanko, Rich

##### COOS

King, Seth

Tierney, James

##### GRAFTON

Beaulier, Calvin  
Ladd, Rick

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

Franz, Linda  
Sellers, John

##### HILLSBOROUGH

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Drew, Matt  
Flanagan, Jack  
Gorski, Ted  
Labrie, Brian  
Miles, Julie  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark  
Schneller, John  
Sirois, Shane  
Mannion, Tom

Ammon, Keith  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon  
Griffin, Gerald  
Gould, Linda  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Peeples, Raymond  
Prout, Andrew  
Scully, Kevin  
Slottje, Jeremy  
Ulery, Jordan

Boyd, Bill  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre  
Gagne, Larry  
Kenny, Catherine  
Mazur, Lisa  
Morton, Jonathan  
Panek, Sandra  
Post, Lisa  
Reinfurt, Sherri  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

Barbour, Liz  
Cole, Brian  
Daniels, Gary  
Erf, Keith  
Giasson, Henry  
Kesselring, Steven  
McLean, Mark  
Noble, Kristin  
Paquette, Kathleen  
Presa, Adam  
Rice, Kimberly  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

##### MERRIMACK

Andrus, Louise  
Cambriis, Jose  
Hill, Gregory  
Plante, Raymond  
See, Alvin

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Polozov, Yury  
Walsh, Thomas

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Boyd, Stephen  
Thibault, James

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Seaworth, Brian  
Wood, Clayton

##### ROCKINGHAM

Ball, Lorie  
Bryer, Scott  
Donnelly, Tanya  
Foote, Charles  
Janigian, John  
Walsh, Lilli  
Lundgren, David  
McDonnell, Valerie  
Nadeau, Brian  
Perez, Kristine  
Pearson, Stephen  
Spillane, James  
Tripp, Richard  
Vose, Michael

Bennett, Cindy  
Mannion, Dennis  
Drago, Mike  
Ford, Mary  
Khan, Aboul  
Layon, Erica  
Lynn, Bob  
McGrath, Linda  
Nelson, Jodi  
Porcelli, Susan  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Tudor, Paul  
MacDonald, Wayne

Bernardy, JD  
Thomas, Douglas  
Dunn, Ron  
Guzofski, James  
Kuttab, Katelyn  
Litchfield, Melissa  
Pearson, Mark  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Selby, Donald  
Sytek, John  
Vandecasteele, Susan  
Weyler, Kenneth

Bridle, Nicholas  
DeVito, Sayra  
Edwards, Jess  
Harb, Robert  
Miner, Laurence  
Love, David  
Markell, Jay  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Dolan, Tom  
Verville, Kevin  
Wilson, Vicki

##### STRAFFORD

Ankarberg, Aidan  
DeLemus, Susan  
Harrington, Michael  
Walker, David

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

**SULLIVAN**

Drye, Margaret  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Smith, Steven

Aron, Judy  
Spillsbury, Walter

**NAYS - 173****BELKNAP**

St. Clair, Charlie

**CARROLL**

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

**CHESHIRE**

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

**COOS**

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
Valerino, Brian

Korzen, Lori

Morency, Pete

**GRAFTON**

Almy, Susan  
Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Sykes, George

Baldwin, Heather  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen

Barton, Joseph  
Fracht, David  
Lucas, Janet  
Stavis, Laurel

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stringham, Jerry

**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Juris, Louis  
Leapley, Nicole  
Long, Patrick  
Murphy, Nancy  
Newman, Ray  
Ryan, Linda  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Herbert, Christopher  
Kerwin, Erin  
LeClerc, Daniel  
Murray, Megan  
Petrigno, Peter  
Raymond, Heather  
Newman, Sue  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Jack, Martin  
Kluger, Lee Ann  
Leishman, Peter  
Manohar, Sanjeev  
Plamondon, Marc  
Rombeau, Catherine  
Salvi, Santosh  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Jeudy, Jean  
Foxy, Loren  
Lloyd, Christal  
McGhee, Kat  
Preece, David  
Rung, Rosemarie  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

**MERRIMACK**

Bricchi, Tracy  
Gallager, Eric  
Luneau, David  
Payeur, Stephanie  
Schamberg, Thomas  
Woods, Gary

Caplan, Tony  
Gibbs, Merryl  
Hall, Muriel  
Richards, Beth  
Schultz, Kris

Colby, Eleana  
Hicks, Matthew  
MacKay, James  
Roesener, James  
Soucy, Timothy

Kelly, Eileen  
Lane, Connie  
Newsom, James  
Sargent, Gregory  
Wallner, Mary Jane

**ROCKINGHAM**

Balboni, Peggy  
Grote, Jaci  
Cahill, Michael  
Manos, Zoe  
Read, Ellen  
Turer, Eric

de Vries, Erica  
Haskins, Linda  
Maggiore, Jim  
Meuse, David  
Scherr, Buzz  
Vallone, Mark

Edgar, Michael  
Murray, Kate  
Malloy, Dennis  
Muns, Chris  
Simpson, Alexis  
Ward, Gerald

Gilman, Julie  
Knab, Allison  
Mandelbaum, Jennifer  
Raynolds, Ned  
Sorensen, Carrie  
Weinstein, Toni

**STRAFFORD**

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Wall, Janet

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Southworth, Thomas

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Pearson, Wayne

England, Myles  
Horrigan, Timothy  
Larochelle, John  
Miller, Seth  
Wade, Alice

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John

Damon, Hope

Girard, Dale

and the majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

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

**HB 696-FN**, exempting electricity generators from the utility property tax and including them under the statewide education property tax, and relative to communications services tax revenues. **OUGHT TO PASS.** Rep. Michael Vose for Science, Technology and Energy. This bill exempts electricity generators from paying the Utility Property Tax (UPT). Such generators are not utilities. This bill implements the recommendations of the study commission established by HB 458 (2024), which produced a voluminous report showing that this UPT exemption could substantially reduce lawsuits between municipalities and generators, which occur due to disparate assessments from the Department of Revenue Administration (DRA) and assessors hired by municipalities. Instead of paying the UPT, which supports the Education Trust Fund, the generators will be treated like any other manufacturer and be subject instead to the Statewide Education Property Tax. The study commission reports show that tax impacts will be minimal. The reference to the communications services tax is a drafting error. Vote 18-0.

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

The Speaker referred the bill to the Committee on Ways and Means.

