



State of
New Hampshire

HOUSE RECORD

First Year of the 169th General Court Calendar and Journal of the 2025 Session

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

Vol. 47

Concord, N.H.

Wednesday, March 26, 2025

No. 10

HOUSE JOURNAL NO. 9 (Cont'd)

Thursday, March 20, 2025

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

HOUSE JOURNAL NO. 10

Wednesday, March 26, 2025

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

Prayer was offered by House Chaplain, Reverend Jonathan Hopkins, Pastor at Concordia Lutheran Church in Concord.

Dear God, be with us today, extending Your grace, granting Your freedom, providing Your protection, and empowering with Your strength. We pray that You would unify us so that we can make a difference in this land. We pray for all those in authority, that You would give them Your wisdom and discernment as they lead. We ask that You would appoint strong, faithful men and women to serve this nation and our people. We pray for Your great healing on our land. Remind us today that You have shown us what is good in what You require of us; to do justly, to love mercy and to walk humbly. We ask that as a people, we may humble ourselves so we might be servants of one another. Help us in our state to work as never before to strengthen our families and to give our children hope and a moral foundation for the future. May our desire to serve all the people of the great State of New Hampshire so that freedom may ring. When we allow freedom to ring, we will speed up that day when all of God's children, black men and white men, Jews and Gentiles, Catholics and Protestant will be able to join hands and to sing, "Free at last, free at last; God Almighty, we are free at last." America, the place of patriot dreams, God shed Your grace on thee, and on us here today. Amen.

Representative Kevin Scully, member from Nashua, led the Pledge of Allegiance.

The National Anthem was sung by Amber Rollston from Boscawen.

LEAVES OF ABSENCE

Reps. Bridle, Chretien, England, Gilman, Gregg, Nelson, Prout, Selig and Woodcock, the day, illness.

Reps. Bordes, Coker, Corcoran, DeDe-Poulin, Dylan Germana, Gonzalez, Haskins, Janigian, Lundgren, Malone, Mandelbaum, Minor, Mark Paige, Palmer, Presa, Rice, Trottier, Varney, Verville and Warden, the day, important business.

INTRODUCTION OF GUESTS

Asher Estep and Isabella McIntyre, students at Goffstown High School, Pages for the day.

Christopher Rollston, guest of the House.

CONSENT CALENDAR

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

HB 517-FN, repealing the Granite State paid family leave plan, removed by Reps. Heath Howard, Caplan, Wade, Beauchemin, LaMontagne, Parshall, Payeur, Foss, Alissandra Murray and Gallagher.

HB 251-FN, allowing the ownership of certain squirrels and raccoons, removed by Reps. Korzen, Perez, Popovici-Muller, McFarlane, Kelley, Giasson, Granger, Sabourin dit Choiniere, Tom Mannion and DeRoy.

Consent Calendar was adopted.

HB 167-FN, prohibiting the sale of ski, boat, and board waxes that contain intentionally added per and polyfluorinated alkyl substances. **OUGHT TO PASS.**

Rep. Lilli Walsh for Commerce and Consumer Affairs. This bill ensures that no PFAS (polyfluorinated alkyl substances) are contained in any ski, boat or board waxes sold in New Hampshire. By prohibiting the sale of such waxes, New Hampshire waters and land will be protected against contamination via snow boards, snow and water skis and boats. Vote 15-0.

HB 275-FN, relative to health carrier credentialing requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill requires the health carrier to bear the cost of any program or certification required as part of its credentialing procedure or provider eligibility determination. It was argued that insurance companies can set training standards and guidelines, much of which emanate from federal guidelines and CMS (Centers for Medicare and Medicaid Services) rules. As such, the committee does not believe that there should be a mandate for insurance providers to cover the cost of this training. Vote 15-0.

HB 276, removing the requirement that on-premises beverage licensees serve food. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. The bill would enable the Liquor Commission to issue a tavern license to any full-service restaurant. This license would allow the establishment to sell beverages, specialty beverages, and liquor at tables in the dining areas of a restaurant with or without meals. As amended, there is a requirement that any town or municipality approves a tavern license by a selectboard, town council, town manager, or other representative body. Each license would be reviewed annually by the Liquor Commission. This bill would take effect 60 days after passage. Vote 14-1.

Amendment (1033h)

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

AN ACT establishing a liquor license where beverages, wine, and liquor can be sold without food.

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

1 New Paragraph; Definitions; Tavern License. Amend RSA 175:1 by inserting after paragraph LXIV-cc the following new paragraph:

LXIV-ccc. "Tavern license" means an on-premise license in an enclosed place of business kept, used, maintained, advertised, and held out to the public as a place operated for the purpose of serving liquor and beverages without the benefit of food.

2 New Sections; Tavern License. Amend RSA 178 by inserting after section 22 the following new sections: 178:22-a Tavern License.

I. The commission may issue a tavern license in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d).

II. The license issued shall entitle the licensee to serve beverages or specialty beverages by the glass, by the bottle with cap removed, or in any other suitable container, wines by the glass, by the bottle with the cork or cap removed or in any other suitable container, or liquor by the glass or other suitable container, as defined in rules adopted by the commission under RSA 541-A.

III. No person under the age of 21 shall be allowed in the tavern license premises.

IV. Except as provided in this paragraph, no beverages, specialty beverages, or liquor shall be consumed in the licensed areas except those that are sold by the licensee.

V. No beverages, specialty beverages, or liquor shall be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

178:22-b Local Option.

I. Any town or city may allow the operation of tavern licenses under RSA 178:21-a according to the provisions of this subdivision, in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of Tavern Licenses as defined in RSA 178:22-a within the town or city?"

II. If a majority of those voting on the question vote "Yes," tavern licenses may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the next annual town meeting or regular municipal election.

IV. A municipality that has voted to allow the operation of tavern licenses may consider rescinding its action in the manner described in paragraph I of this section.

V. An unincorporated place may allow the operation of tavern licenses by majority vote of the county delegation, after a public hearing is held.

3 Fees; Expiration Dates; Transfers; Tavern License Included. Amend RSA 178:29, I to read as follows:

I. On-premises licensees shall pay the following applicable fees annually:

	Supplemental Only	Beverages and Wine	Beverages and Liquor	Cocktail Lounge
Airport				\$1,200
Ballroom	\$ 45			\$1,200
Bed and Breakfast		\$ 480	\$ 840	
Beer and Specialty Beverage Festival				
	One-day	\$ 250		
	Two-day	\$ 300		
	Three-day	\$ 350		
Catering (all)				\$1,200
Catering (off-site only)				\$ 840
Catering (on-site only)				
	18 events	\$ 5		
	36 events	\$ 5		
	52 events	\$ 5		
Club Military				\$100
Club Social				
	9 events	\$ 250		
	18 events	\$ 450		
	36 events	\$750		
	52 events	\$1,200		
Club Private				\$1,200
Club Veterans				
	9 events	\$ 250		
	18 events	\$ 450		
	36 events	\$750		
	52 events	\$1,200		
College Club				\$1,200
Convention Center				\$2,400
Dining Car		\$ 480		\$ 840
Fairs		\$112		
Hotel			\$ 840	\$1,200
Liquor Festival				
	One-day			\$250
	Two-day			\$300
	Three-day			\$350
One day License				\$ 100
Performing Arts				\$ 360
Racetrack/Motor Vehicle				\$1,800
Racetrack/Pari-Mutuel				\$3,000
Rail Cars				\$1,200
Restaurant		\$ 480	\$ 840	\$1,200
Special License			\$ 25	
Sports/Entertainment Complex				\$1,800
	9 events	\$ 250		
	18 events	\$ 450		
	36 events	\$ 750		
	52 events	\$1,200		
Sports Recreation Facility				\$1,200

Tavern License

Tobacco Retailer		\$ 840	\$6,480
Vessel	\$ 480	\$ 840	\$1,200
Wine Festival			
	One-day	\$ 250	
	Two-day	\$ 300	
	Three-day	\$ 350	

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

AMENDED ANALYSIS

This bill establishes a tavern license allowing the sale of beverages, wine, and liquor without the sale of food.

HB 310, establishing a commission to study the creation of a regulatory framework for stable tokens and tokenized real-world assets in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Ammon for Commerce and Consumer Affairs. The federal government and states, including Wyoming, Colorado, and New York, are actively developing regulatory frameworks for digital assets, creating an opportunity for New Hampshire to participate in this emerging field. New Hampshire's existing world-class trust laws provide an excellent foundation for a first-in-the-nation blockchain-based trust framework that would distinguish our state in the digital economy. The bill, as amended, proposes a commission, comprised of legislative members, state officials, industry experts, and academics, that will study regulatory approaches that balance innovation with essential consumer protections. Establishing clear regulatory frameworks could attract blockchain companies to New Hampshire, create high-paying jobs, and position the state as a leader in financial technology while maintaining our commitment to thoughtful innovation and consumer safeguards. Vote 16-0.

Amendment (0943h)

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

AN ACT establishing a commission to study the creation of a regulatory framework for stable tokens, tokenized real-world assets, and blockchain-based trusts in New Hampshire.

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

1 New Subdivision; Commission to Study Stable Tokens, Tokenized Real-World Assets, and Blockchain-based Trusts Frameworks. Amend RSA 383 by inserting after section 25 the following new subdivision:

Commission to Study Stable Tokens, Tokenized Real-World Assets, and Blockchain-based Trusts Frameworks

383:26 Commission to Study Stable Tokens, Tokenized Real-World Assets, and Blockchain-based Trusts Frameworks. There is hereby established a commission to study the creation of regulatory frameworks for stable tokens, tokenized real-world assets (RWAs), and blockchain-based trusts in New Hampshire.

I. The commission shall study and make recommendations regarding the following:

(a) The current landscape of stable token, tokenized RWA, and blockchain-based trust regulation within and outside New Hampshire.

(b) Legal, regulatory, financial, and technological considerations for a state-level regulatory framework.

(c) Best practices and ongoing regulatory efforts from other jurisdictions, including federal jurisdictions, for stable token, RWA, and blockchain-based trust regulation.

(d) Potential benefits and risks associated with the adoption of stable token, RWA, tokenization, and blockchain-based trust frameworks in New Hampshire.

(e) Mechanisms for consumer protection, privacy concerns, environmental protection, and risk management.

(f) Economic opportunities related to blockchain technology and digital assets, including fostering innovation and job creation.

II. Notwithstanding RSA 14:49, the commission shall consist of the following members:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the senate president.

(c) The commissioner of the banking department, or designee.

(d) The secretary state, or designee.

(e) The attorney general, or designee.

(f) Two representatives from the blockchain technology industry, appointed by the governor.

(g) One representative from the New Hampshire banking industry with experience with digital assets, appointed by the governor.

(h) One representative from the academic community with expertise in financial regulation or blockchain technology, appointed by the governor.

III. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the study commission shall be held within 30 days of the effective date of this section. Five members of the study commission shall constitute a quorum. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house commerce and consumer affairs committee, the senate commerce committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2026. The report shall describe the activities, findings, and any legislative or regulatory recommendations of the commission.

2 Repeal. RSA 383:26 and the subdivision heading preceding RSA 383:26, relative to the commission to study stable tokens, tokenized real-world assets, and blockchain-based trust frameworks, are repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2026.

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

HB 406-FN, relative to the formation of fraudulent businesses. **OUGHT TO PASS WITH AMENDMENT.** Rep. Chris McAleer for Commerce and Consumer Affairs. This bill was brought to the Commerce and Consumer Affairs Committee by the New Hampshire Secretary of State's office. The purpose of this bill is to prevent business entities from filing fraudulent information as to their legitimacy. For example, the agent of the business, be it an individual or other entity that represents the business must be in "good standing" with the Secretary of State. The agent must be a citizen of New Hampshire and 18 years old or older or the business registered in New Hampshire. The address of the agent must be an actual physical address. A "commercial postal box" or virtual office or forwarding service or similar service cannot be used as an agent's address. The Secretary of State maintains a list of these mail service providers and can easily detect a fraudulent filing. Vote 16-0.

Amendment (0960h)

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

1 New Section; Registered Agents Listed in New Hampshire Business Registry. Amend RSA 5 by inserting after section 15-c the following new section:

5:15-d Registered Agents Listed in New Hampshire Business Registry.

I. The following requirements apply to any registered agent required to be appointed by law for any corporation, limited liability company, limited liability partnership, limited partnership, or any other business formation or entity required to be registered with the secretary of state:

(a) If the agent is a natural person, the person shall be 18 years of age or older and be a resident of New Hampshire during all such times as the person is named as agent.

II. If the agent is another registered business entity, such entity shall be in good standing with the secretary of state. For the purposes of this section, "good standing" means the registered business entity is active on the secretary's records and compliant with its legal obligation to file annual reports and/or pay annual fees as applicable, and maintain a registered agent and registered office.

III. No corporation, limited liability company, partnership, or other business entity required to maintain a registered office in this state shall designate the address of a commercial postal box provider, virtual office, mail forwarding service, or any similar service as its registered office address. For the purposes of this section, "commercial postal box provider" means any business or entity primarily engaged in providing mail-receiving, forwarding, or virtual office services, including, but not limited to, those operating under private mailbox agreements or offering mail-handling services without providing a dedicated physical office space for the business entity.

2 Corporations, Associations, and Proprietors of Common Lands; Voluntary Corporations and Associations; Change of Name; Amending Articles. Amend RSA 292:7 to read as follows:

292:7 Change of Name; Amending Articles. Any corporation now or hereafter organized or registered in accordance with the provisions of this chapter, and any existing corporation which may have been so organized or registered, may change its name, increase or decrease its capital stock or membership certificates, merge with or acquire any other corporation formed pursuant to this chapter, *restate*, or amend its articles of agreement, by a majority vote of such corporation's board of directors or trustees, at a meeting duly called for that purpose, and by recording a certified copy of such vote in the office of the secretary of state and in the office of the clerk of the town or city in this state which is its principal place of business. In the case of a foreign nonprofit corporation registered in New Hampshire, a copy of the amendment or plan of merger, certified by the proper officer of the state of incorporation, shall be filed with the secretary of state, together with the fee provided in RSA 292:5. The surviving corporation in a merger shall continue to have all the authority and powers vested in the merging corporations, including any powers previously conferred upon them by the legislature.

3 Corporations, Associations, and Proprietors of Common Lands; New Hampshire Business Corporation Act; Secretary of State; Powers. Amend RSA 293-A:1.30 to read as follows:

293-A:1.30 Powers.

(a) The secretary of state has the power reasonably necessary to perform the duties required of the secretary [of state] by this chapter.

(b) The secretary of state may take the following necessary measures to prevent the fraudulent submission of data to cancel filings found to be unauthorized or fraudulent from the New Hampshire business registry:

(1) An individual or business may submit a sworn statement in a format prescribed by the secretary of state to report if they know or suspect that their identity or business information has been used to form a business entity without their knowledge or consent.

(2) An individual or business may submit a sworn statement in a format prescribed by the secretary of state to report if an unauthorized party has submitted changes to their business information, including officer, director, manager and/or member information without their knowledge or consent.

4 New Section; Actions Prohibited. Amend RSA 293-A by inserting after section 1.38 the following new section:

293-A:1.39 Actions Prohibited.

I. The following actions are prohibited with respect to any data, document or record submitted to the secretary of state on behalf of a business entity under RSA 292, 293-A, 293-B, 301, 301-A, 301-B, 304-B, 304-C, 305-A, 349, or 564-F:

(a) Including the name of a person on a document filed with the secretary of state under RSA 292, 293-A, 293-B, 301, 301-A, 301-B, 304-B, 304-C, 305-A, 349, or 564-F without the named person's knowledge or consent, if the person is included in the filing as:

(1) The registered agent;

(2) The person causing the document to be delivered to the secretary for filing;

(3) The person incorporating, forming or organizing an entity;

(4) The person named as officer, director, member, manager, partner or other principal of the entity; or

(5) Any other person required under RSA 292, 293-A, 293-B, 301, 301-A, 301-B, 304-B, 304-C, 305-A, 349, or 564-F to be identified in a document filed with the secretary.

(b) Including a business, mailing, or registered office address in a document filed with the secretary of state under RSA 292, 293-A, 293-B, 301, 301-A, 301-B, 304-B, 304-C, 305-A, 349, or 564-F without the consent of the owner or occupant of the included address.

(c) Delivering a document regarding an entity to the secretary of state if the person who makes the delivery lacks the authority to do so.

II. An intentional violation of this section in connection with a filing with the secretary of state shall be subject to a penalty as provided in RSA 293-A:1.29.

5 New Paragraph; Corporations, Associations, and Proprietors of Common Lands; New Hampshire Business Corporation Act; Definitions. Amend RSA 293-A:1.40 by inserting after paragraph (14A) the following new paragraph:

(14B) "New Hampshire business registry" means the data and filing history of all businesses that form or register with the secretary of state under RSA 292, 293-A, 293-B, 301, 301-A, 301-B, 304-B, 304-C, 305-A, 349, and 564-F and made available to the public on the state's centralized business Internet web site.

6 New Paragraph; Corporations, Associations, and Proprietors of Common Lands; New Hampshire Business Corporation Act; Definitions. Amend RSA 293-A:1.40 by inserting after paragraph (19) the following new paragraph:

(19A) "Registered business entity" means any corporation, limited liability company, limited liability partnership, limited partnership, statutory trust or any other business entity on the New Hampshire business registry.

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

HB 434-FN, requiring a policyholder's insurance company to provide a rental car for at least 7 days after determination that the vehicle is totaled or unsafe to operate when the policyholder is not at fault for the accident. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Cole for Commerce and Consumer Affairs. While the intent of this bill to provide policyholders with rental car coverage after an accident is understandable, mandating a minimum of seven days removes flexibility from insurance companies and could lead to unintended consequences, including higher premiums for all policyholders. Insurance companies are in the best position to evaluate individual claims and determine the appropriate length of rental coverage based on the specific circumstances of each case. Not all accidents or claim resolutions are the same, and imposing a one-size-fits-all requirement could increase administrative costs and reduce the ability of insurers to offer competitive rates. Insurance policies are contracts between the insurer and the policyholder, negotiated based on coverage options and premiums. Mandating a fixed rental

period could disrupt this balance and limit consumer choice, as insurers may respond by increasing premiums or adjusting coverage options to offset the increased costs. Encouraging insurers to offer flexible rental coverage options, tailored to individual needs and market conditions, is a more balanced approach that protects both policyholders and the broader insurance market. Allowing insurance companies to manage claims based on the details of each case ensures a fair outcome while avoiding unnecessary regulatory burdens that could drive up costs for everyone. Vote 16-0.

HB 437, providing specific curative measures for undischarged mortgages. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. As amended, this bill establishes automatic discharge periods for undischarged mortgages based on whether their term or maturity date is stated or not. If there is no recorded discharge after five years, the mortgages shall automatically be officially discharged. Vote 16-0.

Amendment (0519h)

Amend the bill by replacing section 1 with the following:

1 Limitation on Undischarged Mortgages; Void Unless Continued. RSA 479:28 is repealed and reenacted to read as follows:

479:28 Void Unless Continued.

I. From and after January 1, 2028, all undischarged mortgages in which the term or maturity date is not stated shall be deemed discharged without the necessity of any further action 35 years from the date of recording of the mortgage, unless an extension of the mortgage, or an acknowledgment or affidavit that the mortgage is not satisfied, is recorded before the expiration of the said 35-year period.

II. From and after January 1, 2028, all undischarged mortgages in which the term or maturity date is stated shall be deemed discharged without the necessity of any further action 5 years from the expiration of the term or the maturity date, unless an extension of the mortgage, or an acknowledgment or affidavit that the mortgage is not satisfied, is recorded before the expiration of the term or maturity date.

III. All extensions, agreements, affidavits, and acknowledgments shall be executed by the mortgagor or mortgagor's heirs, successors or assigns and mortgagee or assignee of record and recorded in the registry of deeds in the county where the land lies. If an extension of the mortgage or an acknowledgment or affidavit that the mortgage is not satisfied is so recorded, such undischarged mortgage shall be deemed discharged without the necessity of any further action 5 years from the expiration of the extension period if stated therein or 5 years from the date of recording of such extension, acknowledgment or affidavit if no extension period is stated therein. Upon the expiration of the applicable time periods provided herein, the undischarged mortgage shall be treated as if it had been properly discharged by the record holder thereof.

HB 496-FN, requiring the liquor commission to distribute certain information in liquor stores. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Cole for Commerce and Consumer Affairs. While the intent of this bill is to provide resources and support to individuals struggling with alcohol use disorder, there are practical and financial challenges that make the proposed implementation unfeasible at this time. First, the state liquor stores currently operate using a complex and highly integrated point-of-sale (POS) system that is not designed to accommodate additional messaging on receipts. These systems are pre-programmed and maintained by both internal and external developers, and modifying them to include additional text, such as a helpline or resource information, would require extensive programming changes. The receipt printers used in these systems have strict character limits and spacing constraints, which would make it difficult, if not impossible, to include the proposed information without significant system reconfiguration. The cost to modify the POS system and produce additional receipt paper to accommodate the changes is estimated to be between \$100,000 and \$500,000. This represents a substantial financial burden on the state's Liquor Commission. Second, the alternative solution of printing this information on bags or other packaging materials also presents a significant cost challenge. The Liquor Commission reported over 10.6 million transactions in FY 2023, which would necessitate the purchase of over 11 million newly printed bags or packaging materials each year. The cost of this level of production would be in the tens of thousands of dollars annually, creating an ongoing fiscal obligation that is not currently budgeted for. While the goals of the bill are commendable and the need for increased awareness about alcohol use disorder is clear, the financial and logistical burdens of implementing these changes through the state's liquor store network are too significant to justify at this time. Vote 16-0.

HB 507-FN, relative to the timeline for credentialing of mental health care providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Julie Miles for Commerce and Consumer Affairs. This bill, relative to the credentialing of mental health providers by insurance carriers, requires health carriers to process credentialing applications from mental health providers within 30 days of receiving a complete application. It does not change existing credentialing requirements, only the timeline for processing. Ensuring timely credentialing will improve access to mental health care by reducing delays for providers joining insurance networks. Vote 16-0.

Amendment (0993h)

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

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

AMENDED ANALYSIS

This bill requires health carriers to process credentialing applications by mental health providers within 30 days of submission of a complete application.

HB 556, relative to the sale of products labeled as biodegradable or compostable. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill prohibits the sale or offering for sale of certain products labeled biodegradable or compostable unless the product meets third-party certification standards. Since New Hampshire has no procedure to enforce this mandate, the committee voted to recommend Inexpedient to Legislate. Vote 16-0.

HB 705, relative to health care cost transparency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill, as amended, creates a new subdivision under RSA 420-J mandating health plans to disclose detailed pricing information in machine-readable files, supporting President Trump's Executive Order 14221, which aims to empower patients with clear healthcare pricing information. The legislation gives the New Hampshire Insurance Department authority to require insurers to disclose pricing data in a standardized format, enabling meaningful comparison across plans. Healthcare pricing transparency is severely lacking in our current system, preventing patients from making informed decisions and hindering market competition. By requiring standardized disclosure, this bill will empower consumers, encourage competition among providers, and facilitate better policy development through data analysis. Implementation will occur six months after the finalization of federal guidance, ensuring New Hampshire's requirements harmonize with federal standards while giving the Insurance Commissioner time to develop state-level rules. The committee believes this legislation represents a significant step toward a more efficient, competitive healthcare marketplace that better serves New Hampshire residents. Vote 16-0.

Amendment (1090h)

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

1 New Subdivision; Managed Care Law; Transparency in Coverage. Amend RSA 420-J by inserting after section 19 the following new subdivision:

Transparency in Coverage

420-J:20 Definitions. In this subdivision:

I. "Billed charge" means the total charges for an item or service billed to a health carrier by a provider.

II. "Billing code" means the code used by a health carrier or provider to identify health care items or services for purposes of billing, adjudicating, and paying claims for a covered item or service, including the current procedural terminology (CPT) code, health care common procedure coding system (HCPCS) code, diagnosis-related group (DRG) code, national drug code (NDC), or other common payer identifier.

III. "Bundled payment arrangement" means a payment model under which a provider is paid a single payment for all covered items and services provided to a covered person for a specific treatment or procedure.

IV. "Derived amount" means the price that a health carrier assigns to an item or service for the purpose of internal accounting, reconciliation with providers or submitting data in accordance with state or federal regulations.

V. "Health plan" means health carriers, third party administrators, and any other entity that is subject to claims data submission requirements under RSA 420-G:11 IV.

VI. "Historical net price" means the retrospective average amount a health carrier paid for a prescription drug, inclusive of any reasonably allocated rebates, discounts, chargebacks, fees, and any additional price concessions received by the carrier with respect to the prescription drug. The allocation shall be determined by dollar value for nonproduct-specific and product-specific rebates, discounts, chargebacks, fees, and other price concessions to the extent that the total amount of any such price concession is known to the health carrier at the time of publication of the historical net price in a machine-readable file in accordance with this subdivision. However, to the extent that the total amount of any nonproduct-specific and product-specific rebates, discounts, chargebacks, fees, or other price concessions is not known to the health carrier at the time of file publication, then the carrier shall allocate such rebates, discounts, chargebacks, fees, and other price concessions by using a good faith, reasonable estimate of the average price concessions based on the rebates, discounts, chargebacks, fees, and other price concessions received over a time period prior to the current reporting period and of equal duration to the current reporting period.

VII. "Items or services" means all encounters, procedures, medical tests, supplies, prescription drugs, durable medical equipment, and fees, including facility fees, provided or assessed in connection with the provision of health care.

VIII. “Machine-readable file” means a digital representation of data or information in a file that can be imported or read by a computer system for further processing without human intervention, while ensuring no semantic meaning is lost.

IX. “National drug code” means the unique 10- or 11-digit 3-segment number assigned by the United States Food and Drug Administration (FDA), which provides a universal product identifier for drugs in the United States.

X. “Negotiated rate” means the amount a health carrier has contractually agreed to pay an in-network provider, including an in-network pharmacy or other prescription drug dispenser, for covered items and services, whether directly or indirectly, including through a third-party administrator or pharmacy benefit manager.

XI. “Out-of-network allowed amount” means the maximum amount a health carrier will pay for a covered item or service furnished by an out-of-network provider.

XII. “Underlying fee schedule rate” means the rate for a covered item or service from a particular in-network provider, or providers that a health carrier uses to determine a participant’s, beneficiary’s, or enrollee’s cost-sharing liability for the item or service, when that rate is different from the negotiated rate or derived amount.

420-J:21 Scope.

I. This subdivision establishes price transparency requirements for the timely disclosure of information about costs related to covered items and services under a health benefit plan. These disclosure requirements shall apply to all health plans.

II. Requirements for public disclosure in this subdivision apply to in-network provider rates for covered items and services, out-of-network allowed amounts and billed charges for covered items and services, and negotiated rates and historical net prices for covered prescription drugs.

III. A health plan shall make available on an Internet website the information required under RSA 420-J:22 in 3 machine-readable files, in accordance with the method and format requirements described in RSA 420-J:23, and updated as required under RSA 420-J:23, III.

420-J:22 Required Information. The machine-readable files made available to the public by a health plan shall include:

I. An in-network rate machine-readable file that includes the required information under this paragraph for all covered items and services, except for prescription drugs that are subject to a fee-for-service reimbursement arrangement, which shall be reported in the prescription drug machine-readable file pursuant to paragraph III. The in-network rate machine-readable file shall include:

(a) For each coverage option offered by a health plan, the name and the 14-digit health insurance oversight system (HIOS) identifier, or, if the 14-digit HIOS identifier is not available, the 5- digit HIOS identifier, or if no HIOS identifier is available, the employer identification number (EIN).

(b) A billing code, which in the case of prescription drugs must be an NDC, and a plain language description for each billing code for each covered item or service under each coverage option offered by a carrier.

(c) All applicable rates, which may include one or more of the following: negotiated rates, underlying fee schedule rates, or derived amounts. If a health plan does not use negotiated rates for provider reimbursement, then the carrier shall disclose derived amounts to the extent these amounts are already calculated in the normal course of business. If the health plan uses underlying fee schedule rates for calculating cost sharing, then the carrier shall include the underlying fee schedule rates in addition to the negotiated rate or derived amount. Applicable rates, including for both individual items and services and items and services in a bundled payment arrangement, shall be:

(1) Reflected as dollar amounts, with respect to each covered item or service that is furnished by an in-network provider. If the negotiated rate is subject to change based upon participant, beneficiary, or enrollee-specific characteristics, these dollar amounts shall be reflected as the base negotiated rate applicable to the item or service prior to adjustments for participant, beneficiary, or enrollee-specific characteristics.

(2) Associated with the national provider identifier (NPI), tax identification number (TIN), and place of service code for each in-network provider.

(3) Associated with the last date of the contract term or expiration date for each provider-specific applicable rate that applies to each covered item or service.

(4) Indicated with a notation where a reimbursement arrangement other than a standard fee-for-service model, such as capitation or a bundled payment arrangement, applies.

II. An out-of-network allowed amount machine-readable file, including:

(a) For each coverage option offered by a health plan, the name and the 14-digit HIOS identifier, or, if the 14-digit HIOS identifier is not available, the 5-digit HIOS identifier, or, if no HIOS identifier is available, the EIN.

(b) A billing code, which in the case of prescription drugs shall be an NDC, and a plain language description for each billing code for each covered item or service under each coverage option offered by a carrier.

(c) Unique out-of-network allowed amounts and billed charges with respect to covered items or services furnished by out-of-network providers during the 90-day time period that begins 180 days prior to the publication date of the machine-readable file, except that a health plan shall omit such data in relation to

a particular item or service and provider when compliance with this paragraph would require the carrier to report payment of out-of-network allowed amounts in connection with fewer than 20 different claims for payments under a single plan or coverage. Consistent with RSA 420-J:25 II, nothing in this paragraph requires the disclosure of information that would violate any applicable health information privacy law. Each unique out-of-network allowed amount shall be:

(1) Reflected as a dollar amount, with respect to each covered item or service that is furnished by an out-of-network provider.

(2) Associated with the NPI, TIN, and Place of Service Code for each out-of-network provider.

III. A prescription drug machine-readable file, including:

(a) For each coverage option offered by a health plan, the name and the 14-digit HIOS identifier, or, if the 14-digit HIOS identifier is not available, the 5-digit HIOS identifier, or, if no HIOS identifier is available, the EIN.

(b) The NDC, and the proprietary and nonproprietary name assigned to the NDC by the FDA, for each covered item or service that is a prescription drug under each coverage option offered by a carrier.

(c) The negotiated rates, which shall be:

(1) Reflected as a dollar amount, with respect to each NDC that is furnished by an in-network provider, including an in-network pharmacy or other prescription drug dispenser.

(2) Associated with the NPI, TIN, and place of service code for each in-network provider, including each in-network pharmacy or other prescription drug dispenser.

(3) Associated with the last date of the contract term for each provider-specific negotiated rate that applies to each NDC.

(d) Historical net prices that are:

(1) Reflected as a dollar amount, with respect to each NDC that is furnished by an in-network provider, including an in-network pharmacy or other prescription drug dispenser.

(2) Associated with the NPI, TIN, and place of service code for each in-network provider, including each in-network pharmacy or other prescription drug dispenser.

(3) Associated with the 90-day time period that begins 180 days prior to the publication date of the machine-readable file for each provider-specific historical net price that applies to each NDC, except that a health plan shall omit such data in relation to a particular NDC and provider when compliance with this paragraph would require the carrier to report payment of historical net prices calculated using fewer than 20 different claims for payment. Consistent with RSA 420-J:25, II, nothing in this paragraph requires the disclosure of information that would violate any applicable health information privacy law.

420-J:23 Required Reporting of Information to the Commissioner in a Standardized Format; Rulemaking; Commissioner's Responsibility to Make Comparative Price Information Publicly Available.

I. Pricing information from the machine-readable files described in RSA 420-J:22 shall be electronically provided to the commissioner in a form and manner as specified in rule adopted by the commissioner under RSA 541-A. The commissioner shall ensure that the required form and manner for providing pricing information from the machine-readable files:

(a) Is consistent with the updated federal guidance or rulemaking ensuring that pricing information is standardized and easily comparable across health plans and hospitals required under United States Presidential Executive Order 14221 of February 25, 2025, "Making America Healthy Again by Empowering Patients with Clear, Accurate, and Actionable Healthcare Pricing Information"; and

(b) Results in standardization of format and terminology from one health plan to another sufficient to facilitate the compilation by the commissioner of market wide data and market wide cost comparisons between health plans and health care providers.

II. The machine-readable files shall be publicly available and accessible to any person free of charge and without conditions, such as establishment of a user account, password, or other credentials, or submission of personally identifiable information to access the file.

III. A health plan shall update the machine-readable files and information required in RSA 420-J:22 and the information submitted to the commissioner described in this subdivision on a monthly basis. The health plan shall clearly indicate in the files the date that the files were most recently updated.

IV. The commissioner shall compile the pricing information submitted by health plans under this subsection and make it available to the public through an online tool that facilitates market wide price comparison for health care items or services between health plans and health care providers and empowers patients, researchers, policy makers, and other stakeholders with clear, accurate, and actionable health care pricing information.

420-J:24 Contractual Delegation Agreements.

I. A health plan may satisfy the requirements of this subdivision by entering into a written agreement under which another person, including a third-party administrator or health care claims clearinghouse, provides the disclosures required under this subdivision.

II. If a health plan and another person enter into an agreement under paragraph I, the health plan shall be subject to any enforcement action for failure to provide a required disclosures in accordance with this subdivision.

420-J:25 Applicability.

I. The provisions of this subdivision apply for plan years beginning on or after January 1, 2026.

II. Nothing in this subdivision alters or otherwise affects a health plan's duty to comply with requirements under other applicable state or federal laws, including those governing the accessibility, privacy, or security of information required to be disclosed under this section, or those governing the ability of properly authorized representatives to access participant, or beneficiary information held by health plans.

420-J:26 Compliance With Subdivision.

I. A health plan that, acting in good faith and with reasonable diligence, makes an error or omission in a disclosure required under this subdivision does not fail to comply with this subdivision solely because of the error or omission if the issuer or administrator corrects the error or omission as soon as practicable.

II. A health plan, acting in good faith and with reasonable diligence, does not fail to comply with this subdivision solely because the carrier's Internet website is temporarily inaccessible if the carrier makes the information available as soon as practicable.

III. To the extent compliance with this subdivision requires a health plan to obtain information from another person, the carrier does not fail to comply with the subdivision because the carrier relies in good faith on information from the other person unless the carrier knows or reasonably should have known that the information is incomplete or inaccurate.

2 Contingency. Section 1 of this act shall take effect 6 months after finalization of federal guidance under United States Presidential Executive Order 14221. The commissioner of the insurance department shall notify the secretary of state and director of the office of legislative services of the date on which federal guidance under Executive Order 14221 has been finalized.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

AMENDED ANALYSIS

This bill requires health plans to disclose specific pricing information regarding covered items and services. The bill is contingent upon finalization of federal guidance under Presidential Executive Order 14221.

HB 146-FN, relative to the use of body-worn cameras. OUGHT TO PASS WITH AMENDMENT.

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee after hearing testimony, came to the conclusion that this bill ought to pass with amendment. The bill makes a simple addition to the existing body camera retention statute, adding citations that are appealed. If a citizen wishes to use body camera evidence as part of their citation appeal, it should be made available for them and not destroyed prior to their appeal. Most departments currently retain these for that purpose already, but some do not. Vote 15-1.

Amendment (0591h)

Amend the bill by replacing section 1 with the following:

1 Use of Body-Worn Cameras. Amend RSA 105-D:2, XVII(a) to read as follows:

(a) If there is any other legal requirement for retaining the recording, including but not limited to litigation, a pending criminal *or violation-level* case, or a valid court or administrative order, then the recording shall be retained only as long as is legally required; and

AMENDED ANALYSIS

This bill modifies the scenarios requiring retention of body-worn camera recordings to include violation-level cases.

HB 190-FN, relative to therapeutic cannabis possession limits. OUGHT TO PASS.

Rep. Terry Roy for Criminal Justice and Public Safety. We heard testimony that due to the limited availability of cannabis dispensaries and the difficulty traveling many of the ill patients who are prescribed it have, it is much easier for them to be able to purchase a larger quantity at once. Furthermore, we heard testimony that the cost is much less when purchased in a greater quantity. We did not hear any testimony against the bill from law enforcement or otherwise. Vote 14-0.

HB 369-FN, relative to misdemeanor sexual assault prosecutions. OUGHT TO PASS.