**HB 764-FN**, prohibiting the intentional release of polluting emissions, including cloud seeding, weather modification, excessive electromagnetic radio frequency, and microwave radiation and making penalties for violation of such prohibition. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Thomas Cormen for the Majority of Science, Technology and Energy. The committee considered an amendment, which was based on a different amendment, which the prime sponsor had introduced. The amendment focuses on disallowing geoengineering, whereas the underlying bill also includes electromagnetic and microwave radiation. The majority of the committee found several aspects of the amendment problematic: what is enforceable in the bill? Since the amendment cites unknown effects on human health, how can they be identified in a 14-day environmental review? Who conducts the environmental review? Since the amendment (and the underlying bill) prohibits the intentional release of polluting emissions from sky, would all aviation over New Hampshire be prohibited? Why allow cloud seeding during a drought, and does it even work? And why would so many federal agencies need to be notified if geoengineering occurs? The amendment failed to gain the support of a majority of the committee, and with no further discussion, the underlying bill is recommended Inexpedient to Legislate. Vote 17-1.

Rep. Tom Ploszaj for the Minority of Science, Technology and Energy. This bill is a clean air health bill that opposes the intentional release, injection, or modification of polluting substances. The committee attempted to amend the bill with a more moderate discouragement of, rather than a prohibition of, geoengineering, but the amendment failed in committee 9 to 9. The amendment may be offered as a floor amendment.

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

**MOTION TO LAY ON THE TABLE**

Rep. Weber moved that **HB 764-FN**, prohibiting the intentional release of polluting emissions, including cloud seeding, weather modification, excessive electromagnetic radio frequency, and microwave radiation and making penalties for violation of such prohibition, be laid on the table.

On a division vote, with 205 members having voted in the affirmative, and 158 in the negative, the motion was adopted.

**REFERRAL DECLINED**

Rep. Weyler, Chairman of the Committee on Finance, under the provisions of House Rule 47 (f), declined the referral of **HB 592-FN**, relative to magistrates and the standards applicable to and the administration of bail.

**REGULAR CALENDAR CONT'D**

**HB 264-FN**, relative to delegates to an Article V convention. **OUGHT TO PASS.**

Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. The majority of the committee believes it to be in our best interest to alleviate fears concerning faithless or “rogue” delegates at any Article V Convention of States for proposing constitutional amendments. This bill establishes that a class B felony status be applied to any faithless delegate who approves or proposes amendments that were not included in the original application to the convention, as well as by any related state decree. While any such “rogue” amendment would be ruled out of order anyway—as established via long-standing practices re: interstate compacts concerning water and river access amongst states, etc.—the penalties for delegates who exceed their mandates are by design steep enough so as to put trepidation to rest about proper delegate actions at any state’s convention. Vote 15-2.

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



**MOTION TO LAY ON THE TABLE**

Rep. Granger moved that **HB 264-FN**, relative to delegates to an Article V convention, be laid on the table. Motion was adopted.

**REGULAR CALENDAR CONT'D**

**HB 452-FN**, relative to the issuance of drivers' licenses for aliens temporarily residing in New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for the Majority of Transportation. This bill cleans up RSA 263:39-9 which sets criteria for granting licenses to aliens temporarily residing in New Hampshire. Currently criteria dealing with identification and eligibility are scattered throughout the statute and this bill groups them together by topic. The bill also sets the term of the license to match the length of residency and that these licenses are not valid for voting. Lastly, the bill clarifies that people seeking asylum will be granted licenses once their asylum request has been granted. Vote 9-7. Rep. Seth Miller for the Minority of Transportation. This bill is anti-business, anti-safety, and anti-humane. It creates an environment where people who are deemed by the federal government to be legally present in the United States, with permission to work and pay taxes, are no longer able to acquire a driver's license, something that is nearly universally required for workers in New Hampshire. It also requires revocation of licenses at renewal for people who have been here for several years but who are not green card holders. It creates a safety risk as well. It impedes the community policing environment by creating a situation where those affected will avoid interactions with officers. Finally, this bill creates a second tier of resident in the granite state, for no reason other than that they have sought protection in the United States from persecution in their home country. This is counter to our founding ethos and our obligations as legislators.

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

Rep. Veilleux spoke against.

Rep. Thomas Walsh spoke in favor.

Rep. Kuttub requested a roll call; sufficiently seconded.

**YEAS 198 - NAYS 162****YEAS - 198****BELKNAP**

Aldrich, Glen  
Comtois, Barbara  
Minor, Sheri

Bean, Harry  
Freeman, Lisa  
Terry, Paul

Bogert, Steven  
Harvey-Bolia, Juliet  
Toner, Travis

Coker, Matthew  
Ploszaj, Tom

**CARROLL**

Avellani, Lino  
Hamblen, Joseph  
Taylor, Brian

Belcher, Mike  
MacDonald, John

Cordelli, Glenn  
Peternel, Katy

Crawford, Karel  
Brown, Richard

**CHESHIRE**

Murphy, Denis  
Qualey, James

Hunt, John  
Rhodes, Jennifer

Mattson, Rita  
Thackston, Dick

Nalevanko, Rich

**COOS**

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete  
Valerino, Brian

**GRAFTON**

Barton, Joseph  
Franz, Linda  
Sellers, John

Beaulier, Calvin  
Ladd, Rick

Berezhny, Lex  
Louis, Darrell

Bjelobrk, Marie Louise  
McFarlane, Donald

**HILLSBOROUGH**

Alexander, Joe  
Berry, Ross  
Corcoran, Travis  
Drew, Matt  
Flanagan, Jack  
Gorski, Ted  
Kofalt, Jim  
Mazur, Lisa  
Morton, Jonathan  
Panek, Sandra  
Post, Lisa  
Rice, Kimberly  
Seidel, Sheila  
Tenczar, Jeffrey  
Warden, Mark

Ammon, Keith  
Boehm, Ralph  
Creighton, James  
Dumont, Dillon  
Griffin, Gerald  
Gould, Linda  
Labrie, Brian  
McLean, Mark  
Noble, Kristin  
Paquette, Kathleen  
Presa, Adam  
Salvi, Santosh  
Sheehan, Vanessa  
Mannion, Tim  
Wherry, Robert

Boyd, Bill  
Colcombe, Riché  
Kelley, Diane  
Dupont, Pierre  
Gagne, Larry  
Kenny, Catherine  
Lascelles, Richard  
Miles, Julie  
Notter, Jeanine  
Pauer, Diane  
Proulx, Mark  
Schneller, John  
Sirois, Shane  
Mannion, Tom

Barbour, Liz  
Cole, Brian  
Daniels, Gary  
Erf, Keith  
Giasson, Henry  
Kesselring, Steven  
Murphy, Mary  
Mooney, Maureen  
Ohm, Bill  
Peebles, Raymond  
Reinfurt, Sherri  
Scully, Kevin  
Slottje, Jeremy  
Ulry, Jordan

**MERRIMACK**

Andrus, Louise  
Cambrils, Jose  
Hill, Gregory  
Pitaro, Matthew  
Seaworth, Brian  
Wood, Clayton