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. By passing this legislation, it will streamline the court proceedings by requiring the defendant to decide whether to proceed in circuit court for a bench trial or immediately appeal to the superior court for a jury trial when the victim is a minor, improving what usually becomes a daunting process for children. This bill recognizes how incredibly difficult it is for children to come forward after they have been abused. This a small measure we can take to limit the life long trauma that survivors and their families face. Vote 14-1.

HB 416-FN, prohibiting the intentional disposal of yard waste into the surface waters of the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. The Criminal Justice and Public Safety Committee unanimously agreed after hearing testimony that this bill ought to pass with amendment. This would make it unlawful to dump yard waste into public bodies of water. The dumping of yard waste such as lawn clippings, leaves, and mulch contributes to harmful algae blooms that threaten numerous species that make our lakes and rivers their homes. Vote 15-0.

Amendment (0191h)

Amend the bill by replacing section 1 with the following:

1 Penalties; Inappropriate Disposal of Yard Waste. Amend RSA 485-A:15 to read as follows:
485-A:15 Penalties.

I. It shall be unlawful for any person to put or place, or cause to be put or placed into a surface water of the state or on the ice over such waters, or on the banks of such waters, any solid waste as defined in RSA 149-M or hazardous waste as defined in RSA 147-A, including but not limited to bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, tires, old automobiles or parts thereof, **yard waste**, trees or parts thereof, or similar litter.

II. For any violation of this section any authorized member or agent of the department of environmental services ~~[shall]~~ **may** order the immediate removal of material involved in the violation, by the person responsible for the material in question. ***The authority to enforce this section shall extend to all peace officers in the state of New Hampshire.***

III. If the person or persons responsible for a violation of paragraph I refuse or fail to obey the order of any **peace officer or** authorized member or agent of the department of environmental services, the department of environmental services or authorized member or agency may contract for the removal of the material in question and the cost of the removal shall be recoverable by the state in an action of debt brought by the attorney general in the name of the state.

III-a. For a first offense, any person who purposely or recklessly violates paragraph I shall be guilty of a violation.

IV. ~~[Any]~~ ***For any second or subsequent offense, any person who purposely or*** recklessly violates paragraph I shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

V. Any person who ~~[purposely or]~~ knowingly violates paragraph I shall be guilty of a class B felony.

HB 445, establishing a study commission to examine the causes of and ways to alleviate the shortage of law enforcement officers in New Hampshire. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. The members of the Criminal Justice and Public Safety Committee unanimously agreed that this bill ought to pass as amended. The bill creates a study commission to examine the causes and ways to alleviate the current law enforcement shortage in our state and the difficulty in recruiting and retaining them. Our cities and towns currently are under enormous pressure with widespread shortages of law enforcement officers, causing overtime expenditures and risking public safety. A holistic look at the problem is necessary to identify the problem and possible solutions. Vote 15-0.

HB 473-FN, criminalizing multiple forms of exposing children to controlled substances and allowing law enforcement to take a child into protective custody for screening and testing in an instance of suspected or actual criminal exposure to controlled substances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. The committee unanimously passed this legislation because it expands the statute criminalizing exposing children to controlled drugs and allows for law enforcement to take a child into protective custody for screening or testing of the substances. The bill changes the term “methamphetamine related” to “controlled drug related” throughout the entire statute, RSA 639-A. As written, it also expands the term location to include a vehicle. The committee amendment makes an exception for a minor that is legally using therapeutic cannabis to ensure the parents are not charged with the crime of exposing a minor to a controlled substance. Additionally, the bill ensures that prescribed controlled substances and if a minor is assisting with the care of an adult and delivering the valid prescribed substance in exempt. Vote 16-0.

Amendment (0430h)

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Section; Controlled Substances-Related Crimes; Applicability. Amend RSA 639-A by inserting after section 4 the following new section:

639-A:5 Applicability. This chapter shall not apply to the therapeutic use of cannabis as authorized by RSA 126-X.

HB 482-FN, relative to the penalty for driving over 100 miles per hour. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. Members of the Criminal Justice and Public Safety Committee unanimously agreed that this bill ought to pass. State Police testified that the exponential increase

of speeding, in particular drivers exceeding 100 miles per hour, has led to numerous deaths in recent years. Our roadways are designed for safe and efficient travel at the posted speed limits. Exceeding those limits by more than double in some cases, far exceeds their safety limits and leads to horrible accidents. Increasing the penalties for such reckless operation will hopefully reduce this behavior and save lives. Our citizens must realize that their decisions on the roadways most often impact the safety of more people than themselves. Vote 16-0.

HB 528-FN, legalizing the possession and use of psilocybin for persons 21 years of age or older. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen Paquette for Criminal Justice and Public Safety. The bipartisan decision of the Criminal Justice and Public Safety Committee recommended this bill ought to pass with amendment recognizing it as a necessary step toward rational drug penalty reform. The committee unanimously supports this bill as a common-sense penalty reform bill that revises the penalties associated with the possession and use of psilocybin for individuals 18 years and older. The bill seeks to modernize the approach to this naturally occurring substance by ensuring penalties are more proportionate and aligned with current attitudes toward similar substances such as cannabis. Psilocybin is a naturally occurring substance found in all 50 states. By adjusting the penalties for its possession, this bill aligns the treatment of psilocybin more closely with that of cannabis. This approach helps ensure that individuals are not disproportionately burdened with felony convictions for the possession of a substance that is increasingly recognized for its potential therapeutic benefits. Vote 16-0.

Amendment (0488h)

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

AN ACT amending the penalties for the possession and use of psilocybin for persons 18 years of age or older.

Amend the bill by replacing section 1 with the following:

1 New Section; Personal Possession of Psilocybin. Amend RSA 318-B by inserting after section 2-e the following new section:

318-B:2-f Personal Possession of Psilocybin.

I. Notwithstanding RSA 318-B:2 and 318-B:26, a person 18 years of age or older who obtains, purchases, transports, possesses, or uses psilocybin shall be subject to the following penalties:

- (a) For a first offense, a violation and a fine of not more than \$100.
- (b) For a second offense, a class B misdemeanor and a fine of not more than \$500.
- (c) For a third offense, a class B misdemeanor and a fine of not more than \$1,000.
- (d) For a fourth or subsequent offense, the person shall be subject to the penalties in RSA 318-B:26.

II. Any person under 18 years of age who obtains, purchases, transports, possesses, or uses psilocybin shall be subject to the penalties in RSA 318-B:26.

AMENDED ANALYSIS

This bill modifies the penalties for a person 18 years of age or older to obtain, purchase, transport, possess, or use psilocybin.

HB 597, establishing a designated behavioral health access point within the enhanced 911 system. **OUGHT TO PASS.**

Rep. Mark Proulx for Criminal Justice and Public Safety. This bill allows New Hampshire Enhanced 911 System to transfer 911 calls from people experiencing non-emergent behavioral health crises and mental health needs to the appropriate service providers. This bill also makes this mental health info not subject to the right to know law. Vote 16-0.

HB 602, requiring certain offenders to participate in a victim impact program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy Murphy for Criminal Justice and Public Safety. This bill, as amended, requires that impaired drivers convicted of DUI, per RSA 265-A:18; DUI pled down to the reckless driving penalty under RSA 265:79 and RSA 626:2; or DUI pled down to negligent driving under RSA 265:79-b and RSA 626:2, complete an online victim impact panel program. The goal of an online victim impact panel program for impaired driving is to elicit a genuine change in behavior, the only factor known to actually reduce recidivism. The content is carefully constructed to emphasize individual responsibility and encourage reflection. The benefits of a quality online interactive video-based program, such as YouImpact, are well documented and indicate they can create real behavioral change in defendants who engage in the program. They are nine times more effective than traditional programs and can reduce recidivism by 35%. This bill amends RSA 265-A:1 to define a "qualified online victim impact panel program" and amends RSA 265-A:18 to include the requirement for completion of an online victim impact panel program "unless the court determines that exceptional circumstances exist." The committee has heard the frustration and concern of law enforcement officers and our courts over the thousands of DUIs occurring here in NH each year and the impact this has on public safety. They are doing

their part to hold those drivers accountable, but we continue to see DUI cases rise and hear of the preventable tragedies that occur as a result. We heard testimony from law enforcement as to their belief in, and strong support for, an online victim impact panel program that was developed to work within the court system in 2011, has a data backed record of decreasing recidivism, and had over 46,000 graduates across the US and world. Graduates of this program re-offend at a much lower rate than the general population of DUI offenders and it is already being utilized by some New Hampshire courts. Impaired driving is a public health issue that requires the attention and active intervention of parents, families, public health officials, law enforcement, and federal and state officials. Efforts are underway here in the House and Senate to address the increasing risk to public safety caused by impaired driving and the committee believes that passing this bill is an action step forward we can take to effect positive change. While various resources are dedicated to impaired driving prevention and enforcement, the committee felt that passing this bill will increase public safety, address and decrease recidivism, save lives, and put a data driven tool, with a track record of success, in the tool box of our law enforcement officers and courts. Vote 16-0.

Amendment (1096h)

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

1 New Paragraph; Alcohol or Drug Impairment. Amend RSA 265-A:1 by inserting after paragraph VI the following new paragraph:

VII. "Qualified online victim impact panel program" means any program that meets all of the following requirements:

- (a) Offers 24 hour per day accessibility;
- (b) Is offered in both English and Spanish;
- (c) Provides all direct client support necessary for program completion;
- (d) Requires the fee for the program to be paid for by the participant;
- (e) Is available at no cost to the state of New Hampshire or to any county;
- (f) Includes a non-judgmental presentation of a minimum of 8 personal, true stories shared by victims and offenders about the impact of alcohol, drugs, and illegal driving under the influence conduct upon their lives;
- (g) Requires a minimum of 3 and 1/2 hours to complete;
- (h) Provides a system for testing the participant's attention and comprehension multiple times during the program;
- (i) Provides an individualized security check system for verifying the identity of program participants;
- (j) Provides communications with participants 6 months after completing the program that reinforces the lessons of the program and encourages participants to live more responsibly; and
- (k) Issues a certificate of completion to the participant upon satisfactorily fulfilling all attendance, payment, and program participation requirements. The certificate of completion shall contain the business identification number of the program provider. Participants and probation officers should have access to additional copies of the certificate as needed.

2 New Subparagraph; Driving Under the Influence; Victim Impact Program Added. Amend RSA 265-A:18, I(a) by inserting after subparagraph (4) the following new subparagraph:

(4-a) Required to complete a qualified online victim impact panel program, as defined in RSA 265-A:1, VII, unless the court determines that exceptional circumstances exist.

3 Driving Under the Influence. Amend RSA 265-A:18, IV(a)(3)(B) to read as follows:

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period; [and]

4 New Subparagraph; Driving Under the Influence; Victim Impact Program Added. Amend RSA 265-A:18, IV(a) by inserting after subparagraph (3) the following new subparagraph:

(3-a) Required to complete a qualified online victim impact panel program, as defined in RSA 265-A:1, VII, unless the court determines that exceptional circumstances exist; and

5 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, or

who drives a vehicle at a speed of 100 miles per hour or greater, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than \$500 plus penalty assessment for the first offense and \$750 plus penalty assessment for the second offense nor more than \$1,000 plus penalty assessment and his or her license or operating privilege shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense. ***Any person who pleads guilty to an offense under this section that was originally charged with an offense under RSA 265-A:2 or RSA 265-A:3 shall be required to complete a qualified online victim impact panel program, as defined in RSA 265-A:1, VII, unless the court determines that exceptional circumstances exist.***

6 Serious Traffic Offenses; Negligent Driving. Amend RSA 265:79-b to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, II(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation and shall be fined not less than \$250 nor more than \$500 for a first offense and not less than \$500 nor more than \$1,000 for a second or subsequent offense. ***Any person who pleads guilty to an offense under this section that was originally charged with an offense under RSA 265-A:2 or RSA 265-A:3 shall be required to complete a qualified online victim impact panel program, as defined in RSA 265-A:1, VII, unless the court determines that exceptional circumstances exist.***

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

AMENDED ANALYSIS

This bill requires offenders of certain laws related to impaired driving to participate in an online victim impact panel program.

HB 670-FN, raising the minimum fine for attacks by nuisance dogs. **OUGHT TO PASS WITH AMENDMENT.** Rep. Jodi Newell for Criminal Justice and Public Safety. This bill seeks to increase penalties for menacing and vicious dog offenses. Under current statute, a menacing offense involves a dog growling, snapping at, or chasing an individual, whether walking, riding a bicycle, or operating a car, motorcycle or other motor vehicle. Penalties for this kind of offense would be raised from \$50 to \$200 for the first offense and \$400 for subsequent offenses within a 12-month period. Vicious offenses involve an attack on another animal or human and the penalty would be raised from \$100 to \$400 for the first offense, from \$400 to \$1,000 for subsequent offenses within 12 months and adds a provision requiring payment of all medical bills sustained as a consequence of the attack. As amended, the bill also restructures the fee schedule for nuisance dogs, which encompasses behavior that, while bothersome to the public, do not present physical threats or harm. Instead of the current fee of \$25 for the first offense and \$100 for subsequent offenses, this bill would require a warning for the first offense, \$50 for the second, and \$100 for subsequent nuisance offenses. Given the harm that menacing and vicious dog offenses can do, and have done, the committee believes stronger consequences are needed. Vote 16-0.

Amendment (0325h)

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

AN ACT adjusting the minimum fine for attacks by nuisance dogs.

Amend RSA 466:31-a, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) [~~\$25~~] ***A warning*** for the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d); [~~\$100~~] ***\$50*** for the second ***offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), (b), (c), or (d); \$100 for the third*** or subsequent nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d).

AMENDED ANALYSIS

This bill adjusts the minimum fine for attacks by nuisance dogs.

HB 700-FN, relative to orders of protection. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This bill inserts language that will require victims to submit a form acknowledging that they could be prosecuted for perjury if they make false statements. A victim seeking an order of protection in New Hampshire already signs their name swearing that the provided information is true and correct and acknowledging that by making a false statement on the petition will subject them to criminal penalties. Abusers use multiple tactics to stalk their victims. Under current law, judges have the discretion to determine what relief is necessary to stop the abuser from committing further harm. This bill will raise the standard for how judges make the determination, by focusing whether the abuser's access to deadly weapons makes the victim unsafe rather than preventing further stalking conduct. This bill will further stigmatize the victim by questioning whether or not they are telling the truth. Vote 16-0.

HB 776-FN, relative to the crime of aggravated driving while intoxicated. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. The incidents of intoxicated drivers going the wrong way on our highways have increased exponentially in recent years. Accidents caused by wrong way drivers are almost always fatalities. This bill recognizes that by making the act of driving the wrong way on the

highway while intoxicated an aggravating factor. The forces generated by two multi-ton vehicles traveling in opposite directions colliding are equivalent to the detonation of a bomb. Drinking and driving is always dangerous, doing so on the wrong side of the road is deadly. Vote 16-0.

HB 237-A, prohibiting the use of special education state aid funds and differentiated aid special education funds on students not receiving special education services. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education Funding. This bill, as introduced, prohibits the use of special education funding for students who are not receiving special education services. The U.S. Department of Education, however, enables school districts to utilize special education funds (Individuals with Disabilities Education Act) to support a number of non-special education purposes such as: 1) to assist grades K-3 students not having an Individualized Education Program (IEP), who may need additional academic and behavior supports to succeed in general education; 2) to help fund reading and mathematics specialists to work with non-disabled students who have not reached grade-level proficiency in those subjects; and 3) to fund after-school tutoring for non-disabled students who score below proficiency on statewide assessments. It should also be noted that state adequacy funds such as special education differentiated aid are not targeted funds and may be used for other administrative, operational, or educational needs as determined by the local school board in accordance with prior *Claremont* decisions. HB 1509, a similar bill considered in the previous session, was not recommended for passage for the same reasons as noted in this committee report. Vote 16-0.

HB 354, relative to alternate certification pathways for career and technical education instructors. **OUGHT TO PASS.**

Rep. Raymond Peeples for Education Funding. This bill permits the State Board of Education to offer a certificate of eligibility to individuals interested in becoming Career and Technical Educators in identified specialty areas. Allowing this unique path will help fill critical gaps in teaching the trades at the community Career and Technical Education Centers. This pathway will bring professionals with real world experience to engage and share that knowledge with students in the classroom. Vote 18-0.

HB 108, relative to bullying and cyberbullying across multiple school districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Valerie McDonnell for Education Policy and Administration. The bill, as amended, states, "In cases of bullying and/or cyberbullying across multiple school districts, the principals or designees of all districts involved shall be responsible for conducting an investigation and are encouraged to collaborate. In such cases, the investigation shall be initiated by the principal or designee of the first district to learn of the incident. In cases of bullying and/or cyberbullying across multiple states, the principal or designee of the first district located within New Hampshire to learn of the incident shall contact the New Hampshire attorney general's office." The committee believes this language codifies who is responsible for investigating complex bullying claims. Vote 17-0.

Amendment (0839h)

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

1 Pupil Safety and Violence Prevention; District Responsible for Investigation. Amend RSA 193-F:4, II(j) to read as follows:

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension. ***In cases of bullying and/or cyberbullying across multiple school districts, the principals or designees of all districts involved shall be responsible for conducting an investigation and are encouraged to collaborate. In such cases, the investigation shall be initiated by the principal or designee of the first district to learn of the incident. In cases of bullying and/or cyberbullying across multiple states, the principal or designee of the first district located within New Hampshire to learn of the incident shall contact the New Hampshire attorney general's office***

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

HB 555-FN, relative to required holocaust and genocide study requirements for an adequate public education. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Freeman for Education Policy and Administration. On a unanimous vote, the committee believes pushing this legislation forward challenges the committee's commitment to local control. Additionally, it is unclear what districts are currently presenting. Vote 17-0.

HB 673-FN, relative to school bullying and discrimination plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie McDonnell for Education Policy and Administration. The committee acknowledges the critical need to address school bullying. However, the committee does not believe this bill is the appropriate vehicle

to do that. Specifically, the bill may require a new bureaucratic position, may adversely impact the Education Freedom Account program, and neglects to define “protected classes.” Furthermore, the committee fears that emphasizing protected classes may be to the detriment of other students. Finally, the committee has addressed school bullying via another bill. Vote 17-0.

HB 695-FN, relative to school districts and medically-related grants. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Nadeau for Education Policy and Administration. The committee felt that some of the bill was vague and might interfere with schools applying for grants. Vote 18-0.

HB 740-FN, requiring the department of education to maintain student records of chartered public school students. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Freeman for Education Policy and Administration. This bill is related to student records of closed charter schools, but that issue was included in HB 752, which also included procedures for closing of a charter school which was recommended Ought to Pass by the committee. Vote 17-0.

HB 754-FN, establishing automatic discovery in due process hearings for actions seeking to enforce special education rights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education Policy and Administration. This amended bill specifies documents to automatically provide to parents and the hearing officer in any special education due process pre-hearing conference. This shall include individualized education program (IEP) documentation, evaluations, and all progress reports. Vote 14-3.

Amendment (0608h)

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

1 New Paragraph; Special Education; Due Process Hearing; Automatic Discovery. Amend RSA 186-C:16-b by inserting after paragraph III-a the following new paragraph:

III-b.(a) The school district shall provide to the hearing officer assigned, with a copy to the parents, not less than 5 business days prior to any prehearing conference described in 20 U.S.C. section 1415(f)(2)(a) and RSA 541-A:31, V(c), items and information in the possession, custody or control of the school district, which shall form a set of core documents in every due process case.

(b) The specific core documents shall be limited to:

(1) Documentation of the IEP team’s deliberation and conclusions for the federal eligibility determination if eligibility is at issue in the due process complaint, pursuant to 20 U.S.C section 1414(b)(4) and 34 C.F.R. section 300.306;

(2) Current and/or partially accepted IEPs in place within the last 3 years;

(3) Complete and/or partial IEPs currently being proposed by the school district;

(4) Copies of all written prior notices within the last 3 years;

(5) Copies of any evaluations by school district staff or independent contractors of the school district at the school district’s request, pursuant to 20 U.S.C. section 1414(a) and 34 C.F.R. sections 300.301 and 305, within the last 3 years;

(6) Copies of any independent educational evaluations, and written recommendations from outside providers, pursuant to 20 U.S.C. section 1415(d)(2)(b) and 34 C.F.R. section 300.502 regarding eligibility, placement or the IEP program or services that were presented to the IEP team within the last 3 years; and

(7) All progress reports, pursuant to 20 U.S.C. section 1412(a)(15) and 34 C.F.R. section 300.157, related to IEP goals, benchmarks, short-term objectives, or progress toward meeting the annual IEP goals, within the last 3 years.

(c) This paragraph’s provision for requiring the presentation of core documents listed above shall not interfere with and does not negate any right or obligation of either party to comply with voluntary discovery requests and the presentation of supplementary information. This supplemental provision and disclosure of documents shall occur pursuant to the timelines described in 20 U.S.C sections 1415(f)(2) and 1415(h) and 34 C.F.R. section 300.512(b).

(d) An updated copy of the procedural safeguards pursuant to 20 U.S.C. section 1415(d) and 34 CFR section 300.504, including this section, shall be given to the parents of a child with a disability before the child’s next IEP meeting.

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

HB 765-FN-L, consolidating school administrative units and making school superintendents jobs an elected position. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Freeman for Education Policy and Administration. This bill would have made school superintendents elected positions and an officer of the county government with a salary set by the county delegation. The school administrative unit (SAU) would be a department of the county. The committee did not agree with making the superintendent an elected position. The concept of an SAU per county was added as a concept to investigate in this bill. Vote 18-0.

HB 130-FN, relative to the arrangement of candidates on primary election ballots **INEXPEDIENT TO LEGISLATE.**

Rep. Clayton Wood for Election Law. The proposed ballot rotation law introduces additional administrative hurdles without clear evidence that ballot order significantly influences election outcomes in these state representative primary elections. Implementing a complex rotation system will not outweigh the logistical challenges or unnecessary complications in ballot printing and counting. Vote 18-0.

HB 151, relative to the term for supervisors of the checklist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alvin See for Election Law. This bill changes the length of the term of office for the supervisors of the checklist from 6 years to 3 years. It is thought that having a shorter term may encourage more interest in running for this office without having as long of a commitment to serving the town. The amendment corrects a typo. Vote 18-0.

Amendment (0580h)

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

1 Choice and Duties of Town Officers; Election of Supervisors of the Checklist; Changing Term. Amend RSA 41:46-a to read as follows:

41:46-a Election of Supervisors of the Checklist.

The board of supervisors of the checklist shall consist of 3 legal voters of the town. At the annual town election held [in] every [even-numbered] year, the voters of each town shall elect, by ballot, one supervisor for a term of [6] **3** years, provided that the supervisor elected at the [state general] **annual town** election in [1974] **2026** shall serve until the annual town election in [1980] **2029**, ~~and that the supervisor elected at the state general election in 1976 shall serve until the annual town election in 1982~~. ***There shall be no election for supervisor of the checklist in 2027, unless there is a vacancy.***

2 Election of Supervisors of the Checklist; Changing Term; Applicability. The changes in terms of supervisors of the checklist established by this act shall not affect constituencies or terms of office of supervisors of the checklist presently in office. If there shall be a vacancy in a supervisor of the checklist position for any reason prior to the 2026 annual town election, the vacancy shall be filled as provided in law for supervisors of the checklist that existed for the 2025 annual town election.

HB 160, relative to the contents of the pre-election certificate. **INEXPEDIENT TO LEGISLATE.**

Rep. Claudine Burnham for Election Law. This bill establishes traceability and reconciliation for absentee ballots through a chain of custody procedure like our same-day official ballots. With absentee ballots growing in New Hampshire, there is a need to close the gap in transparency and control the absentee ballots printed and used in its elections. However, since the newly enacted pre-certificate and post-certificate process, the committee found this process may be confusing and difficult for the city/town clerks and moderators to trace and reconcile absentee ballots under this election law procedure. Vote 18-0.

HB 172, restricting undeclared voters from same-day voting in a presidential or state primary. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. The Election Law Committee unanimously recommends that this bill be found Inexpedient to Legislate. While concerns were raised about bad actors attempting to influence primaries in bad faith, statistical analysis demonstrates that such efforts have minimal impact on election outcomes. In the 2024 Republican presidential primary, despite well-funded efforts to sway the results, roughly 23,000 of more than 300,000 Republican primary voters later participated in the Democratic state primary. Given that New Hampshire's system has proven effective in facilitating broad participation while maintaining election integrity, the committee sees no justification for imposing additional restrictions on undeclared voters. Furthermore, the committee is concerned with requiring taxpayers to fund an election that all voters cannot participate in. Vote 17-0.

HB 220-FN, closing the presidential or state primary of political parties. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. Prohibiting undeclared voters from voting in a primary that they, as taxpayers, fund did not sit well with the committee. Bad faith voters, while they exist, do not have a meaningful impact on the outcome of a party's primary. Vote 18-0.

HB 270, requiring the preservation of electronic ballot counting device memory chips. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alvin See for Election Law. As amended, this bill provides for the preservation of the programmed memory cards used in the electronic ballot counting device for each election. It provides the same retention time as the ballots from the election – 22 months for elections with federal offices and 60 days for local and school elections. Vote 17-0.

Amendment (1053h)

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

1 Preservation of Election Material. Amend RSA 33-A:3-a, XXXVI and XXXVII to read as follows:

XXXVI. Elections-federal elections: ballots and absentee ballot applications, affidavit envelopes, [and] lists, **and electronic ballot counting device memory cards:** by the town clerk until the contest is settled and all appeals have expired or at least 22 months after the election, whichever is longer. ***Extra electronic ballot counting device memory cards programmed for, but not used during the election are exempt from preservation.***

XXXVII. Elections-not federal: ballots and absentee ballot applications, affidavit envelopes, [and] lists, **and electronic ballot counting device memory cards:** by the town clerk until the contest is settled and all appeals have expired or at least 60 days after the election, whichever is longer. ***Extra electronic ballot counting device memory cards programmed for, but not used during the election are exempt from preservation.***

2 Electronic Data; Electronic Ballot Counting Devices. Amend RSA 656:42, VIII to read as follows:

VIII.(a) Before each election, the vendor for any electronic ballot counting device shall provide the secretary of state with an exact electronic record of the data written to each memory card to be used in the election.

(b) Whenever the town or city clerk receives a programmed memory device from the vendor, the clerk shall lock any programmed memory device not inserted into an electronic ballot counting device in a safe and record the names of individuals that have access to such safe in the activity log.

~~[(b)]~~ (c) The town or city clerk shall preserve each memory device used at each election [until after the recounts for such election are complete and any and all legal challenges to the outcome of that election are adjudicated] ***as provided in RSA 33-A:3-a or as directed by the secretary of state.***

~~[(c) The town or city clerk shall securely preserve each memory device used in any election as directed by the secretary of state.]~~

(d)(1) To help ensure that the counting device cannot be tampered with or improperly accessed, the town or city clerk shall employ electronic ballot counting device seals and seal the electronic ballot counting device in all places specified by the secretary of state in the election procedure manual published pursuant to RSA 652:22.

(2) The town or city clerk shall update an activity log supplied by the secretary of state to keep a record each time a counting device seal is broken and a new one installed, and the reason for which the seal was broken.

(3) No person shall break a counting device seal without the presence of 2 witnesses. Upon breaking such seal, the person responsible shall update the activity log, obtain the signatures of each witness, record the reason for breaking such seal, ensure that it is resealed with a new seal immediately, and properly record the new seal number in the activity log.

(4) Before the moderator places into service a counting device on election day, the moderator and clerk shall certify on the pre-election certificate required by RSA 658:32 all counting device seals have been maintained intact, and any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed.

(5) If, on election day, the moderator notices that any seal on the counting device appears tampered with or broken without an adequate record in the activity log, the moderator shall refrain from using the counting device in that election, and shall report the apparent tampering to the attorney general, the secretary of state, the town or city clerk, and the selectmen.

(6) The counting device and the activity log shall be subject to review by the attorney general or secretary of state at any time.

~~[(7) Whenever the town or city clerk receives a memory device from the vendor, the clerk shall break the memory device seal, insert the memory device in the electronic ballot counting device, and apply a new seal. The clerk shall lock any programmed memory device not inserted into an electronic ballot counting device in a safe and record the names of individuals that have access to such safe on the activity log.~~

~~[(8) Whenever the town or city clerk removes the memory device from the electronic ballot counting device, the clerk shall immediately return it to the memory card programmer or, if programmed locally, secure the device in a safe and reseat the empty memory device slot or port.]~~

(e)(1) The town or city clerk shall give public notice of the date and time of a pre-election test of the electronic ballot counting device and ballots.

(2) Upon receipt of the official ballots from the secretary of state, the town or city clerk shall remove the number of ballots needed to test the electronic ballot counting device from among the official ballots and keep them separate and secure from the remaining official ballots thereafter.

(3) The town or city clerk shall mark any ballots used for testing with the words "TEST."

(4) The town or city clerk shall mark the test ballots in such a way as to demonstrate a vote for each candidate on at least one test ballot, as well as votes for less than and more than the number of candidates that may be voted for an office, write-ins, multiple votes for a candidate who appears in more than one party column for the same office on a general election ballot, and ballots on which there are no votes. The clerk shall mark as many as possible of the combinations of choices that a voter may indicate on the ballot.

(5) The town or city clerk shall run each of the test ballots through the counting device in the following orientations: Top first with side one face up, bottom first with side one face up, top first with side one face down, and bottom first with side one face down.

(6) The town or city clerk shall count the votes marked on the test ballots run through the electronic ballot counting device and multiply the results by 4 to account for the 4 different orientations, and check these results against the tally from the electronic ballot counting device.

(7) If the electronic ballot counting device's tally does not match the count of the town or city clerk, the clerk shall notify the moderator, who shall order that the electronic ballot counting device not be used at the election.

(8) The pre-election test shall be completed no later than the Wednesday immediately prior to the election.

(9) The town or city clerk shall document the pre-election test by preserving:

(A) The test ballots.

(B) The count of votes on the test ballots made by the town or city clerk.

(C) The results from the electronic ballot counting device that was tested.

(10) The clerk shall test all electronic ballot counting devices and memory devices in the possession of the town or city.

(11) Prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator and the clerk shall certify on the pre-election certificate required by RSA 658:32 that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. The moderator and clerk shall also certify on the pre-election certificate required by RSA 658:32 that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed.

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

HB 308-FN, requiring the election checklist to have a column to annotate if a non-New Hampshire issued form of identification is provided to vote. **INEXPEDIENT TO LEGISLATE.**

Rep. Travis Toner for Election Law. This bill, as amended, aims to change the voter check list used on the day of voting to track when an out of state ID or other form of ID is used. After receiving testimony from the Secretary of State's office, we were informed that as part of the voter check-in procedures, volunteers record the type of ID used on the check list. This data is then recorded and tracked. This data can be requested as part in a similar manner as other data. Additionally, the Secretary of State's office also testified that adding another column to the check in list could double the size of the list adding more printing cost and other complications. Vote 17-0.

HB 333, requiring moderators to designate a space for electioneering at polling places and provide a schematic thereof. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. The committee recognizes that the issue of properly designating a space for electioneering at the polling location needs improvement, but it could not find a member willing to work on it this session. The committee is interested in taking it up next session. Vote 18-0.

HB 345, enabling selectmen to add additional polling places and requiring selectmen to give notice to voters 30 days before providing such additional polling places. **INEXPEDIENT TO LEGISLATE.**

Rep. Clayton Wood for Election Law. The committee had concerns about the logistics and unintended consequences of this bill. While the bill aimed to address long lines and fairness on election day, the 30-day timeline seemed too short for election officials to implement additional polling places effectively. Ensuring proper staffing, security, and equipment takes time, and last-minute changes could lead to confusion, lower turnout, and increased costs. The Election Law Committee will review the need for such legislation. Vote 17-0.

HB 395, empowering inspectors of the election to observe duties performed by supervisors of the checklist. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Muirhead for Election Law. This bill would empower election inspectors (who according to existing law are appointed by the Democratic and Republican Parties) to, in addition to their current functions on voting days, observe all activities performed by supervisors of the checklist throughout the year. There are numerous aspects of the bill that would cause unintended complications in towns that have nonpartisan moderators. There would be other unintended complications of the bill as well, including allowing unelected inspectors to see personal information for voters whose addresses are protected by restraining orders, possibly imperiling the security of such voters. In light of these complications, the Election Law Committee unanimously recommends against passing the bill. Vote 17-0.

HB 412-L, relative to elections and appointments to fill vacancies of local cooperative school boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Alvin See for Election Law. This bill, needing an amendment, would have done the same thing as HB 590 and is therefore not needed. Vote 18-0.

HB 418, relative to eligibility for absentee voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Wherry for Election Law. The committee understands the desire to limit absentee ballots to encourage in-person voting and to discourage any frivolous use of the absentee ballot process. During the recent COVID pandemic, the use of absentee ballots was expanded by an administrative statement issued jointly by the Secretary of State and the Attorney General (April 10, 2020, joint memorandum by the Secretary of State and the Attorney General). There is also a legitimate concern that an unduly expanded use of absentee ballots may increase the potential for the fraudulent use of absentee ballots. This bill, however, proposes restrictions to the use of absentee ballots that had been duly codified under the legislative process (as opposed to an administrative statement). The bill seeks to address legitimate concerns, but by restricting absentee voting to only those demographics identified in the constitution, the changes risk disenfranchising voters who likely have legitimate needs to be absent from the polls on election day. Vote 16-0.

HB 420, relative to the chain of custody for ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Travis Toner for Election Law. The committee believes that the bill, as proposed, is problematic and requires more work than can be completed during the current session. This conclusion is based on testimony provided by the Secretary of State. While the concept of creating safeguards and a chain of custody for election ballots, similar to the chain of custody for evidence, is notable, further research is needed, and a new bill should be drafted. Vote 16-0.

HB 423, requiring the consent of property owners for the placement of political advertisements on public property abutting their land. **INEXPEDIENT TO LEGISLATE.**

Rep. Clayton Wood for Election Law. While the committee firmly believes that private citizens whose property directly borders public land should have the right to remove or take down political advertisements placed on that public property, there was concern about including the term 'closest abutter.' Some members felt that granting this right to the closest abutter could lead to ambiguity or disputes, especially in cases where multiple properties are adjacent to the same section of public land. Additionally, there were questions about whether this expanded definition could unintentionally extend the right to individuals not directly affected by the placement of such advertisements. As a result, the committee does not move to pass this bill in its current form. The committee believes this issue does need to be addressed but could not take the issue up this session. Vote 17-1.

HB 429, relative to amending the term length for county commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Clayton Wood for Election Law. The current term length of the county commissioners has been adjusted per county to provide for maintaining a level of experience necessary for smooth operation. This includes a 4-year rotation currently used. Counties should be able to decide whether a 4-year rotation, term-length, or other systems work best for maintaining stability and institutional knowledge. Vote 18-0.

HB 472, requiring voters to prove domicile. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Wherry for Election Law. RSA 659:13, I(c) currently addresses circumstances when a voter does not have a valid photo identification. This bill repeals that paragraph and replaces it with a requirement for proof of domicile when obtaining a ballot, for the circumstances when the voter does not have proof of domicile. The Election Law Committee believes that the current regulation concerning a voter not having a valid photo identification should not be repealed. Proof of domicile is already addressed under RSA 654:7, I(c) and the circumstances for a registered voter who has a change of address within the same town/ward is already addressed under RSA 659:13, I(a). The bill proposes some noteworthy ideas but appears to conflate the act of voter registration with the act of obtaining a ballot. Vote 17-0.

HB 492, allowing political parties to request recounts when no candidate is named on the ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Clayton Wood for Election Law. The committee felt that this bill, which lets political parties request recounts when a write-in candidate qualifies for the general election, was too specific to be useful and more likely to be misused. Vote 17-0.

HB 497, requiring the periodic evaluation of the forms and procedures related to performing voter checklist duties. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Wherry for Election Law. This bill proposed a periodic evaluation of the forms and procedures in order to improve productivity and provide for greater efficiency in the execution of the duties of the supervisors of the checklist. Regrettably, the bill lacked the necessary details for establishing a concrete process that could be readily implemented to achieve the desired objective. Vote 17-0.

HB 574-FN, requiring background checks of the private companies and their contractors who program and maintain New Hampshire voting machines. **INEXPEDIENT TO LEGISLATE.**

Rep. Alvin See for Election Law. This bill puts an onerous burden on the vendor and allows the public release of personal information. This bill requires the vendor selling and/or servicing electronic ballot counting devices to have any employees servicing or programming these devices to have a criminal background check performed and an employee identification card issued to show to any city or town clerk when they arrive to service a device. This bill also requires the vendor to supply the Secretary of State and the Attorney General a report of these employees and their background status monthly. This bill further allows for RSA 91-A requests for the public to view these statements of the personal information of the background reports of these employees. Vote 18-0.