Aures, Cyril  
McGuire, Dan  
Mehegan, Peter  
Plante, Raymond  
See, Alvin

Aylward, Deborah  
Devoid, Ricky  
Moffett, Michael  
Boyd, Stephen  
Walsh, Thomas

McGuire, Carol  
Gonzalez, Ernesto  
Morse, Bryan  
Schamberg, Thomas  
Thibault, James

**ROCKINGHAM**

Bennett, Cindy  
Mannion, Dennis  
Drago, Mike  
Ford, Mary  
Khan, Aboul  
Layon, Erica  
Lynn, Bob  
McDonnell, Valerie  
Nadeau, Brian  
Perez, Kristine  
Pearson, Stephen  
Spillane, James  
Tripp, Richard  
MacDonald, Wayne

Bernardy, JD  
Thomas, Douglas  
Dunn, Ron  
Guzofski, James  
Kuttab, Katelyn  
Litchfield, Melissa  
Pearson, Mark  
McGrath, Linda  
Nelson, Jodi  
Porcelli, Susan  
Sabourin dit Choinière, Matt  
Sweeney, Joe  
Tudor, Paul  
Weyler, Kenneth

Bridle, Nicholas  
DeVito, Sayra  
Edwards, Jess  
Harb, Robert  
Miner, Laurence  
Love, David  
Mandelbaum, Jennifer  
Melvin, Charles  
Osborne, Jason  
Potucek, John  
Selby, Donald  
Sytek, John  
Vandecasteele, Susan  
Wilson, Vicki

Bryer, Scott  
Donnelly, Tanya  
Foote, Charles  
Janigian, John  
Walsh, Lilli  
Lundgren, David  
Markell, Jay  
Milz, David  
Brown, Pam  
Prudhomme-O'Brien, Katherine  
Soti, Julius  
Dolan, Tom  
Verville, Kevin

**STRAFFORD**

Ankarberg, Aidan  
DeLemus, Susan  
Harrington, Michael  
Walker, David

Bailey, Glenn  
DeRoy, Susan  
Kaczynski, Thomas

Burnham, Claudine  
Farrington, Samuel  
Potenza, Kelley

DeDe-Poulin, Denise  
Granger, Michael  
Turcotte, Len

**SULLIVAN**

Drye, Margaret  
Aron, Michael

Grant, George  
Rollins, Skip

Hemingway, Wayne  
Spilsbury, Walter

Aron, Judy

**NAYS - 162****BELKNAP**

St. Clair, Charlie

**CARROLL**

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

**CHESHIRE**

Ames, Dick  
Germana, Dylan  
Jones, Philip  
Parshall, Lucius

Berch, Paul  
Faulkner, Barry  
Germana, Nicholas  
Weber, Lucy

Harvey, Cathryn  
Gruber, James  
Newell, Jodi

Fox, Dru  
Jacobs, Samantha  
O'Rorke, Terri

**GRAFTON**

Almy, Susan  
Fellows, Sallie  
Lovett, Peter  
Rockmore, Ellen

Baldwin, Heather  
Fracht, David  
Lucas, Janet  
Stavis, Laurel

Bolton, Bill  
Hakken-Phillips, Mary  
Muirhead, Russell  
Stringham, Jerry

Cormen, Thomas  
Sullivan, Jared  
Oppel, Thomas  
Sykes, George

**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Cornell, Patricia  
Elberger, Susan  
Gregg, Alicia  
Hegner, Karen  
Kerwin, Erin  
LeClerc, Daniel  
Murray, Megan  
Petrigno, Peter  
Raymond, Heather  
Newman, Sue  
Staub, Kathy  
Vail, Suzanne  
Wheeler, Jonah

Beauchemin, Paige  
Budathoki, Suraj  
Darby, Will  
Davis, Fred  
Grund, Stephanie  
Jack, Martin  
Kluger, Lee Ann  
Leishman, Peter  
Manohar, Sanjeev  
Plamondon, Marc  
Rombeau, Catherine  
Seibert, Christine  
Swanson, Dale  
Veilleux, Daniel  
Wilhelm, Matthew

Bergeron, Dan  
Chourasia, Manoj  
Dargie, Paul  
Foss, Lily  
Harriott-Gathright, Linda  
Judy, Jean  
Foxy, Loren  
Lloyd, Christal  
McGhee, Kat  
Preece, David  
Rung, Rosemarie  
Sofikitis, Catherine  
Telerski, Laura  
Dolan, William

Booras, Efstathia  
Chretien, Suzanne  
DiSilvestro, Linda  
Georges, Mary  
Hartnett, Tim  
Juris, Louis  
Leapley, Nicole  
Long, Patrick  
Murphy, Nancy  
Newman, Ray  
Ryan, Linda  
Spier, Carry  
Tellez, Trinidad  
Thomas, Wendy

**MERRIMACK**

Bricchi, Tracy  
Gallager, Eric

Caplan, Tony  
Gibbs, Merryl

Colby, Eleana  
Hicks, Matthew

Kelly, Eileen  
Lane, Connie

Luneau, David  
Payeur, Stephanie  
Sargent, Gregory  
Woods, Gary

Hall, Muriel  
Polozov, Yury  
Schultz, Kris

MacKay, James  
Richards, Beth  
Soucy, Timothy

Newsom, James  
Roesener, James  
Wallner, Mary Jane

### ROCKINGHAM

Balboni, Peggy  
Grote, Jaci  
Cahill, Michael  
Meuse, David  
Scherr, Buzz  
Ward, Gerald

de Vries, Erica  
Haskins, Linda  
Maggiore, Jim  
Muns, Chris  
Simpson, Alexis  
Weinstein, Toni

Edgar, Michael  
Murray, Kate  
Malloy, Dennis  
Raynolds, Ned  
Sorensen, Carrie

Gilman, Julie  
Knab, Allison  
Manos, Zoe  
Read, Ellen  
Turer, Eric

### STRAFFORD

Bay, Luz  
Smith, Geoffrey  
Howland, Allan  
Levesque, Cassandra  
Schmidt, Peter  
Wall, Janet

Bixby, Peter  
Gilmore, Gary  
Johnson, Erik  
Smith, Marjorie  
Southworth, Thomas

Burton, Wayne  
Howard, Heath  
LaMontagne, Jessica  
Malone, Amy  
Pearson, Wayne

England, Myles  
Horrigan, Timothy  
Larochelle, John  
Miller, Seth  
Wade, Alice

### SULLIVAN

Sullivan, Brian  
Palmer, William

Cloutier, John

Damon, Hope

Girard, Dale

and the majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

**HB 658-FN**, raising the cap on certain reimbursements from the oil discharge and disposal cleanup fund. **OUGHT TO PASS.**

Rep. Scott Bryer for Ways and Means. This bill makes changes to two oil-related funds. It changes the date of the annual report of the Oil Discharge and Disposal Cleanup Fund from October 1st to March 1st. It also updates the amount of money that may be applied for to help mitigate a cleanup site by those with a financial need. Specifically, owners of on-premises use facilities who can demonstrate a financial need, will now be eligible to collect \$4,000 instead of \$3,300, while they may also apply for reimbursement of underground storage tank removal for up to \$4,500 from \$2,500. The second fund is the Oil Pollution Control Fund. The bill modifies the cost of a license by altering the amounts charged per gallon on gasoline and diesel fuel. It also further calculates the license cost by computing the per gallon fee of fuel oil, diesel products, used oil that is used for on-premises heating, motor oil and other oil imported into the state. Since these fees had not been updated for many years, an actuarial firm was hired to help determine reasonable charges for reimbursement as well as reasonable per gallon fees for getting an annual license. Some of the per-gallon fees went up and some went down depending on the type of oil or fuel in question. Vote 18-1.