HB 608-FN, requiring moderators to inspect absentee ballot affidavits for full execution including use of a notary, election officer, or any person authorized by law to administer oaths. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerald Ward for Election Law. This bill proposes adding additional certification requirements on absentee ballot affidavits, including the attestation of an elected official and notarization. The committee believes that these extra steps are unnecessary, would serve no useful purpose, could be cumbersome and potentially involve a cost, and would place unnecessary burdens on absentee voters, including those with disabilities, those residing in nursing homes, and the elderly. In addition, the proposed bill would be in conflict with the state's accessible absentee voting process as it specifically applies to blind voters and others with a print disability. The committee unanimously recommends that the bill be found Inexpedient to Legislate. Vote 18-0.

HB 618-FN, enables election officials to verify the single use of an out-of-state driver's license presented when a person votes by using the centralized voter registration database. **INEXPEDIENT TO LEGISLATE.**

Rep. Clayton Wood for Election Law. This bill proposes limiting the use of an out-of-state identification to a single election. This was proposed because the act of registration or voting using a New Hampshire domicile activates the residency requirements for New Hampshire. Theoretically, voters who use an out-of-state identification should be registering with the New Hampshire DMV within 60-days after establishing residency. There are situations, however, where an out-of-state driver's license could be used twice within a 60-day period, such as a September primary and a November general election. Another bill is being retained to work on addressing the larger issue of defining suitable forms of identification for proper voter authentication, and therefore this bill is considered Inexpedient to Legislate. Vote 18-0.

HB 684, preventing the use of student identification cards as a means to obtain a ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Wherry for Election Law. This bill removes the use of student identification cards from the list of the acceptable forms of identification. The underlying concern behind the bill is that forms of identification are being used that have been issued by non-government entities for government run elections. This is a proper concern since the valid authentication of voter identity is an essential process in conducting safe and secure elections and an important aspect of ensuring New Hampshire citizens that our elections are performed with integrity. While the fundamental concerns are valid, the bill as proposed did not provide a suitable methodology and did not provide a practical means of implementation. Another bill is being retained to work on addressing the defining of suitable forms of identification for proper voter authentication. Therefore, this bill should be found Inexpedient to Legislate. Vote 18-0.

HB 711-FN, relative to voting machine contractors. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell Muirhead for Election Law. This bill would require those who repair ballot counting machines to register with the Secretary of State's office and would require the Secretary of State to verify the identification and bonding of repair contractors and provide them with official contractor identification cards. The Election Law Committee appreciates the salutary aims of the bill but has various concerns about unintended practical complications it would cause. For instance, the bill is ambiguous in what it requires of municipal employees. Also, the bill is unclear about whether it regulates repair personnel or vendors of the machines. Given the ambiguities in what the bill would require in practice of municipal employees, the Secretary of State's office, and of vendors, the Election Law Committee unanimously recommends Inexpedient to Legislate. Vote 17-0.

HB 250, enabling local governing bodies to regulate the muzzling of dogs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill was filed in response to events following a vicious dog attacking another dog in a public area in Keene. The Keene city council considered enacting an ordinance requiring vicious dogs to be muzzled when in public areas. The city attorney advised them that since state law does have muzzling statutes, although not related to this issue, such an ordinance might create a conflict with state law that would invalidate it. The bill, as introduced, added "muzzling" to the licensing and restraining of dogs as an area where municipalities can make regulations. We heard testimony that phrasing in the original bill introduced to our committee, would be overly broad and could allow breed-based muzzling and muzzling of working and hunting dogs. The amendment narrows the power to make muzzling ordinances to include only vicious dogs as defined in RSA 466:31. Vote 15-0.

Amendment (0896h)

Amend RSA 466:39 as inserted by section 1 of the bill by replacing it with the following:

466:39 City or Town Bylaws. The local governing body may make such additional bylaws and regulations concerning the licensing, ***muzzling of vicious dogs as defined in RSA 466:31***, and restraining of dogs as it deems reasonable, and may affix penalties not exceeding \$50 for a breach thereof. Such bylaws and regulations shall relate only to dogs owned or kept in such city or town, and the annual fee required for a license shall in no case be more than \$1 in addition to the sum hereby required.

HB 262-FN, relative to group licenses for dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for Environment and Agriculture. This bill seems to have been intended to address an imbalance in the cost of licensing for individual dogs as opposed to dogs under a group license. A group license applies to five dogs or more and costs \$20. The owner of four dogs would have to pay \$25 in license fees. Unfortunately, the bill was very poorly written, so the actual proposed fee structure was indeterminable, and the prime sponsor did not introduce the bill at the hearing or communicate with the committee about the bill. Vote 14-0.

HB 401, relative to animal testing funded by New Hampshire state funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Freeman for Environment and Agriculture. Essentially, this bill presents as a solution looking for a problem. New Hampshire, currently, has to our knowledge, only one in-state cosmetics company and it has voluntarily committed not to perform testing on animals. They are a private business and do not receive state funds. Further, there was no tangible evidence that our state funds any type of animal testing anywhere in our state in relation to this bill. Finally, in-state colleges and universities must comply with federal Animal Welfare Act legislation and standards pertaining to any animal testing or research. The committee unanimously agreed that we do not believe that there is the type of animal testing occurring in New Hampshire that this bill is concerned about, nor are any state funds being used to support said testing. Lastly, we were concerned about the repeated testimony from supporters that they wanted to put this legislation in place and be able to expand on it in the future. For those reasons, we unanimously rejected this legislation. Vote 14-0.

HB 424, directing the department of agriculture, markets, and food to create forms for businesses to request information about service animals and establishing a committee to study the protection of business owners from requests to accommodate customers with fraudulent or untrained service animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Molly Howard for Environment and Agriculture. This bill amends RSA 167-D. It recommends creating a form for restaurant and lodging associations to use to collect information from patrons who present service animals on their premises. The forms are meant to provide assurance that the animals are trained service animals and not just pets. The bill also calls for a study committee to investigate ways to protect business owners from accommodating untrained pets represented as service animals. After testimony from Americans with Disabilities Act (ADA) lawyers and other experts, the committee determined that the regulations set forth in ADA laws prohibited requirements beyond those already put in place at the federal level. The study committee was deemed unnecessary because the federal regulations are too narrowly prescribed to allow suggestions for business owners to determine the status of animals brought into their businesses, and we cannot make additional laws requesting additional information at the state level. Vote 14-0.

HB 505-FN, allowing the sale of freeze dried foods produced in homestead food operations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Liz Barbour for Environment and Agriculture. This bill provides a realistic licensing path allowing homesteaders to produce and sell freeze-dried fruits, vegetables, and processed dairy products with clear labeling requirements. It supports local businesses, promotes entrepreneurship, and strengthens New Hampshire's agricultural economy while maintaining food safety. Vote 15-0.

Amendment (0883h)

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

1 Homestead Food; License Required. Amend RSA 143-A:12, IV to read as follows:

IV. Homestead food operations processing and selling freeze dried foods, from the homestead residence, at the owner's own farm stand, at farmers' markets, or at retail food stores shall be licensed under RSA 143-A:4. For the purposes of this section, freeze dried foods means fruits, vegetables, and commercially prepared dairy products.

V. All homestead food products sold in packages from the home kitchen, farm stand of a homestead food operation, at farmers' markets, or at retail food stores shall have individual labels on each package containing the following information: name, address, and phone number of the homestead food operation; name of the homestead food product; the ingredients of the homestead product, in descending order of predominance by weight; and allergy information. Products made by homestead food operations exempt from licensure shall also be clearly labeled with the following statement: "This product is exempt from New Hampshire licensing

and inspection.” Products made by nonexempt homestead food operations shall also be clearly labeled with the following statement: “This product is made in a residential kitchen licensed by the New Hampshire Department of Health and Human Services.”

2 Effective Date. This act shall take effect 120 days after its passage.

AMENDED ANALYSIS

This bill requires the licensing of homestead food operations processing and selling freeze dried foods.

HB 616-FN, relative to the confiscation of animals from persons suspected of or charged with abuse of animals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Environment and Agriculture. Essentially, this bill and its amendment make several changes to existing law to clarify the law and to ensure that due process is followed in animal welfare complaints and animal confiscation, and that both owners and their animals have additional protections regarding animal cruelty reports and confiscations. Animals/livestock, are considered property in New Hampshire, and cannot be confiscated without a person being charged with animal cruelty unless an animal’s life is in imminent danger, or the owner is not home or unreachable. Any animals taken without following the law/due process is considered theft. Due process must be adhered to and a veterinarian, either from the State Veterinarian’s office, or a designee, or the owner’s veterinarian, should be the person to assist law enforcement in making an assessment of an animal cruelty report, and determine if charges of animal cruelty or neglect should be brought forward. That veterinarian should be familiar with the animal(s) in question (i.e. a dog/cat veterinarian should not assess cows, goats, pigs, etc.). A person also has a right, when charged with animal cruelty, to have a veterinarian of their choice examine the animal(s) and be made aware of this right. Additionally, no animal that is confiscated may be altered (neutered, spayed, dehorned, declawed, etc.) by whomever is providing care for the confiscated animal(s) unless they have permission from the owner, and no animal may be euthanized unless a treating veterinarian determines that an animal is in extreme suffering. Furthermore, the owner of the animal(s) must have any document that they are asked to sign explained to them fully prior to them signing it. Another provision in the bill makes it clear that no person who has initiated an animal welfare complaint may take part in or be present during any investigation into such complaint, unless the complainant is an employee of a governmental agency and no person who may be called upon to take possession of any animal seized as a result of a complaint may have taken part in the decision to seize any animal. Additionally, no confiscated animal or animals shall be used in any manner to solicit donations or to raise funds by any individual or organization that has protective custody of the animal(s) prior to a conviction for abuse or neglect. The committee felt strongly that no organization or individual should profit off of a confiscation of animal(s) prior to a court conviction of abuse or neglect. The bill also makes it clear that if lactating animals are confiscated that they must be placed in a facility that can care for/milk them, and that they may not be separated from non-weaned offspring. Another provision in this bill is that in order to protect the integrity of complaint investigations, an appropriate law enforcement officer shall require any person or their designated agent called upon to take possession of any animal seized or to assist during any complaint investigation, to sign a binding nondisclosure agreement intended to protect any shared or confidential information against unauthorized use pending final adjudication or dismissal of such complaint; provided that information may be disclosed only to officials with a need to know who are subject to confidentiality obligations. The bill also removes language from current statute that has to do with dog and horse racing which no longer occurs in New Hampshire. The bill also makes sure that no funds from the Cost of Care fund are released if due process is not followed when animals are seized. Lastly, the bill sets up a study committee to review all of the animal cruelty statutes (RSA 644:8, RSA 644:8-a through g) to be examined with an eye to clarify, reorganize, and update the law. This bill, and its amendment, was a collaboration of New Hampshire Farm Bureau, the New Hampshire Department of Agriculture, UNH Extension, and our committee to address the many problems which occurred during a horrific taking of dairy goats in Lee, New Hampshire, in April 2024, when 45 animals were taken and 22 were subsequently euthanized. Some remaining animals were offered to be given back to the owner for a sum of \$40,000. The committee unanimously supported changes to the law which this bill provides. Vote 15-0.

Amendment (0999h)

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

AN ACT relative to the confiscation of animals from persons suspected of or charged with abuse of animals and establishing a committee to study the animal cruelty statutes.

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

1 Cruelty to Animals; Livestock. Amend RSA 644:8, IV(a) to read as follows:

IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have his or her animals confiscated by the arresting officer. *The investigating officer for a case involving livestock as defined in RSA 427:38, III shall be accompanied by the state veterinarian or their designee who shall*

set probable cause criteria for the taking of the animal or animals. No animal shall be confiscated unless a person is charged under this section, except when the officer believes that the animal's life is in imminent danger.

(2) A person charged under this section may petition the court to seek an examination of the animals by a veterinarian licensed under RSA 332-B of his or her choice at the expense of the person charged. ***The person charged shall be made aware of such right in writing by the arresting officer.***

(3) If a person is charged under this section and is presented with any document to sign, the arresting officer shall explain the document to the person and the person shall affirm that they understand the document they are signing.

~~[(3)]~~ (4) Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar. In cases in which animals have been confiscated by an arresting officer or his or her agency, a status hearing shall be held by the court within 14 days of the confiscation of the animals.

~~[(4)]~~ (5) Any person with proof of sole ownership or co-ownership of an animal confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of interest in the criminal case may petition the court for temporary custody of the animal. The court shall give such person priority for temporary custody of the animal if the court determines it is in the best interest of the animal's health, safety, and wellbeing.

~~[(5)]~~ (6) No custodian of an animal confiscated under this section shall spay or neuter or otherwise permanently alter the confiscated animal in his or her custody pending final disposition of the court case unless a treating veterinarian deems such procedure necessary to save the life of the animal ***or the owner of the animal agrees in writing to the procedure or treatment. If the treating veterinarian determines the animal is in a state of extreme suffering, the animal may be euthanized.***

~~[(6)]~~ (7) Upon a person's conviction of cruelty to animals, the court shall dispose of the confiscated animal in any manner it decides except in a case in which the confiscated animal is owned or co-owned by persons other than the defendant. If the defendant does not have an ownership interest in the confiscated animal, the court shall give priority to restoring full ownership rights to any person with proof of ownership if the court determines that such is in the best interest of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by the defendant, the court shall give priority to transferring the defendant's interest in the property to the remaining owner or co-owners equitably if the court determines that such is in the best interest of the animal's health, safety, and wellbeing.

~~[(7)]~~ (8) The costs to provide the confiscated animals with humane care and adequate and necessary veterinary services, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted in accordance with rules adopted by the department of agriculture, markets, and food.

(9) No confiscated animal or animals shall be used in any manner to solicit donations or to raise funds by any individual or organization that has protective custody of the animal or animals prior to a conviction for abuse or neglect under this section.

2 Confiscation of Animal. RSA 644:8, IV-a is repealed and reenacted to read as follows:

IV-a.(a) Except as provided in subparagraph (b) any appropriate law enforcement officer or municipal animal control officer may take into temporary protective custody any animal when the owner or caretaker is not present and there is probable cause to believe that it has been or is being abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. Unless charges have been filed or a warrant establishing probable cause has been issued, the animal or animals shall be returned to the owner or their designee or caretaker upon request. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week's extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of the officer's department. The department may dispose of the animal in any lawful and humane manner as if it were the rightful owner. If after 14 days the officer or the officer's department determines that charges should be filed under this section, the officer shall petition the court. An owner of an animal taken into protective custody shall have the right as referenced in subparagraph IV(a)(2).

(b) For purposes of subparagraph (a) the investigating officer for livestock, as defined in RSA 427:38, III, shall be accompanied by a veterinarian licensed under RSA 332-B or the state veterinarian who shall set the probable cause criteria for taking the animal or animals.

(c) In cases where one or more lactating animals are confiscated, proof shall be provided by the confiscating party to the attending veterinarian and the owner or caretaker that proper care and facilities shall be provided for adults and offspring. No lactating animal shall be separated from its non-weaned offspring and vice versa.

(d) No person who has initiated an animal welfare complaint may take part in or be present during any investigation into such complaint, unless the complainant is an employee of a governmental agency. No person who may be called upon to take possession of any animal seized as a result of a complaint under this section may have taken part in the decision to seize any animal.

(e) In order to protect the integrity of complaint investigations an appropriate law enforcement officer shall require any person or their designated agent called upon to take possession of any animal seized or to assist during any complaint investigation, to sign a binding nondisclosure agreement intended to protect any shared or confidential information against unauthorized use pending final adjudication or dismissal of such complaint; provided that information may be disclosed only to officials with a need to know who are subject to confidentiality obligations.

(f) The confiscation of any animal or animals without the charging of the owner or caretaker, or without a warrant specifying probable cause, under paragraph IV shall be theft by unauthorized taking under RSA 637:3.

(g) No custodian of an animal in temporary protective custody under this section shall spay or neuter or otherwise permanently alter the confiscated animal in his or her custody pending final disposition of the court case unless a treating veterinarian deems such procedure necessary to save the life of the animal or the owner of the animal agrees in writing to the procedure or treatment. If the treating veterinarian determines the animal is in a state of extreme suffering, the animal may be euthanized.

3 Veterinarian Assistant. Amend RSA 644:8, V to read as follows:

V. A veterinarian licensed to practice in the state ***and any individual requested to provide assistance by law enforcement or the state veterinarian*** shall be held harmless from either criminal or civil liability for any decisions made for services rendered under the provisions of this section or RSA 435:11-16. Such a veterinarian ***or assisting individual*** is, therefore, under this paragraph, protected from a lawsuit for his part in an investigation of cruelty to animals.

4 State Veterinarian; Powers. Amend RSA 436:8 to read as follows:

436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter. Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept. At the request of the local law enforcement agency, animal control officer, state police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of and investigating said complaints. ~~[In the event the commissioner becomes incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during any such incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to act for him or her in an official capacity whenever he or she may be absent from his or her duties.]~~

5 New Paragraph; Assessing Applications Under the Cost of Care Fund; Use for Livestock. Amend RSA 437-B:1 by inserting after paragraph III the following new paragraph:

III-a. Applications for reimbursement for the care of livestock shall demonstrate to the commissioner that the livestock were seized properly according to statute with assurance that individuals with experience and professional knowledge in the care of the type of livestock seized were consulted and that proper due process was afforded to the animal owner.

6 Committee Established. There is established a committee to study review RSA 644:8 and RSA 644:8-a through 644:8-g to identify elements to clarify, reorganize, and update these sections.

7 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

8 Duties. The committee shall:

I. Review RSA 644:8 and RSA 644:8-a through 644:8-g and address the following:

(a) Are these statutes consistent with current regulatory needs and practices?

(b) Are there overlapping, redundant, outdated, or conflicting statutes in RSA 644:8 and RSA 644:8-a through 644:8-g?

(c) Do any statutes need to be transferred from one chapter to another for clarity and consistency?

II. Work with agencies involved in the enforcement of RSA 644:8 and RSA 644:8-a through 644:8-g.

III. Identify any other issues that may be needed to fulfill the mission of this committee.

9 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

10 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2025.