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

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

### REFERRAL DECLINED

Rep. Weyler, Chairman of the Committee on Finance, under the provisions of House Rule 47 (f), declined the referral of **HB 452-FN**, relative to the issuance of drivers' licenses for aliens temporarily residing in New Hampshire.

### REGULAR CALENDAR CONT'D

**HB 669-FN-A**, relative to requiring all revenue raised under the statewide education property tax to be deposited in the education trust fund, and setting an equalized statewide tax rate. **INEXPEDIENT TO LEGISLATE.**

Rep. Jordan Ulery for Ways and Means. This bill intends to shift the distribution of the Statewide Education Property Tax (SWEPT) requiring a direct deposit into the Education Trust Fund. What was not entirely clear to the majority of the committee was how this bill would not create so-called donor towns, and then also result in a truly equitable and proportionate tax. What was clear is that the per property tax rate would increase substantially for many taxpayers. In addition, the Education Funding Committee is considering several detailed education funding bills and would be in a better position to conclude a position on this matter. Vote 12-7.

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

Rep. Malloy spoke in favor.

Rep. Wheeler spoke against and requested a roll call; not sufficiently seconded.

On a division vote, with 201 members having voted in the affirmative, and 157 in the negative, the committee report was adopted.

**BILL REMOVED FROM THE CONSENT CALENDAR**

**HB 123**, enabling municipalities to tax standing wood and timber on land used for carbon sequestration. **BOUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. This bill addresses lost timber yield tax revenue related to the sale of standing wood and timber enrolled in forest carbon programs. Over the past several years, large parcels of New Hampshire forest lands are being sequestered for the ability of the standing wood and timber to capture carbon dioxide and its capacity to store carbon. Carbon offset credits derived from a landowner's forested property that is enrolled in a carbon sequestration program are then listed for sale on the market. Carbon offset credits enable industrial companies to pollute the environment with no incentive to control emissions. Out-of-state companies, as far away as California, are controlling our state's standing wood and timber by purchasing carbon offset credits associated with New Hampshire forest lands. Moreover, carbon sequestration program contracts can impound hundreds of thousands of acres of standing wood and timber for several decades or, in some cases, up to a century. As a result, our state's forest products industry is negatively impacted due to the fact that timber resources in our state cannot be harvested for sale. In turn, this affects municipalities that rely on the timber yield tax as a revenue source and has the real potential to decimate our timber industry in the near future. Additionally, the forest lands sequestered under forest carbon programs are not managed properly, negatively impacting the overall health of the forest and the wildlife habitat. Consequently, it is imperative that the legislature address this problem now and not later. In New Hampshire, the value of most growing wood and timber on a parcel of land is exempt from general property tax; thereby, separating tax treatment of timber from tax treatment of the land on which it stands. The Normal Yield Tax (RSA 79:3), often called the "timber tax" enacted in 1949, is a normal yield tax of 10% on the stumpage value at the time of cutting for sale at market. The problem associated with forest carbon programs, otherwise known as carbon sequestration programs, is that landowners are not paying the timber yield tax on the sale of standing wood and timber associated with carbon offset credits due to a loophole in the law. As a result, taxpayers are paying higher property taxes due to the lost revenue. This bill closes the loophole, which is allowing landowners to circumvent paying the normal yield tax under RSA 79:3, by providing for the assessment of the 10% yield tax on the metric tonnage of carbon sequestered from the timber enrolled in forest carbon programs. Amendment 2025-0654h specifies the method by which the timber yield tax shall be assessed on the sale of standing wood and timber enrolled in a forest carbon program for the purpose of providing carbon offset credits to a buyer. Importantly, this bill, as amended, provides for the assessment of the timber yield tax related to this new type of timber sale, supports the forest products industry, and helps municipalities reduce local property taxes by recouping lost timber yield tax revenue related to the sale of standing wood and timber enrolled in forest carbon programs. Vote 18-0.

**Amendment (0654h)**

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

AN ACT relative to yield taxes on property enrolled or registered for the purpose of generating carbon offset credits.

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

1 New Paragraphs; Definitions; Carbon Credits. Amend RSA 79:1 by inserting after paragraph VIII the following new paragraph:

IX. "Carbon credit" or "carbon offset credit" means 1 metric ton of carbon dioxide equivalent.

X. "Entity and crediting entity" means the carbon registry that the landowner and their carbon developer are using to list for sale the carbon offset credits generated on the landowner's forested property.

XI. "Carbon developer" means the organization that the landowner works with to meet the protocol rules set by the carbon registry in order to list carbon credits for sale.

XII. "Tonnage" means the amount of carbon in metric tons of carbon dioxide equivalent.

2 Yield Tax; Carbon Sequestration. Amend RSA 79:3 to read as follows:

79:3 Normal Yield Tax; ***Carbon Sequestration.***

***I.*** A normal yield tax at the rate of 10 percent on the stumpage value at the time of cutting shall be assessed by the assessing officials within 30 days after receipt of a report of wood or timber cut is filed with said officials in the town in which said operation took place. Interest as provided in RSA 79:4-a shall be charged 30 days after the bills are mailed by the tax collector, on any tax which is due and payable and which remains unpaid.