11 Effective Date.

I. Sections 1 - 5 of this act shall take effect January 1, 2026.

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

HB 642, allowing the sale of dehydrated meat without a homestead food license. **INEXPEDIENT TO LEGISLATE.**

Rep. Judy Aron for Environment and Agriculture. The intent of the bill was to allow US Department of Agriculture (USDA) licensed producers of meat to produce and sell limited amounts of dehydrated meat, such as beef jerky, without needing a homestead food license. Meat is a potentially hazardous food and if not handled properly can be a source of serious food borne illness. More thought, and oversight, needs to be put into introducing this type of meat production into homestead food production and sales. It is recommended that we do more research and work with the Department of Health and Human Services Food Safety Division to develop a less cumbersome way, than current statute allows, that meat producers can do this dehydrated meat production safely and easily and still have a measure of oversight to ensure food safety practices are followed. Vote 14-0.

HB 707, requiring the department of environmental services to establish a site-specific setback distance for proposed new landfills. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kelley Potenza for Environment and Agriculture. As amended, this bill takes care of multiple policy decisions to protect the health and safety of New Hampshire citizens, drinking water sources, and our environment. This includes protecting drinking water wells, perennial rivers, lakes, and coastal waters, from contamination. This legislation modernizes our approach to landfill siting, ensuring that we put human health first and environmental protection back in the driver's seat. This legislation develops landfill siting criteria in line with all other states, provinces and countries—via site-specific surface and drinking water setbacks based on how fast pollution can move through the local soils and bedrock. This bill puts into statute a modern, local data criterion for landfill siting. JLCAR determined in November 2024 that the updated Department of Environmental Services (DES) rules were contrary to statute and against the public interest. JLCAR approved those rule updates in December 2024, saying that the legislature needed to set laws and policies, as that was not something JLCAR was authorized to do, as they could only approve or deny rules presented to them. This bill improves upon the rules set in November 2024 and adds the words to the governing statute of the DES Solid Waste Division. Instead of being given authority merely to “write rules,” the division is directed to write rules “necessary to protect public health and the environment.” This bill complements everything Governor Ayotte has put into the HB 2 budget with regard to environmental protection and landfill siting. Her newly created Site Evaluation Committee will better assess the benefits and harms of a landfill project when the siting rules are brought out of the mid-20th century and into alignment with the rest of the world's. Vote 14-1.

Amendment (1041h)

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

AN ACT requiring the department of environmental services to revise the rules for proposed new landfills.

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

1 Statement of Purpose. The general court finds that protecting the health and safety of New Hampshire citizens, drinking water sources, and our environment, including drinking water wells, perennial rivers, lakes, and coastal waters, from contamination is of utmost public interest. Therefore, based on legislative intent informed by public and expert testimony from New Hampshire citizens and key stakeholders, the department of environmental services' 800 rules for proposed new landfills are found to be insufficiently protective in certain sections. The following provisions provide the department with direction, policy changes, and purpose in rulemaking.

2 New Subparagraph; Waste Management Rules. Amend RSA 149-M:7 by inserting after paragraph XV the following new paragraph:

XV-a. Relative to the safe management of solid waste. Such rules shall promote the hierarchy established under RSA 149-M:3, and shall develop and enforce siting, design, operation, and closure requirements.

3 New Paragraphs; Groundwater Protection. Amend RSA 149-M:9 by inserting after paragraph XV the following new paragraphs:

XVI. No permit shall be issued by any division of the department for the siting of a new landfill if any part of the actual solid waste disposal area is proposed to be located sufficiently close to any existing drinking water well, perennial river, lake, or coastal water of New Hampshire, as defined in RSA 483-B:4, XVI, such that groundwater on the landfill site would be able to reach the water body within 5 years of migrating off-site due to any leak, spill, or other failure.

XVII.(a) The department shall establish a site-specific setback distance for any proposed new landfill from any drinking water wells, perennial river, lake, or coastal water of New Hampshire, as defined in RSA 483-B:4, XVI. The setback distance shall be sufficient to prevent any contaminated groundwater at any part of the landfill footprint or leachate storage or piping infrastructure from reaching any existing drinking water wells, perennial river, lake, or coastal water of New Hampshire within 5 years. The setback distance shall be calculated as follows:

(1) The applicant shall hire a hydrogeologist who has never worked with or been contracted through a third party with any applicant's current or previous projects, at the applicant's expense, to estimate based upon adequate and representative on-site field testing of both the landfill footprint and leachate storage or piping infrastructure, the estimated velocity of groundwater in both surficial geological deposits and bedrock. The velocity shall be estimated by calculating the 95th percentile upper confidence limit of the mean measured rate, using the formula recommended by the United States Environmental Protection Agency at EPA 600-R-97/006.

(2) The 5-year distance-of-travel estimate shall be calculated by multiplying the velocity, in units of feet per year, by 5.

(3) The setback from any existing drinking water well, perennial river, lake, or coastal water of New Hampshire shall be the greater of the 5-year distance-of-travel estimate calculated in subparagraph (2) or 1,500 feet.

(b) No permit shall be issued by any division of the department for the siting of a new landfill that fails to conform to the setback distance as calculated using the method set forth in subparagraph (a).

(c) In this section, "new landfill" excludes any expansion or modification of any landfill facilities on any site where, as of January 1, 2025, a RCRA Subtitle D landfill exists that has received all permits necessary to operate at present and is currently operating under such permits at the time it files an application to expand.

(d) In this section, "site" means a single parcel or adjacent parcels, owned in its entirety by a landfill operator or its affiliates as of January 1, 2025, including a site where one or more public utility easements traverse the site.

XVIII. The department shall not issue a permit for a new landfill or landfill expansion unless the applicant conducts subsurface investigations in sufficient numbers and locations to properly describe the surficial stratigraphy and the bedrock beneath and adjacent to the proposed solid waste boundary, at least to the depth of any aquifers currently used to provide drinking water to residents. Pump tests shall be conducted at selected locations as needed to evaluate aquifer yield and connectivity of bedrock fractures using the department's database of the location and depth of private drinking water wells.

XIX. All landfill facilities shall have at least one employee or contracted personnel at the site 24 hours a day, 365 days per year, beginning from the date the landfill begins accepting waste and continuing until final closure.

XX. No permit shall be granted for a landfill unless undisturbed in-situ soils for 20 feet immediately beneath the footprint and underneath all leachate storage and transfer infrastructure have a maximum saturated hydraulic conductivity of 1×10^{-4} centimeters per second (cm/sec) or less. If the above in-situ soils do not meet the maximum hydraulic conductivity criterion of 1×10^{-4} cm/sec, no amount of imported soil can overcome such deficiency, and the tract shall be deemed impermissible for use as a landfill.

XXI. No permit shall be granted for a landfill unless the subgrade below the liner consists of soil with a saturated hydraulic conductivity of 1×10^{-4} cm/sec or less.

XXII. All references to number-year storm events regarding solid waste landfill permitting requirements in relation to design, maintenance, leachate management, etc., shall have the value of a 100-year storm with a 50 percent margin of safety.

XXIII. The department shall incorporate the "Ford Act" found at 40 C.F.R. 258 into landfill permitting requirements, specifically the provision limiting the construction or establishment of municipal solid waste landfills within 6 miles of certain smaller public airports.

4 Permit Denial. Amend the introductory paragraph of RSA 149-M:9, IX to read as follows:

IX. The department ~~may~~ **shall** deny a permit application under this section to a person if any of the following applies:

5 Rulemaking. The introductory paragraph of RSA 149-M:7 is repealed and reenacted to read as follows:

The commissioner shall have the responsibility and authority to adopt rules, under RSA 541-A, that are necessary to protect the public health and the environment with an ample margin of safety relative to this chapter, including rules relative to:

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

AMENDED ANALYSIS

The bill requires the department to modify rules to avoid significant harms to human health and the environment, and changes the enabling statute of the department of environmental services solid waste division to require the department to consider health and the environment when making future rules.

HR 18, urging the New Hampshire congressional delegation to sponsor legislation relative to, and urging the United States Department of Agriculture (USDA) to adopt regulations, allowing for small scale slaughter plants to use the Federal Meat Inspection Act's Custom Exempt meat processing inspection criteria with a third-party inspector present at slaughter, so that processed beef, pork, lamb, and chevron (goat meat) can be sold as individual cuts directly from the farm producer to the end consumer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Environment and Agriculture. This House Resolution urges our congressional delegation, and the US Department of Agriculture (USDA), to act to help our very small custom meat slaughter facilities to be able to sell individual cuts to customers. We could not pass HB 396 having to do with the same issue, because USDA regulations forbid what we were initially proposing in that bill. In lieu of that, we are hoping to get USDA regulations changed and this is one of the first steps to working through that process. Vote 15-0.

Amendment (1073h)

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

A RESOLUTION urging the New Hampshire congressional delegation to sponsor legislation relative to, and urging the United States Department of Agriculture (USDA) to adopt regulations, allowing for small scale and very small slaughter plants to use the Federal Meat Inspection Act's Custom Exempt meat processing inspection criteria with a third-party inspector present at slaughter, so that processed beef, pork, lamb, and chevron (goat meat) can be sold as individual cuts directly from the farm producer to the end consumer.

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

Whereas, New Hampshire has only 4 United States Department of Agriculture (USDA) approved slaughter plants; and

Whereas, to ensure processing availability, farmers in the region must schedule a slaughter date at a USDA approved slaughter facility before their livestock are born; and

Whereas, supply chain issues we experienced as a nation during the COVID-19 pandemic highlighted the vulnerability of the existing concentration in the nation's meat processing industry when consumers found limited availability and even empty meat cases in stores; and

Whereas, a strong local food economy is vital to the nutritional needs and public health of the state's citizenry; and

Whereas, there is a desire for consumers to know where and how their food is grown and raised and to have the ability to speak with the farmer producing their food; and

Whereas, exemptions and flexibility are already provided for poultry in the Poultry Products Inspection Act and for non-amenable species (i.e., species not covered under the Federal Meat Inspection Act) such as bison, deer, elk, and rabbits; and

Whereas, the USDA's existing regulations enable the processing of the meat from amenable species in a state licensed facility where the animal has been slaughtered under USDA inspection; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives urges our congressional delegation to sponsor legislation, and also urges the USDA to adopt regulations, allowing for small scale and very small slaughter plants to use the Federal Meat Inspection Act's Custom Exempt meat processing inspection criteria with a third-party inspector present at slaughter, so that processed beef, pork, lamb, and chevron (goat meat) can be sold as individual cuts directly from the farm producer to the end consumer.

Let it further be resolved that copies of this resolution, signed by the speaker of the house, be forwarded by the house clerk to each member of the New Hampshire congressional delegation, the secretary of the United States Department of Agriculture, and the administrator of the United States Department of Agriculture Food Safety and Inspection Service.

AMENDED ANALYSIS

This resolution urges the New Hampshire congressional delegation to sponsor legislation about and urges the United States Department of Agriculture to adopt regulations allowing small-scale and very small slaughter plants to allow certain inspection criteria to be used to enable the sale of processed beef, pork, lamb, and goat meat from farm to the end consumer.

CACR 1, relating to the governor. Providing that there be a lieutenant governor who shall assume the duties of the governor if the governor is incapacitated. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Bailey for Executive Departments and Administration. This constitutional amendment would augment the existing executive office with a lieutenant governor in order to replace the governor should they become incapacitated. The committee felt that the addition of such an officer and their staff would constitute an unnecessary expense. Vote 16-0.

HB 161, changing the membership of the New Hampshire commission on Native American affairs. **INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for Executive Departments and Administration. The committee recognizes that the New Hampshire Commission on Native American Affairs has faced various problems in ensuring representation of the various tribes with ancestral land in New Hampshire. In recent years, the legislature has worked to create a more functional structure including relaxing quorum requirements, however problems persist. The most pressing issue right now is of the 11 positions appointed by the governor, five are vacant and the terms of four members expired earlier this year. Additionally, the most recent annual report was filed in 2022 and numerous other years since the creation of the commission are missing which brings into question the functionality of the commission. Rather than restructure the commission as suggested in this bill, the committee strongly recommends that naming new members become a priority for the new governor. Vote 16-0.

HB 192-FN, relative to recommendations of the joint committee on employee classification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. The authority for setting the salaries of state employees rests with the New Hampshire General Court. However, there is a need to set or adjust salaries outside of the regular legislative calendar. The Joint Committee on Employee Classification (JCEC) reviews such requests and sets a temporary salary or salary range. This bill, as amended, includes the recommendations of JCEC since the last such bill went through the legislature. Vote 16-0.

Amendment (0587h)

Amend RSA 94:1-a, I(b) as inserted by section 2 of the bill by inserting in salary grade GG the following:

GG Department of corrections	deputy director of medical services
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HB 210, establishing a commission to study the state flag and its history. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Heath Howard for Executive Departments and Administration. This bill would establish a commission to study the state flag and its history. This would not guarantee changing the state flag but allows for an opportunity for the citizens of our state to provide input on a new design or their feelings about the current flag. A number of other states have gone through a similar process recently. For example, Minnesota received 2,600 submissions when going through their redesign. Students have been highly involved in a number of these redesigns, and this would provide a chance for them to learn about the history of New Hampshire and engage with our state government. Vote 14-1.

Amendment (0617h)

Amend RSA 3:2-a, I-III as inserted by section 2 of the bill by replacing it with the following:

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the house executive departments and administration committee, appointed by the speaker of the house of representatives. At least one member of each party shall be chosen.

(b) One member of the senate, appointed by the president of the senate.

(c) The president of the New Hampshire Historical Society, or their designee.

(d) The head of the New England Vexillological Association, or their designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall:

(a) Review the history of the state flag of New Hampshire.

(b) Examine vexillological principles of flag design, particularly as they pertain to state flags of the United States.

(c) Develop a criteria, process for accepting, and deadline for submission of flag designs.

(d) Determine how many designs to consider and how to narrow down the number of design submissions.

The commission shall hold a public hearing on the submissions once the commission's top submissions are chosen.

HB 214-FN, relative to the regulation of recreational therapists and respiratory care practitioners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill simply continues the statutory cleanup between the Office of Professional Licensure and Certification and the specific boards, with no real changes to regulation of these professions. The committee amendment updates the language for the criminal records check to that preferred by the Department of Safety. Vote 16-0.

Amendment (0845h)

Amend RSA 326-J:7 as inserted by section 2 of the bill by replacing it with the following:
326-J:7 Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the office of professional licensure and certification a criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the executive director of the office of professional licensure and certification or its designee within the office of professional licensure and certification. For the purposes of this section, a designee may be the office's agency counsel, administrative law judge, director of licensing and board administration, licensing service representative, or board administrator.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency, an authorized employee of the office of professional licensure and certification, or an authorized employee of the department of safety. If the first set of fingerprints is invalid due to an insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to an insufficient pattern, the office of professional licensure and certification may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The office of professional licensure and certification shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the executive director of the office of professional licensure and certification or its designee within the office of professional licensure and certification. The executive director of the office of professional licensure and certification or its designee within the office of professional licensure and certification shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history record check.

HB 271-FN, relative to initial license requirements for licensed social work associates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. The bill, as amended, addresses a concern brought to the committee regarding testing requirements to obtain an associate license that was the same as the test for a licensed social worker. In subcommittee, working with the Social Workers Association and the licensing board, an amendment was formed that gives the board the authority to design or issue an established test that determines the competence assessment of social worker associates. Vote 16-0.

Amendment (0495h)

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

1 Licensed Social Work Associate: Initial License. Amend RSA 330-A:18-c, I(a)(5) to read as follows:

(5) Pass a [~~national proctored examination approved by the board~~] ***uniform competence assessment examination of social work knowledge, skills, and abilities approved by the New Hampshire board of mental health practice.***

2 Licensed Social Work Associate: Initial License. Amend RSA 330-A:18-c, I(b)(5) to read as follows:

(5) Pass a [~~national proctored examination approved by the board~~] ***uniform competence assessment examination of social work knowledge, skills, and abilities approved by the New Hampshire board of mental health practice.***

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

AMENDED ANALYSIS

This bill changes the national proctored examination requirement for initial licensure for licensed social work associates to a uniform competence assessment examination of social work knowledge, skills, and abilities approved by the New Hampshire board of mental health practice.

HB 694-FN, requiring leases of land, buildings, or space by state agencies to be at fair market value. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Executive Departments and Administration. This bill addresses challenges currently experienced by municipalities leasing property to the state. When specialized facilities like courthouses are leased to the state, and the state holds the ultimate trump card to exercise eminent domain, the committee believes that it is beneficial to require leases to adhere to market rates. The committee amendment limits the bill to only contracts between political subdivisions and the state and requires market rates whether the state owns the property or leases the property, which incentivizes the creation of a fair process because both parties are likely to be on either side of the negotiating table at some point in time. Vote 16-0.

Amendment (0889h)

Amend RSA 4:39-g, I as inserted by section 1 of the bill by replacing it with the following:

I. Any renewal of a lease for land, buildings, or space between a political subdivision and the state shall be renewed at a fair market rate, unless otherwise agreed upon by the lessor. Additional expenses, including but not limited to utilities and custodial services, shall be negotiated separately.

HB 165-FN, relative to the maximum amount of disaster relief funding provided to municipalities after a natural disaster. **OUGHT TO PASS.**

Rep. Kate Murray for Finance. This bill raises the limit for which a municipality can apply for infrastructural disaster relief from \$25,000 to \$100,000 in one calendar year. These days, while we deal with extreme weather events, one can barely repair a driveway with \$25,000, never mind a town road. This bill raises the amount to a level that will more likely be able to aid a municipality in the face of a disaster to something more realistic. Vote 25-0.

HB 70-FN, relative to the use of electronic medical records. **OUGHT TO PASS.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. The bill offers greater freedom to health care providers by allowing them to opt out of using electronic medical records (EMR) systems, without being penalized. Vote 18-0.

HB 455, relative to reports by the department of health and human services regarding Medicaid enhancement for children and pregnant women. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. Currently the Department of Health and Human Services is reporting to the Health and Human Services Oversight Committee on the Medicaid enhancement program for children and pregnant woman, which is a relatively new program, on a quarterly basis. As amended, this bill will require the quarterly reporting to continue until July 1, 2027, and then reduces the reporting requirement to an annual report thereafter. This reporting schedule will ensure adequate oversight for the first few years of the program, after which the annual reporting requirement will bring the reporting requirement into line with those for other ongoing department programs. Vote 17-0.

Amendment (0645h)

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

1 Medicaid Enhancement for Children and Pregnant Women; Reporting Requirement. RSA 167:68, IV(d) is repealed and reenacted to read as follows:

(d) Beginning October 1, 2025, and for the remainder of the biennium ending June 30, 2027, the commissioner of the department of health and human services shall submit quarterly reports to the oversight committee on health and human services, the legislative committees with jurisdiction over health and human services, and the governor regarding the department's administration of the Medicaid enhancement for children and pregnant women for 12 months of continuous coverage for the entire postpartum period. Beginning July 1, 2027, the reports shall be submitted annually. The reports shall include status updates on the department's efforts in reducing administrative burdens for enrollees and the department's progress to expand access and participation to voluntary, evidence-based maternal home visiting programs. Reports submitted under this section shall also be posted on the department's website.

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

AMENDED ANALYSIS

This bill requires the department of health and human services to provide quarterly reports regarding Medicaid enhancement for children and pregnant women for the biennium ending June 30, 2027 and to submit such reports annually thereafter.

HB 636-FN, relative to community mental health providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Kesselring for Health, Human Services and Elderly Affairs. The committee unanimously voted to recommend Inexpedient to Legislate on this bill as it is unnecessary and not in the best interest of New Hampshire. Its provisions create confusion within existing laws and could lead to unintended consequences and fail to effectively address the issue at hand. Advancing this bill would be impractical, making Inexpedient to Legislate the appropriate motion to prevent unnecessary or burdensome policy changes. Vote 18-0.

HB 664-A, relative to childhood immunization requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda McGrath for Health, Human Services and Elderly Affairs. This bill provides that childhood immunization requirements shall not require a vaccine that has not been tested with an inert placebo in clinical trials. The committee voted unanimously to recommend Inexpedient to Legislate due to there not being enough information to move forward, including which immunizations are actually based on placebo trials and which are not. Vote 18-0.

HB 701-FN, relative to a health care patient's right to try certain emergency health care treatment options. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lisa Mazur for Health, Human Services and Elderly Affairs. The entire committee agrees that expanding the “Right to Try” is crucial because it gives terminally ill patients access to potentially life-saving treatments that have passed initial safety trials but are still awaiting full Food and Drug Administration (FDA) approval. For clarity, this is not an assisted suicide bill. For many patients, time is a luxury they don’t have, and bureaucracy should not stand in the way of their last chance at hope. By broadening access, we empower individuals to make their own healthcare decisions, drive medical innovation, and provide doctors with more tools to fight terminal diagnoses. No one should be denied the opportunity to try every possible option to save their life. This bill will make New Hampshire the best jurisdiction in the country for clinical trials & “Right to Try” for people with life-threatening illnesses. We are just forty minutes from Boston, a biotech hub, where a large share of this innovation is happening. If we establish ourselves as the most friendly and pioneering jurisdiction in America for experimental treatments for people with terminal illness, we have an opportunity to draw innovation & business into the state. Vote 18-0.

Amendment (0967h)

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

1 New Paragraphs; Terminal Patients’ Right to Try Act; Definitions of Telehealth Prescreening and Remote Signing Added. Amend RSA 126-Z:1 by inserting after paragraph III the following new paragraphs:

IV. “Telehealth prescreening” means any remote, real-time discussion intended, in part, to determine whether a person with a life-threatening disease may be:

- (a) Ineligible for or not selected to participate in a clinical trial; or
- (b) Ineligible to receive or not be offered a drug, biologic, or device.

V. “Remote signing” means the signing of any form, witnessed by a notary public or a licensed health care provider, providing written informed consent for a person diagnosed by a physician with a life-threatening disease to participate in a clinical trial or receive a drug, biologic, or device, by the patient or, if the patient is a minor or lacks the mental capacity to provide consent, by a parent or legal guardian on the patient’s behalf.

VI. “Individualized investigational treatment” means drugs, biologics, or devices unique to and produced exclusively for use for an individual patient, based on their own genetic profile, including but not limited to individualized gene therapy antisense oligonucleotides (ASO), individualized neoantigen vaccines, and any other individualized treatment.

VII. “Eligible facility” means an institution that is operating under a Federalwide Assurance (“FWA”) for the Protection of Human Subjects under 42 U.S.C. section 289(a) and 45 C.F.R. part 46. Any eligible facility is subject to the FWA laws, regulations, policies, and guidelines including renewals or updates.

2 Terminal Patients’ Right to Try; Definition of Physician. Amend RSA 126-Z:1, III to read as follows:

III. “Physician” means the licensed *allopathic or osteopathic* physician who is providing medical care or treatment to the eligible patient for the terminal illness.

3 New Paragraph; Terminal Patients’ Right to Try Act; Liability of Physician. Amend RSA 126-Z:3 by inserting after paragraph II the following new paragraph:

III. Notwithstanding any provision of law to the contrary, a manufacturer of a drug, biologic, or device, a pharmacist, a health care facility, a health care provider, or a person or entity involved in the care of a patient using a drug, biologic, or device is immune from suit for any harm done to a patient resulting from the drug, biologic, or device if:

- (a) The person has a life-threatening disease as determined by the person’s physician and a consulting physician;
- (b) The person’s physician has determined that the person has no comparable or satisfactory United States Food and Drug Administration (FDA) approved treatment options available to treat the disease or condition involved;
- (c) The patient has given written informed consent for the use of the drug, biologic, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient’s behalf and, if the patient is a legal adult, the consent is not contrary to the prior documented wishes of the patient; and
- (d) The manufacturer, pharmacist, facility, provider, or other person or entity has not engaged in willful misconduct. “Willful misconduct” shall include any conduct intended to hasten the death of the patient.
- (e) The drug, biologic, or device is an individualized investigational treatment, administered by a health care provider in cooperation with an eligible facility.

4 Private Cause of Action. Amend RSA 126-Z:4 to read as follows:

126-Z:4 Private Cause of Action.

I. Nothing in this chapter shall be construed to create a private cause of action against ~~a manufacturer of an investigational drug, biologic, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biologic, or device for any harm done to the eligible patient~~

resulting from the investigational drug, biologic, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care] **any person or entity except as specified in paragraph II.**

II. Notwithstanding any provision of law to the contrary, any patient diagnosed by a physician with a life-threatening disease, and who has been treated, is being treated, or otherwise could be treated in New Hampshire with a drug, biologic, or device, and is affected by a violation of this chapter, or a health care facility or a health care provider involved in the treatment of the patient, shall be entitled to petition the superior court for injunctive relief and reasonable attorney's fees against any regulatory or law enforcement authority that violates this chapter.

5 New Sections; Telehealth Prescreening and Remote Signing. Amend RSA 126-Z by inserting after section 5 the following new sections:

126-Z:6 Telehealth Prescreening.

I. Notwithstanding any regulation or provision of law to the contrary, any health care provider, while physically located in New Hampshire, may conduct a telehealth prescreening with any patient, in any state or jurisdiction, who has been diagnosed by a physician with a life-threatening disease.

II. No regulatory or law enforcement agency or subdivision shall take action against a health care facility, a health care provider, or a person or entity involved in the care of a patient for conducting a telehealth prescreening as defined in this chapter and pursuant to paragraph I.

III. A health care facility, a health care provider, or a person or entity involved in the care of a patient shall be immune from suit to the extent that the suit is based upon a telehealth prescreening.

126-Z:7 Remote Signing.

I. Notwithstanding any regulation or provision of law to the contrary, a manufacturer of a drug, biologic, or device, a pharmacist, a health care facility, a health care provider, or a person or entity involved in the care of a patient using a drug, biologic, or device may obtain consent to treat a patient using remote signing as defined in this chapter, provided that the manufacturer, pharmacist, facility, provider, or other person or entity has an office in the state of New Hampshire and has conducted a telehealth prescreening pursuant to RSA 126-Z:1, IV. The remote signing shall amount to full and effective consent for treatment under all applicable laws and regulations.

II. No regulatory or law enforcement agency or subdivision shall take action against a health care facility, a health care provider, or a person or entity involved in the care of a patient for obtaining patient consent through remote signing, as defined in this chapter, if the provider or facility has complied with paragraph I.

III. A health care facility, a health care provider, or a person or entity involved in the care of a patient shall be immune from suit to the extent that the suit challenges the validity of a remote signing to effect lawful consent, provided that the person or entity is complying in good faith with the terms of this chapter and has not engaged in willful misconduct.

126-Z:8 Statutory Construction. The general court enacts this chapter to promote maximum access by removing barriers in state law and indemnifying those involved in providing potentially life-saving treatments and treatments to improve the quality of patients' remaining life, to incentivize health care facilities, health care providers, manufacturers of drugs, biologics and/or devices, and other persons and entities involved in the care of patients, to treat life-threatening conditions, whether through company-sponsored clinical trial, single-patient protocol, compassionate use protocol, or any other means of access to drugs, biologics, and/or devices which gathers information on patient outcomes, and to make New Hampshire a jurisdiction that attracts and fosters clinical trials and the development of drugs, biologics, and devices intended to treat life-threatening conditions. This chapter shall be construed consistently with the general court's stated purpose.

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

HB 731-FN, relative to supportive housing options for individuals with developmental disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessica LaMontagne for Health, Human Services and Elderly Affairs. This bill clarified exemptions for licensure for certain types of supportive housing for people with intellectual disabilities. The way the existing law has been interpreted is that if three or more people with disabilities are receiving services, and living under one roof, the entire building needs to be licensed. This bill makes possible new supportive housing buildings in which individuals live in one to three person apartments within a large apartment building, and the building does not need licensure, only certification. The stipulation in the amended bill is that the residential clients are not required to receive other services, such as personal care services and transportation, by the entity owning and managing the building. It does not preclude the facility from offering an all-inclusive model, it just needs to be optional so that the residential clients may receive these additional services from other providers if they choose. Vote 18-0.

Amendment (0924h)

Amend the bill by replacing section 1 with the following:

1 Residential Care and Health Facility Licensing; License Exemption for Supportive Housing Options for Individuals with Developmental Disabilities. Amend RSA 151:2, II(a) to read as follows:

(a) Facilities which are operated for the continuing care of one person or 3 or fewer persons in a facility certified by the commissioner of health and human services under RSA 126-A:19 and RSA 126-A:20. ***This exemption also applies to buildings that provide residences to both independent individuals and individuals receiving services pursuant to RSA 126-A:19 and RSA 126-A:20. This exemption also applies to any entity that provides housing to 3 or more individuals receiving services pursuant to RSA 126-A:19 and RSA 126-A:20, provided that individuals are not required to use the entity to obtain personal assistance or any health-related or supportive services beyond room and board.***

AMENDED ANALYSIS

This bill provides a limited license exemption for certain supportive housing options for individuals with disabilities located within a larger facility or apartment building.

HB 296, relative to issuing building permits along private roads. **OUGHT TO PASS WITH AMENDMENT.** Rep. Dillon Dumont for Housing. The committee believes this bill should pass with amendment. By granting property owners the ability to build on land located along a private or class VI road, this bill empowers them and enhances their property rights. The Housing Committee's mission is to increase affordability and inventory, and this bill would help achieve that objective. Vote 17-0.

Amendment (0797h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Subdivisions Creating New Lots. Amend RSA 674:41 by inserting after paragraph I the following new paragraph:

I-a. Subdivisions creating new lots, after review and comment from the planning board, or existing lots with frontage on private or class VI roads built to town standards, shall be issued a building permit. These lots shall meet all other dimensional requirements set by the local municipality.

AMENDED ANALYSIS

This bill adds an alternative condition and provides another pathway to authorization for local governing bodies to erect buildings along private roads and adds additional requirements for subdivisions creating new lots.

HB 410-FN, relative to adding conditions to zoning boards of adjustment imposing restrictions on the building and development of residential properties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin Beaulier for Housing. As amended, this bill codifies a short list of extraordinary restrictions of residential property and allows municipalities to enact or enforce those restrictions where they are narrowly tailored to serve a compelling government interest in public health or safety. These extraordinary restrictions are more stringent than what are typically found in many New Hampshire communities and are often a major impediment to a property owner's ability to use or develop their own land for residential purposes. An example of an extraordinary restriction would be an ordinance requiring a minimum residential lot size in excess of five acres. However, a municipality may still adopt or enforce such a restriction where public health or safety are concerned. It also reasserts the public health and safety justifications for local land use control found within RSA 674:16. There is no impact to any local ordinance which is not an extraordinary restriction of residential property. This bill, with amendment, continues New Hampshire's tradition of local control regarding zoning and land use regulation and seeks to ensure that any restrictions beyond the norm are truly necessary for the health and safety of a community. Vote 17-0.

Amendment (0979h)

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

AN ACT limiting local authority to adopt restrictions on the building and development of residential properties.

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

1 New Section; Extraordinary Restrictions of Residential Property. Amend RSA 674 by inserting after section 17 the following new section:

674:17-a Extraordinary Restrictions of Residential Property.

I. Notwithstanding any other provision of law, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may adopt an extraordinary restriction of residential property only if the restriction is narrowly tailored to serve a compelling government interest in public health or safety.

II. Evidence such as written findings of fact, scientific studies, or other quantitative and empirical evidence, may be relevant to whether an extraordinary restriction of residential property is narrowly tailored to serve a compelling government interest in public health or safety, but are not necessarily dispositive.

III. For the purposes of this section, “extraordinary restriction of residential property” means any ordinance or regulation that contains any of the following:

(a) Any minimum square footage requirement for a dwelling or unit in excess of 200 square feet or the square footage required to meet the state building code, whichever is greater.

(b) Any lot size requirement greater than 5 gross acres per primary dwelling unit, or greater than 0.5 gross acres per primary dwelling unit if the lot is served by off-site municipal water and sewer systems.

(c) Any road frontage requirement greater than 200 feet per primary dwelling unit, or greater than 50 feet if the lot is served by off-site water and sewer systems.

(d) Prohibition on residential use in areas zoned for commercial use.

(e) Restriction on in-home business use in areas zoned for residential use, provided such business use does not violate noise, pollution, garbage, or light ordinances.

(f) Restriction on whether any dwelling unit is constructed on or off-site.

(g) Local amendments to the state building code or state fire code regarding materials or methods of construction, which impact residential buildings of not more than 4 units.

IV. Upon the effective date of this section, any extraordinary restriction of residential property shall not be enforced unless it meets the requirements of paragraph I.

2 Effective Date. This act shall take effect 180 days after passage.

AMENDED ANALYSIS

This bill prohibits the local adoption of extraordinary restrictions on residential property unless the restriction is narrowly tailored to serve a compelling government interest in public health or safety.

HB 457, relative to zoning restrictions on dwelling units. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Housing. The majority of the Housing Committee believes the testimony that was raised at the public hearing on this bill rises to the level of needing action. Under current law, cities and towns have the authority to mandate that occupants of a housing unit be related by blood or marriage through zoning amendments. The committee believes this is excessive local government overreach and tyranny. The committee heard testimony from students in Durham that purport that Durham’s zoning amendments restrict their ability to find housing by forcing them to live in certain zones in the town. This does not just affect students, as many veterans and those in the disability community are adversely affected by this overreach. This bill, with amendment, would replace the bill by adding a line in New Hampshire’s equal housing opportunity law to say “cities, towns, and municipalities shall not mandate that occupants of housing units be related by blood or marriage.” This change updates the nondiscrimination law but maintains the municipalities’ ability to enforce local noise and trash ordinances and building and fire codes. Vote 16-1.

Amendment (0917h)

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

AN ACT relative to the occupancy of housing units.

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

1 State Commission for Human Rights; Equal Housing Opportunity. Amend RSA 354-A:8 to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person’s sexual orientation. ***Cities, towns, and municipalities shall not mandate that occupants of housing units be related by blood or marriage.***

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

AMENDED ANALYSIS

This bill prohibits cities, towns, and municipalities from mandating that occupants of housing units be related by blood or marriage.

HB 188-FN, relative to contempt of the general court. **OUGHT TO PASS.**

Rep. Bob Lynn for Judiciary. This bill establishes both criminal and civil remedies for someone who fails to appear or to testify without just cause in compliance with a subpoena issued by either house of the General Court and who is held in contempt by majority vote of that body of the General Court. The civil remedy is referral to the Merrimack County Superior Court, where the person may be held in civil contempt unless s/he can demonstrate valid justification for failure to comply and may be fined or incarcerated until the person does comply. The criminal remedy is conviction of a misdemeanor if the person is found to have knowingly failed to comply without just cause. The prosecution would be undertaken by the department of justice and would be brought in the Merrimack County Superior Court. The bill also contains a provision stating that the remedies created do not limit the inherent constitutional power of the legislature to pursue other remedies to enforce compliance with legislative subpoenas or to punish failure to comply. It is important to note that

this bill does not in any way deal with the issue of when and how legislative subpoenas may be issued; those matters remain, as they are now, entirely subject to rules issued by the respective houses of the General Court. Vote 18-0.

HB 391-FN, relative to preventing strategic lawsuits against public participation. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Berch for Judiciary. This bill is designed to prevent defamation and other types of lawsuits against organizations and individuals that have spoken out on public issues by allowing those sued to claim immunity from suit and to petition a court to enforce that immunity by summary judgment. While the idea behind the bill may have merit, the committee finds that the scope of the bill is too broad and that litigating the summary motion regarding immunity would be of such complexity that little time, effort or expense would be saved. Vote 18-0.

HB 462-FN, establishing a cause of action for unwarranted video imaging of residential premises. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald McFarlane for Judiciary. This bill seeks to establish a private right of action against a person who installs a video imaging device on property adjoining residential real property in order to video activities in the backyard of the property in order to harass, annoy, alarm, or threaten another person. While the bill aims to protect owners' and residents' privacy, it raises significant First Amendment concerns. The act of video recording, even from one's own property, can be considered a form of expression protected under the First Amendment. Implementing restrictions based on the intent behind such recordings could lead to content-based regulation, which is subject to strict scrutiny by courts. This approach risks infringing upon individuals' rights to free speech and expression, as protected by both the state and federal constitutions. Additionally, this bill may infringe upon property rights and individual liberties. Property owners have the right to use their property, including installing surveillance equipment, provided it does not violate existing laws. This bill is an overreach and would limit lawful activities on one's own property based on subjective interpretations of intent. Such limitations could set a concerning precedent, allowing for potential misuse against individuals lawfully exercising their rights. Given these substantial constitutional and property rights issues, the committee unanimously recommends the bill be deemed inexpedient to legislate. Vote 18-0.