***II.*** *The owner of a property that has been enrolled or registered for the purpose of sequestering carbon dioxide and/or generating carbon offset credits shall annually pay a yield tax of 10 percent of the estimated net value of the carbon offset credits issued and sold in the previous calendar year.*

***III.*** *The total tonnage of carbon offset credits issued in the previous year shall be the amount as issued by the carbon registry equal to the total tonnage of eligible annually sequestered carbon the property owner reports.*



**IV. The net value of the carbon offset credits issued in the previous year shall be calculated by multiplying the amount of eligible annually credited carbon the property owner reports to the entity in which the property is registered or enrolled by the average price-per-metric ton paid by the entity in which the property is registered or enrolled in the previous year less the costs incurred by carbon developer and landowner.**

**V. Whenever a property owner enrolls or registers a property for the purpose of sequestering carbon dioxide and/or generating carbon offset credits, the property owner or their agent, shall file an intent to sequester carbon form at the time the project is registered into the carbon registry established in RSA 227-G:4, XII.**

**VI. If a property is enrolled or registered for the purpose of sequestering carbon dioxide and/or generating carbon offset credits prior to enactment of this provision, the property owner or their agent shall file an intent to sequester carbon form into the carbon registry established in RSA 227-G:4, XII within 30 days of the effective date of this section.**

**VII. The property owner or their agent shall submit to the carbon registry established in RSA 227-G:4, XII the total tonnage of carbon offset credits generated in the previous year within 10 days of reporting this information to the entity in which the property is registered or enrolled.**

**VIII. A tax of 10 percent of the monetary value of the net value of the carbon offset credits issued on the property in the previous year shall be assessed by the assessing officials in the town in which the property is located within 30 days after the property owner's submission to the carbon registry established in RSA 227-G:4, XII of the amount of carbon offset credits sold on the property in the previous year. Interest as provided in RSA 79:4-a shall be charged 30 days after the bills are mailed by the tax collector on any tax which is due and payable and which remains unpaid.**

**IX. All other provisions of RSA 79 shall be applicable to the owner of a property that has been enrolled or registered for the purpose of sequestering carbon dioxide and/or generating carbon offset credits, and shall be enforced by the host municipality or county commissioners if the subject property is located in an unincorporated area.**

3 Effective Date. This act shall take effect April 1, 2026.

#### AMENDED ANALYSIS

This bill extends yield taxes to property enrolled in or registered for the purpose of generating carbon offset credits.

#### MOTION TO LAY ON THE TABLE

Rep. Osborne moved that **HB 123**, relative to yield taxes on property enrolled or registered for the purpose of generating carbon offset credits, be laid on the table.

On a division vote, with 171 members having voted in the affirmative, and 185 in the negative, the motion failed.

The question being adoption of the committee amendment.

Committee amendment was adopted.

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

Rep. Harrington spoke against and yielded to questions.

Rep. Arnold Davis spoke in favor and yielded to questions.

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

#### YEAS 197 - NAYS 158

##### YEAS - 197

##### BELKNAP

Aldrich, Glen

Coker, Matthew

St. Clair, Charlie

Toner, Travis

##### CARROLL

Burroughs, Anita  
Taylor, Brian

Paige, David

MacDonald, John

McAleer, Chris

##### CHESHIRE

Ames, Dick  
Murphy, Denis  
Jones, Philip  
O'Rourke, Terri

Berch, Paul  
Faulkner, Barry  
Mattson, Rita  
Thackston, Dick

Fox, Dru  
Gruber, James  
Germana, Nicholas  
Weber, Lucy

Germana, Dylan  
Jacobs, Samantha  
Newell, Jodi

##### COOS

Davis, Arnold  
Ouellet, Mike

Durkin, Sean  
King, Seth

Korzen, Lori  
Tierney, James

Morency, Pete  
Valerino, Brian

**GRAFTON**

Almy, Susan  
Bolton, Bill  
Hakken-Phillips, Mary  
Oppel, Thomas  
Stringham, Jerry

Baldwin, Heather  
Fellows, Sallie  
Sullivan, Jared  
Rockmore, Ellen  
Sykes, George

Barton, Joseph  
Fracht, David  
Ladd, Rick  
Sellers, John

Bjelobrk, Marie Louise  
Franz, Linda  
Lovett, Peter  
Stavis, Laurel

**HILLSBOROUGH**

Murray, Alissandra  
Bouchard, Donald  
Cole, Brian  
Dargie, Paul  
Davis, Fred  
Gould, Linda  
Hartnett, Tim  
Kenny, Catherine  
Leapley, Nicole  
Manohar, Sanjeev  
Plamondon, Marc  
Ryan, Linda  
Seidel, Sheila  
Swanson, Dale  
Wilhelm, Matthew

Beauchemin, Paige  
Budathoki, Suraj  
Cornell, Patricia  
DiSilvestro, Linda  
Flanagan, Jack  
Gregg, Alicia  
Hegner, Karen  
Kerwin, Erin  
LeClerc, Daniel  
Morton, Jonathan  
Proulx, Mark  
Newman, Sue  
Sofikitis, Catherine  
Telerski, Laura

Bergeron, Dan  
Chourasia, Manoj  
Creighton, James  
Dupont, Pierre  
Foss, Lily  
Grund, Stephanie  
Judy, Jean  
Kluger, Lee Ann  
Lloyd, Christal  
Ohm, Bill  
Newman, Ray  
Salvi, Santosh  
Spier, Carry  
Veilleux, Daniel

Booras, Efstathia  
Chretien, Suzanne  
Darby, Will  
Elberger, Susan  
Gagne, Larry  
Harriott-Gathright, Linda  
Juris, Louis  
Lascelles, Richard  
Murray, Megan  
Petrigno, Peter  
Raymond, Heather  
Seibert, Christine  
Staub, Kathy  
Wheeler, Jonah

**MERRIMACK**

Aylward, Deborah  
Kelly, Eileen  
Hicks, Matthew  
MacKay, James  
Newsom, James  
Roesener, James  
Wallner, Mary Jane

Bricchi, Tracy  
Gallager, Eric  
Lane, Connie  
Mehegan, Peter  
Payeur, Stephanie  
Sargent, Gregory  
Woods, Gary

Colby, Eleana  
Gibbs, Merryl  
Luneau, David  
Moffett, Michael  
Pitaro, Matthew  
Schultz, Kris

McGuire, Dan  
Gonzalez, Ernesto  
Hall, Muriel  
Morse, Bryan  
Richards, Beth  
Soucy, Timothy

**ROCKINGHAM**

Balboni, Peggy  
Thomas, Douglas  
Foote, Charles  
Murray, Kate  
Pearson, Mark  
Markell, Jay  
Muns, Chris  
Scherr, Buzz  
Tripp, Richard  
Ward, Gerald

Bridle, Nicholas  
de Vries, Erica  
Ford, Mary  
Knab, Allison  
Maggiore, Jim  
McGrath, Linda  
Nelson, Jodi  
Simpson, Alexis  
Turer, Eric  
Weinstein, Toni

Bryer, Scott  
Donnelly, Tanya  
Gilman, Julie  
Lynn, Bob  
Malloy, Dennis  
Meuse, David  
Read, Ellen  
Sorensen, Carrie  
Vallone, Mark

Mannion, Dennis  
Edgar, Michael  
Grote, Jaci  
Cahill, Michael  
Mandelbaum, Jennifer  
Milz, David  
Pearson, Stephen  
Dolan, Tom  
MacDonald, Wayne

**STRAFFORD**

Bay, Luz  
Smith, Geoffrey  
LaMontagne, Jessica  
Miller, Seth  
Wade, Alice

Bixby, Peter  
Howard, Heath  
Larochelle, John  
Schmidt, Peter  
Walker, David

Burton, Wayne  
Howland, Allan  
Smith, Marjorie  
Southworth, Thomas  
Wall, Janet

England, Myles  
Johnson, Erik  
Malone, Amy  
Pearson, Wayne

**SULLIVAN**

Sullivan, Brian  
Palmer, William

Cloutier, John  
Rollins, Skip

Damon, Hope  
Spilsbury, Walter

Drye, Margaret

**NAYS - 158****BELKNAP**

Bean, Harry  
Harvey-Bolia, Juliet

Bogert, Steven  
Ploszaj, Tom

Comtois, Barbara  
Minor, Sheri

Freeman, Lisa  
Terry, Paul

**CARROLL**

Avellani, Lino  
Hamblen, Joseph

Belcher, Mike  
Paternel, Katy

Cordelli, Glenn  
Brown, Richard

Crawford, Karel  
Woodcock, Stephen

**CHESHIRE**

Harvey, Cathryn  
Qualey, James

Hunt, John

Nalevanko, Rich

Parshall, Lucius

**GRAFTON**

Beaulier, Calvin  
Lucas, Janet

Berezhny, Lex  
McFarlane, Donald

Cormen, Thomas  
Muirhead, Russell

Louis, Darrell

**HILLSBOROUGH**

|                    |                 |                  |                  |
|--------------------|-----------------|------------------|------------------|
| Alexander, Joe     | Ammon, Keith    | Boyd, Bill       | Barbour, Liz     |
| Berry, Ross        | Colcombe, Riché | Corcoran, Travis | Kelley, Diane    |
| Daniels, Gary      | Drew, Matt      | Dumont, Dillon   | Erf, Keith       |
| Griffin, Gerald    | Giasson, Henry  | Gorski, Ted      | Jack, Martin     |
| Kesselring, Steven | Kofalt, Jim     | Foxx, Loren      | Labrie, Brian    |
| Leishman, Peter    | Long, Patrick   | Murphy, Mary     | Mazur, Lisa      |
| McGhee, Kat        | McLean, Mark    | Miles, Julie     | Mooney, Maureen  |
| Murphy, Nancy      | Noble, Kristin  | Notter, Jeanine  | Panek, Sandra    |
| Paquette, Kathleen | Pauer, Diane    | Peeples, Raymond | Post, Lisa       |
| Preece, David      | Presa, Adam     | Reinfurt, Sherri | Rice, Kimberly   |
| Rombeau, Catherine | Rung, Rosemarie | Schneller, John  | Scully, Kevin    |
| Sheehan, Vanessa   | Sirois, Shane   | Slottje, Jeremy  | Tellez, Trinidad |
| Tenczar, Jeffrey   | Mannion, Tim    | Mannion, Tom     | Ulery, Jordan    |
| Vail, Suzanne      | Dolan, William  | Thomas, Wendy    | Warden, Mark     |
| Wherry, Robert     |                 |                  |                  |

**MERRIMACK**

|                |               |                   |                 |
|----------------|---------------|-------------------|-----------------|
| Andrus, Louise | Aures, Cyril  | McGuire, Carol    | Cambrils, Jose  |
| Caplan, Tony   | Devoid, Ricky | Hill, Gregory     | Plante, Raymond |
| Polozov, Yuri  | Boyd, Stephen | Schamberg, Thomas | Seaworth, Brian |
| See, Alvin     | Walsh, Thomas | Thibault, James   | Wood, Clayton   |

**ROCKINGHAM**

|                              |                 |                              |                      |
|------------------------------|-----------------|------------------------------|----------------------|
| Bennett, Cindy               | Bernardy, JD    | DeVito, Sayra                | Drago, Mike          |
| Dunn, Ron                    | Edwards, Jess   | Guzofski, James              | Harb, Robert         |
| Haskins, Linda               | Janigian, John  | Khan, Aboul                  | Kuttab, Katelyn      |
| Miner, Laurence              | Walsh, Lilli    | Layon, Erica                 | Litchfield, Melissa  |
| Love, David                  | Manos, Zoe      | McDonnell, Valerie           | Melvin, Charles      |
| Nadeau, Brian                | Osborne, Jason  | Brown, Pam                   | Perez, Kristine      |
| Porcelli, Susan              | Potucek, John   | Prudhomme-O'Brien, Katherine | Raynolds, Ned        |
| Sabourin dit Choinière, Matt | Selby, Donald   | Soti, Julius                 | Spillane, James      |
| Sweeney, Joe                 | Sytek, John     | Tudor, Paul                  | Vandecasteele, Susan |
| Verville, Kevin              | Weyler, Kenneth | Wilson, Vicki                |                      |

**STRAFFORD**

|                     |                   |                    |                     |
|---------------------|-------------------|--------------------|---------------------|
| Ankarberg, Aidan    | Bailey, Glenn     | Burnham, Claudine  | DeDe-Poulin, Denise |
| DeLemus, Susan      | DeRoy, Susan      | Farrington, Samuel | Granger, Michael    |
| Harrington, Michael | Horrigan, Timothy | Kaczynski, Thomas  | Levesque, Cassandra |
| Turcotte, Len       |                   |                    |                     |

**SULLIVAN**

|              |               |                  |            |
|--------------|---------------|------------------|------------|
| Girard, Dale | Grant, George | Hemingway, Wayne | Aron, Judy |
|--------------|---------------|------------------|------------|

and the committee report was adopted.

The Speaker referred the bill to the Committee on Ways and Means.

**MOTION TO REMOVE FROM THE TABLE**

Rep. Potenza moved that **HB 764-FN**, prohibiting the intentional release of polluting emissions, including cloud seeding, weather modification, excessive electromagnetic radio frequency, and microwave radiation and making penalties for violation of such prohibition, be removed from the table.

Rep. Potenza requested a roll call; not sufficiently seconded.

On a division vote, with 114 members having voted in the affirmative, and 231 in the negative, the motion failed.

**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 20, 2025 at 10:00 a.m.

Motion was adopted.

**LATE SESSION****Third Reading and Final Passage**

**HB 763-FN**, relative to school emergency plans for sports related injuries.

**HB 227-FN**, relative to licensure for psychotherapy activities or services.

**HB 780**, relative to the director of the division of archives and records management of the department of state.

**HB 342**, relative to the approval process for new construction.

**HB 382**, relative to authority for municipalities to regulate mandatory on-site parking requirements.

**HB 247-L**, authorizing municipalities to hold a referendum on whether to allow historic horse racing.

**HB 554**, relative to the placement of political advertising on municipal property.

**HB 569**, relative to the establishment of county-wide communication districts.

**HB 59-FN**, relative to the assault of a firefighter, emergency medical care provider, or law enforcement officer.

**HB 87-FN**, prohibiting the posting of land not owned by the poster.

**HB 183**, relative to reporting requirements for emergency medical services personnel.

**HB 655-FN**, relative to fish and game violations and permits.

**HB 451-FN**, establishing the paint product stewardship program.

**HB 319-FN**, relative to the responsibility of local school districts to provide transportation for pupils in kindergarten.

**HB 667-FN**, relative to health education and requiring the viewing of certain videos demonstrating gestational development from embryo to fetus through birth by public school students.

**HB 739-FN**, relative to excess funds paid to municipalities for use in school districts.

**HB 499-FN**, making technical corrections to certain insurance laws.

**HB 592-FN**, relative to magistrates and the standards applicable to and the administration of bail.

**HB 658-FN**, raising the cap on certain reimbursements from the oil discharge and disposal cleanup fund.

**HB 452-FN**, relative to the issuance of drivers' licenses for aliens temporarily residing in New Hampshire.

### UNANIMOUS CONSENT

Rep. Damon requested Unanimous Consent of the House regarding Women's History Month and addressed the House.

### MOTION TO PRINT REMARKS

Rep. Wendy Thomas moved that the remarks made by Rep. Damon during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

### REMARKS

**Representative Damon:** Thank you, Mister Speaker. Okay, people, I know we all want to go home and many of us think this is important. I rise to offer a celebration of women that denigrates no one. Women's life experiences are different than men's. We need all women's voices at all the tables, in positions to make collaborative decisions. Role models and mentoring are incredibly important to young people. Seeing folks you can relate to, serving in leadership roles, helps young people envision themselves serving in similar positions. I am the granddaughter of a suffragette, Mabelle Merritt, 1895-2000. Yes, she touched 3 centuries and lived to be 105! Gram was 25 when women got the right to vote in the US. She understood the privilege of voting and never missed an election. Gram is my personal Woman in history, my shero.

**Speaker Steven Smith:** Will the member suspend for a minute? Can we swing those doors shut. If you're going through them, close them behind you and that way we are not hearing all the noise from the anteroom. Swing the doors shut. Thank you, proceed.

**Representative Damon:** Thank you. I appreciate that. Today, I've chosen 8 New Hampshire women to represent the thousands of strong, resilient, creative, determined women who are making New Hampshire history. As I briefly acknowledge these extraordinary women, I ask you to also reflect on the women who contribute to your opportunities and successes. Teacher, astronaut and mom Christa Corrigan McAuliffe. The beautiful bronze statue on our state house plaza inspires me every single day when I walk across. CEO and President of Dartmouth Health, New Hampshire's largest private employer, Dr. Joanne Conroy, who marries medicine, science and business every day. Kelsie Brook Eckert, award-winning history teacher, founder of the impressive Remedial Herstory Project, an amazing New Hampshire based nonprofit that works to get women's history into curriculum. Patryc Wiggins, Newport New Hampshire native, third generation mill worker turned tapestry artist and independent scholar. Patryc literally weaves the precision valley history and culture into her tapestry that has been exhibited at the Smithsonian Folklife Festival. Rebecca Hamilton & Emily Schwerin-Whyte, sisters and co-CEOs of W.S. Badger Co a global business created and based in Gilsum New Hampshire with over one hundred natural and organic products sold worldwide. Jodi Lynn Piccoul, New Hampshire bestselling author whose well-researched novels explore social issues and themes like family dysfunction, racism, betrayal, redemption, and reproductive rights. Jodi's novels have initiated many stimulating multi-generational discussions. These women are chosen deliberately to represent the arts, science, business, nonprofit work and educators. I also acknowledge every woman in an elected role and all of the amazing state house staff who work so hard to help us be productive. I have saved the most important women in history for my last recognition. Quoting a high school teacher who inspired many students' years ago: "There are those who have climbed Mt Everest, and those who have descended the depths of the Mari-



anas Trench, and there are footprints on the moon. But what is the challenge and worth of those singular obsessions compared with a person who at the sound of the alarm clock, tries to put together a day, and a week, a month, and make a meaningful life? Here lies the true challenge.” To me, the greatest women making history today are those who spend each and every day endeavoring to make a living, to provide for their families, to show that they care. The single moms, the nurses on every long shift, the cashiers, the teachers, the farmers, the seemingly ordinary who are in reality extraordinary for their persistence, hard work and resilience. As one example, I honor Sarah Kathleen, who works so hard and with such kindness as an aide at Sullivan County Nursing Home. Sail around the world alone in a tiny sailboat and you will be hailed for your courage and excite the press. Get two people to agree, teach empathy, show compassion, get another or yourself to reexamine a deep-rooted conviction and it may well go unnoticed. But that is what contributes most to humankind and that is what the most extraordinary women in history do. As we leave here today, I encourage you to recognize the ordinary yet extraordinary women you see and appreciate them. Thank you and may the Irish luck be with you this weekend.

#### UNANIMOUS CONSENT

Rep. Dylan Germana requested Unanimous Consent of the House regarding civility in the House and addressed the House.

#### MOTION TO PRINT REMARKS

Rep. Nicholas Germana moved that the remarks made by Rep. Dylan Germana during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

#### REMARKS

**Representative Dylan Germana:** Thank you, Mister Speaker. As President Kennedy said back in 1963 “I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men, women and nations to grow, to hope and to build a better life for their children, not merely peace for all Americans, but peace for all men and women. Not merely peace in our time, but peace in all times.” I ran for the idea of that peace and being a part of it. I ran to do my part in this honorable body and do what is right for Granite Staters. I speak now to both sides of the aisle in a message of unity. We are here to be the adults and to represent our constituents while having these difficult debates on the direction of our state. We spend a lot of time talking about voter disengagement, especially with the younger generation. Being a 21-year-old myself I get to have a pretty good insight on to why that is. In a world with a housing crisis and homelessness crisis and drug crisis. In a world set up for the rich to get richer while the middle class pays their way, while paying crippling student loans and medical debt. In a world where we have a tax on eggs when going out to a restaurant. As State Representatives we choose to spend our time instead attacking and silencing each other. We spend our time taking our phones out and recording while we laugh and point at our colleagues. When we are sworn in, we are given the title of the honorable, but we often fail to live up to that. Well, we have an opportunity now to come together around a tough budget that our constituents are going to feel the impacts of. This starts with staying quiet and really listening to debates, not just looking at the sheets that we are given but being involved in what our constituents will be feeling the impact of. This starts with reading online testimony about these bills, about the effects that these are going to have on real Granite Staters, our constituents That sent us here to fix the problems for them. This starts with erasing the D, the R, and the I from next to our names. As the problem we have with this country is with DRI and not DEI. It is time to make the government work for the people and not against each other. Thank you.

#### UNANIMOUS CONSENT

Rep. Simpson requested Unanimous Consent of the House regarding Senator Jeanne Shaheen and addressed the House.

#### MOTION TO PRINT REMARKS

Rep. Sweeney moved that the remarks made by Rep. Simpson during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

#### REMARKS

**Representative Simpson:** Thank you, Mister Speaker. Good evening, colleagues. Yesterday, our State Senator Jeanne Shaheen announced that she’ll not seek reelection. A trailblazer, Senator Shaheen made history as the first woman in US history elected both Governor and US Senator. She has spent decades championing New Hampshire, advocating for common sense leadership and bipartisan cooperation. Since taking office in 2009, she has fought for Granite Staters on key issues, expanding healthcare access, securing funding to combat the opioid crisis and supporting small businesses. Her work on the Senate Armed Services and For-

eign Relations Committees has strengthened national security and she's been a fierce advocate for Veterans, Women's Rights and Climate Action. Senator Shaheen played a key role in passing the Affordable Care Act, ensuring thousands in New Hampshire could access care. She has also worked to lower prescription drug costs and protect reproductive rights. Her leadership on energy efficiency has saved families and businesses billions. Before serving in Washington, Senator Shaheen was a 3-time Governor, creating thousands of jobs, expanding public kindergarten and keeping New Hampshire's tax burden among the lowest in the country. Even in moments of political disagreement, there's no doubt that Senator Shaheen has always fought hard for what she believes is best for our state. Her decades of service have left an indelible mark on New Hampshire and on our nation. We know she will be working hard for Granite Staters for the next two years until the moment she leaves office, but today we want to take a moment to extend our deepest gratitude for her leadership and her commitment to New Hampshire. Thank you.

#### UNANIMOUS CONSENT

Rep. Verville requested Unanimous Consent of the House regarding the anniversary of the 4:30 House Session and addressed the House.

#### MOTION TO PRINT REMARKS

Rep. Notter moved that the remarks made by Rep. Verville during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

#### REMARKS

**Representative Verville:** Thank you, Mister Speaker. Hopefully, it's not Déjà vu all over again and I wrote a pretty long speech, but I'll try to make it quick. Thank you for staying. As many of you will remember, five years ago today, this body held one of its longest Session days, if not its longest Session day in its august history. In fact, five years ago yesterday, the House was scheduled for two full days of Session, starring down a daunting 182 bills on the regular calendar! On Wednesday, we disposed of a meager 37 bills, leaving the remaining 145 bills for the next day, Thursday, March 12, 2020. This is not the only thing that made that day historic. As the panic over COVID-19 was washing over the Great State, our Great Nation, and the world, unprecedented motions and actions became part of our order of business that day. We began that day at 9:00 a.m. After disposing of some 55 bills, at 7:35 p.m. there was a motion to amend House Rule 65 by adding a new subparagraph b, that read, "in an effort to thwart the spread of Covid-19, after concurrence from the Democratic and Republican leadership, and public health officials about best practices concerning the safety of Representatives, staff, and the public, the deadlines may be reasonably amended at the discretion of the Speaker of the House, to be timely noticed in the House Calendar and on the General Court website." That motion was adopted by the necessary two-thirds vote. That subparagraph is no longer part of House Rules by the wisdom of the subsequent legislature. After disposing of some 84 bills, at approximately 10:40 p.m., a motion was made that House Rules be so far suspended as to allow the remaining bills on the calendar to be taken up at a date to be determined by the Speaker. The House took a five-minute recess, and a heated debate on the motion ensued. After only two speakers, both against the pending motion, a motion to limit debate passed on a roll call vote. It was noted during that debate, by yours truly, that just a few weeks earlier, on Wednesday, February 19<sup>th</sup>, 2020 to be exact, the House wasted the better part of half of a Session day reprimanding members for refusing to participate in allegedly compulsory professional development. I was one of the House members that was reprimanded on that inauspicious day. The motion to suspend House Rules failed to attain the required two-thirds affirmative vote, and the motion failed. Session continued into the evening. The aforementioned debate is printed in the Permanent Journal. After disposing of some 95 bills, at approximately 12:22 a.m. on Friday the 13<sup>th</sup>, March 2020, a member motioned that the House adjourn. This was an all but unprecedented move. It would have left some 87 bills abandoned, and would have ended the legislative session, but there is a bright side. The motion failed 41 to 247 on a roll call vote. Session continued into the wee hours of the morning. The House, having disposed of all 182 bills on the regular calendar, recessed at approximately 4:00 a.m. on Friday the 13<sup>th</sup>, March 2020. What followed was the infamous "two weeks to flatten the curve" global lock-down, and other assorted and sundry madness in response to the perceived threat of the dangers of COVID-19. May our Republic never react to an emergency in such a manner again, but by the Grace of God. Thank you, Mister Speaker.

#### UNANIMOUS CONSENT

Rep. Horrigan requested Unanimous Consent of the House regarding Ukraine and addressed the House.

#### UNANIMOUS CONSENT

Rep. Heath Howard requested Unanimous Consent of the House regarding speech on campuses and addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Granger moved that the remarks made by Rep. Heath Howard during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

**REMARKS**

**Representative Heath Howard:** Thank you, Mister Speaker and Honorable Representatives. Last year, our Great State of New Hampshire signed into law HB 1305 reaffirming the state's commitment to freedom of speech on college campuses, in line with the principles of the First Amendment. As the General Court is aware, we saw arrests of both pro-Israeli and pro-Palestinian students during a protest on May 1, 2024. Over the summer, a working group was formed to investigate the incident. In January, the group published a final report detailing their findings. Regardless of how you feel about the situation in the Middle East, it was almost certainly an unacceptable abuse of power by the State and a flagrant violation of the principles of the First Amendment, which we, the state committed ourselves to uphold in HB 1305. UNH President Elizabeth Chilton, who convened that said working group, has chosen to ignore their findings. Whether or not the university administration agrees with the working group and their findings, choosing simply to ignore findings that do not match the conclusion most favorable to the university is undemocratic, anti-liberal, and ultimately authoritarian abuse of power by an unelected bureaucrat. For those not aware, the primary recommendation of the working group was an independent investigation by an outside law firm into the events of May 1st, as the actions of both the university administrators and the police violated students' constitutional rights. I bring this issue before the body today because we are seeing political attacks on students for expressing their views. Permanent residents fear having their green cards revoked and endure threats of expulsion for using their First Amendment rights. This is wrong, unconstitutional, and needs to be pointed out. Thank you.

**RECESS MOTION**

Rep. Osborne moved that the House stand in recess for the purposes of the introduction of bills, vacate motions, enrolled bill amendments, enrolled bill reports and receiving messages.

Motion was adopted.

The House recessed at 6:25 p.m.

**RECESS**