HB 522-FN, relative to the expectation of privacy in personal information maintained by the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for Judiciary. As amended, this bill is a corollary to HB 195-FN. The main difference between the two bills is that HB 195-FN applies to the private businesses that collect or maintain private information about individuals, whereas this bill applies to agencies of state or local government that receive or attempt to receive information from such private entities. The bill prohibits a governmental entity from acquiring, collecting, retaining, or using any private information obtained from the same "third party providers of information and services" as are covered by HB 195-FN unless the government entity has a proper purpose, consistent with its mission, for doing so. However, unlike HB 195-FN, which does not allow for a private right of action against private third-party providers, this bill does allow for a private right of action against a government entity that violates its provisions. For any such violation, the aggrieved person is allowed to collect the greater of actual damages or a civil penalty of \$1,000 per violation, as well as costs and attorneys' fees. Vote 17-0.

Amendment (0929h)

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

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

CHAPTER 507-I
EXPECTATION OF PRIVACY

507-I:1 Definitions. In this chapter:

I. "Available to the public" means personal information about an individual which is widely known or readily available to the public and in which that individual therefore could not have a reasonable expectation of privacy.

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

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

IV. "Third party providers of information and services" means individuals or organizations that collect personal information about an individual in connection with providing the following kinds of services to that

individual: cellular and land-line telephone, electric, water, or other utilities; Internet service providers; cable television; streaming services; social media services; email service providers; banks and financial institutions; insurance companies; and credit card companies.

507-I:2 Expectation of Privacy in Personal Information.

I. With respect to a government entity, an individual shall have a reasonable expectation of privacy in personal information, including content and usage, given or available to third-party providers of information and services, and not available to the public.

II. Unless specifically authorized by statute, no government entity shall, acquire, collect, retain, or use any personal information of any individual residing in New Hampshire from any third-party provider.

III. Paragraph II shall not apply to:

(a) Personal information acquired, collected, retained, or used by a government entity when such acquisition, collection, retention, or use is for a purpose within the scope of the entity's investigative, law enforcement, regulatory, administrative, or adjudicatory authority.

(b) Personal information sought or obtained pursuant to a subpoena duly issued by a government entity acting within its investigative, law enforcement, regulatory, administrative or adjudicatory authority, by a duly empaneled grand jury, or by a court.

(c) Personal information sought or obtained pursuant to a duly issued search warrant or pursuant to a judicially recognized exception to the requirement for a search warrant.

(d) Personal information sought by the division of emergency services and communications for purposes of responding to or assisting with emergency 911 communications.

(e) An emergency, where the immediate danger of death or serious physical injury to an individual or substantial loss or destruction of property requires the disclosure, without delay, of personal information concerning a specific individual, telephone number, username, or other unique identifier, and where judicial process cannot be obtained in time to prevent the identified danger.

(f) Personal information relating to an individual who has authorized the government entity to access such information, but only for the purpose for which such access was granted.

(g) Other circumstances where the acquisition, collection, retention, or use of personal information by a government entity is authorized by law.

IV. Any person who knowingly violates the provisions of this section shall be guilty of a misdemeanor.

V. A person who is aggrieved by a violation of this chapter shall be entitled to recover the greater of actual damages or \$1,000 from the government entity responsible for each such violation and an award of costs and reasonable attorney fees.

507-I:3 Action Against a Nongovernment Entity. This chapter shall not be construed to create a cause of action against a nongovernment entity for providing information to a government entity.

507-I:4 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

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

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

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

HB 601-FN, relative to causes of action against companies that misstate the impacts of their business on the environment. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Judiciary. This bill is reminiscent of prior year's omnibus bills and attempts to merge two bills into one. While both deal with climate change in one way or another, they are dissimilar in their effect on the fossil fuel industry. The first deals with disinformation published by companies in regard to advertising or net zero claims as a violation of the consumer protection law. The second deals with damages which are a result of climate change. In both situations assumptions of corporate liability are made which are tenuous at best. The committee unanimously concluded that the bill simply is not ready for prime time. Vote 18-0.

HB 633-FN, relative to housing investment trusts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Judiciary. The majority of the Judiciary Committee believes establishing a public housing investment trust has some merit; however, there were a number of questions raised during the public hearing. As a result, the majority adopted an amendment that establishes a committee to study the issues. Although establishing another study committee is not ideal, the Judiciary Committee believes this is an important enough issue given the housing crisis that the House should investigate in collaboration with the other legislative body. Vote 16-1.

Amendment (0860h)

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

AN ACT creating a legislative study committee to investigate the implementation of housing investment trusts in New Hampshire.

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

1 Committee Established. There is established a committee to study the implementation of housing investment trusts in New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall investigate the implementation of housing investment trusts in New Hampshire.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2025.

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

AMENDED ANALYSIS

This bill creates a legislative study committee to investigate the implementation of housing investment trusts in New Hampshire.

HB 722-FN, relative to establishing causes of actions against educational institutions that charge excessive tuition rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric Turer for Judiciary. While the committee is sensitive to concerns regarding the increasing cost of higher education, this bill does nothing to address that issue and would likely make the problem worse. The bill attempts to use the state's consumer protection laws to punish institutions that charge "excessive tuitions." Beyond the implicit assumption that the decision to invest in one's higher education is based on a simple calculation relative to one's 4-year future earnings potential, the bill opens education institutions that fail the proposed formulaic test to criminal and civil penalties if their students do not sign a highly pejorative "waiver" of their right to sue by acknowledging that they understand that the degree is "abusive" and "predatory." Failing this, such educational institutions would face a range of extreme penalties, including the "total cost of tuition and fees paid, plus interest, for the degree program," as well as attorneys' fees. Vote 16-2.

HR 7, instructing the house of representatives to investigate whether grounds exist to impeach Judge David Ruoff. **INEXPEDIENT TO LEGISLATE.**

Rep. Bob Lynn for Judiciary. This proposed House Resolution calls for the House to launch an investigation into whether grounds exist to impeach Superior Court Judge David Ruoff. The sole grounds for the investigation are the decisions Ruoff rendered in the school funding litigation. Whether one agrees or disagrees with Judge Ruoff's rulings, the notion of impeaching a judge based solely on his decision in a particular case is unprecedented and would have serious adverse consequences for the principle of separation of powers between the branches of government. The committee was unanimous in concluding that this House Resolution should be found Inexpedient to Legislate. Vote 18-0.

HB 118, establishing required breaks during legislative proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. The committee heard the testimony of the original language for the bill requiring mandatory 10-minute breaks every three hours of hearing and official business in committees and House sessions. Aside from the obvious head-scratcher that putting this type of request in statute via a bill would mean, the Senate would be required to pass judgment and blessing on House procedures, the committee felt a request by any committee member to "take a break for stretching of legs or using the facilities" to the chairman of the committee would be honored most of the time. Occasionally, however, during particularly long anticipated hearing days, a chairman might suggest simply continuing on and offer on a rotating basis, members get up and stretch outside the committee room while the testimony continues. An unofficial frank discussion with the chairman seems a better method to handle this challenge. The non-germane amendment replaced all the language of the bill and the title. The amendment continues the process of reducing the number of statutory committees and commissions that have outlived their usefulness. This time, 15 are repealed and, aside from one, the Advisory Council on Child Care, no opposition was heard from testimony to removing them from statute. The Advisory Council on Child Care, from most reports, is an active group, however, without legislative input. The House Representative assigned can't attend because meetings are held on session days, Thursdays. The designated Senate member hasn't attended frequently

either. The committee, therefore, through an amendment simply removes the legislative members from the designated membership and wishes the council well to do as they please. Repealed are the following: RSA 4:9-p, relative to the New Hampshire Recovery Monument Commission; RSA 10:5, relative to the Lakeshore Redevelopment Planning Commission; RSA 12-P:7-b, II(b), relative to the Office of Offshore Wind Industry Development and Energy Innovation supporting the Offshore Wind Commission; RSA 12-O:55-a, relative to the Commission on Demographic Trends; RSA 12-O:76, relative to the Housing Champion Program Advisory Committee; RSA 17-J:5, relative to the Joint Legislative Parking Garage Oversight Committee; RSA 72:8-f, relative to the Study Commission on the Assessing of Power Generation; RSA 105-D:2-a, relative to the Commission to Develop Recommendations for Legislation to Establish a Single Statewide Entity to Receive Complaints Alleging Misconduct Regarding All Sworn and Elected Law Enforcement Officers; RSA 125-Q, relative to the Commission for the Deaf and Hard of Hearing; RSA 127:12, relative to the Commission to Study the Delivery of Public Health Services Through Regional Public Health Networks; RSA 276-B, relative to the Task Force on Work and Family; RSA 284:6-c, relative to the Study Commission to Study the Effect of Recent Changes Made to Charitable Gaming Laws; RSA 329:1-f and the subdivision preceding it, relative to the Commission to Study Telehealth services; and RSA 374-F:10, relative to the Offshore Wind and Port Development Commission. Vote 12-0.

Amendment (0882h)

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

AN ACT repealing certain committees and commissions.

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

1 Offshore Wind Industry Workforce Training Center Committee; Reference Deleted. Amend RSA 12-O:51-a, III to read as follows:

III. The committee shall report annually by November 1 to the governor[, the chair of the New Hampshire offshore wind and port development commission under RSA 374-F:10;] and the president of the Business and Industry Association.

2 Advisory Council on the Education of Children Who Are Deaf or Hard of Hearing; Reference Deleted. Amend RSA 186-C:35, V to read as follows:

V. On or before November 1, the council shall submit an annual report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the education committees in the house and senate, [~~the New Hampshire commission on deafness and hearing loss established in RSA 125-Q;~~] the house clerk, the senate clerk, the governor, and the state library.

3 Repeal. The following are repealed:

I. RSA 4:9-p through 4:9-r and the subdivision heading preceding RSA 4:9-p, relative to the New Hampshire recovery monument commission.

II. RSA 10:5 through 10:10 and the subdivision heading preceding RSA 10:5, relative to the lakeshore redevelopment planning commission.

III. RSA 12-P:7-b, II(b), relative to the office of offshore wind industry development and energy innovation supporting the offshore wind commission.

IV. RSA 12-O:55-a, relative to the commission on demographic trends.

V. RSA 12-O:76, relative to the housing champion program advisory committee.

VI. RSA 17-J:5, relative to the joint legislative parking garage oversight committee.

VII. RSA 72:8-f, relative to the study commission on the assessing of power generation.

VIII. RSA 105-D:2-a, relative to the commission to develop recommendations for legislation to establish a single statewide entity to receive complaints alleging misconduct regarding all sworn and elected law enforcement officers.

IX. RSA 125-Q, relative to the commission for the deaf and hard of hearing.

X. RSA 126-A:17, II(a) and II(b), relative to the house and senate members of the advisory council on child care.

XI. RSA 127:12, relative to the commission to study the delivery of public health services through regional public health networks.

XII. RSA 276-B, relative to the task force on work and family.

XIII. RSA 284:6-c, relative to the study commission to study the effect of recent changes made to charitable gaming laws.

XIV. RSA 329:1-f and the subdivision heading preceding it, relative to the commission to study telehealth services.

XV. RSA 374-F:10, relative to the offshore wind and port development commission.

XVI. 2022, 278:2, relative to the repeal of the commission to study the delivery of public health services through regional public health networks.

XVII. 2023, 79:463, relative to the repeal of the housing champion advisory program.

XVIII. 2023, 79:586, relative to the repeal of the study commission to study the effect of recent changes made to charitable gaming laws.

XIX. 2023, 192:5 and 192:6, relative to the repeal of the joint legislative parking garage oversight commission.

XX. 2024, 318:2, relative to the repeal of the study commission on the assessing of power generation.

4 Effective Date.

I. Paragraphs VI and XIX of section 3 of this act shall take effect January 1, 2026.

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

AMENDED ANALYSIS

This bill repeals various committees and commissions, and removes the house and senate members of the advisory council on child care.

HB 315, prohibiting employees of state agencies from knowingly providing false information to a legislative committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Vanessa Sheehan for Legislative Administration. This bill has issues with undefined terms. “repeatedly” being one; “knowingly” is another. We don’t have a problem with the concept of requiring honesty in testimony, but this bill won’t accomplish that goal. Until we have better legislation, we can rely on the procedure put in place by the Speaker’s Office that asks for detailed incident reports and plans to reach a point when action is needed. Vote 12-0.

HB 331, relative to the secretary of state’s procedures for enrolled bills. **OUGHT TO PASS.**

Rep. Len Turcotte for Legislative Administration. Once a bill makes its way through both the House and Senate, it then proceeds to the process of “enrollment.” During this time frame, it sometimes can appear to legislators, as well as engaged citizens, that the bill goes missing and winds up in legislative limbo, with its present location in the process completely unknown. This bill would require the Secretary of State’s Office to publish the current location of any bill on its website until such time as an action is taken by the Governor. Vote 11-0.

HB 546-FN, relative to financial disclosures to legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. The committee saw a few technical problems with the broad goals of the legislation, however suggested the prime sponsor work with the Secretary of State’s Office to bring forth a compromise amendment. The resulting amendment narrows the scope and eliminates the involvement of the Ethics Committee which provided written testimony on the original bill that, according to state law, the Ethics Committee is exempted from campaign finance issues. The basic concept of the amended language is to require campaign contributions over \$1,000 from a single source to be reported within 48 hours and monthly cumulative financial records reporting to be required for the sake of public transparency are accepted. The motion of Ought To Pass with this amendment should win the day. Vote 10-0.

Amendment (0732h)

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

AN ACT relative to financial disclosures and the public reporting of those disclosures by the secretary of state.

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

1 New Paragraph; Reporting by Political Committees and Individuals to the Secretary of State. Amend RSA 664:6 by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provision of RSA 664:6 to the contrary, any current house member or state senator who receives a contribution or expenditure exceeding \$1,000, shall file an itemized statement with the secretary of state within 48 hours of receiving such funds, detailing the full name and postal address of the donor, the amount of the contribution, and the date received.

2 Reporting Schedule. Amend RSA 664:6, I(i) to read as follows:

(i) Fourth Wednesday after the general election[-];

(j) The first day of each month between the fourth Wednesday after the general election and the first Wednesday in June following the state general election.

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

AMENDED ANALYSIS

This bill requires timely reporting of significant contributions received by current legislators and establishes an updated schedule for ongoing financial disclosures.

HB 605, relative to employment protections for members of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin Verville for Legislative Administration. Part 1 of our ethics guidelines states: “Legislators shall treat their office as a public trust, only using the powers and resources of public office to advance public interests and not attain personal benefits.” This bill would require the legislature to essentially classify and certify

to the federal government that a select number of legislators serve as full-time (30 hours per week) public servants in order for these legislators to qualify for the federal loan forgiveness program. A few reasons stand out as to why the committee voted as it did. First: members of the General Court are not public employees. While elected officials may share some characteristics with public employees, such as receiving a W-2 from the General Court, the General Court does not hire them, nor can they fire them. Legislators are elected and not employed by the state as required for the program. Second: members of the New Hampshire General Court have never been considered full-time legislators as required by the program. The federal program states "For PSLF, full time employment is working for a qualifying employer for a weekly average equal to at least 30 hours during the period certified." In the committee's opinion, it is too much to ask for the General Court administration to simply certify under penalty of perjury, that any given legislator averages 30 hours of legislative work for the entire 2-year term. Third: this bill asks the General Court to bend rules to personally benefit a select few of us for a program that is not otherwise available to our constituents. Vote 11-0.

HR 8, resolving that the practice of suspending a constitutional officer to be outside the authority designated to the judiciary and appropriately delegated to the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Vanessa Sheehan for Legislative Administration. This bill was scheduled for a hearing, but the prime sponsor did not appear due to a medical emergency. No other person testified; so, at this point, the committee has no other choice but to recommend Inexpedient to Legislate for this legislation. Vote 10-0.

HB 124, enabling a city or town forest committee to offer surplus money to the town for deposit in the city or town general fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Denis Murphy for Municipal and County Government. The committee recommends this bill as Ought To Pass with Amendment, and it presents a significant opportunity for municipalities. The committee or commission will determine the amount of surplus funds that sit in the forest maintenance fund account with a simple majority vote. The committee or commission can then offer or not offer, those surpluses to the legislative body. The legislative body, by a simple majority, votes to either accept or reject those funds from the committee or commission. If those funds are accepted by the legislative body, the funds would then be placed into the municipality's "unreserved fund balance," not the general fund. Then, the only way for those funds to be dispersed is through the governing body and not by either the town manager or administrator. Currently, these surplus funds would only sit unused in the committee or commission fund account. They represent untapped potential to help lower property taxes or fund a special project for that municipality. The amendment further strengthens this initiative by including either a forestry committee or conservation commission. As not all municipalities have a forestry committee in this way, so there must be a mechanism to accept those surplus funds. This amendment does that. By passing this bill, we can ensure that municipalities maximize their financial resources to benefit their community. Vote 18-0.

Amendment (0861h)

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

AN ACT enabling a municipal forest committee or conservation commission to offer surplus money to the municipality for deposit in the municipal unreserved fund balance.

Amend the bill by replacing section 1 with the following:

1 Forestry Committee; Conservation Commission; Forest Maintenance Fund; Surplus. Amend RSA 31:113 to read as follows:

31:113 Appropriations Authorized. For the purposes of establishing or maintaining a city or town forest, a city or town may raise and appropriate such funds as it deems necessary. The proceeds from said forest shall be placed in a special forest maintenance fund and shall be allowed to accumulate from year to year, unless otherwise voted by the legislative body of such city or town. ***Notwithstanding RSA 31:95-b, if the forestry committee or conservation commission determines that the special forest maintenance fund has a surplus, such committee or commission may, after a majority vote to do so, offer the surplus to the municipality for deposit in the unreserved fund balance. The legislative body of the municipality shall vote to accept the surplus for deposit.***

AMENDED ANALYSIS

This bill enables a municipal forest committee or conservation commission to determine there is a surplus in the special forest maintenance fund and offer such surplus to the municipality for deposit into the municipal unreserved fund balance.

HB 168, relative to including municipal public works facilities as eligible capital facilities for the assessment of impact fees. **OUGHT TO PASS.**

Rep. Jim Maggione for Municipal and County Government. This bipartisan bill simply adds public works facilities to the list of structures and buildings in RSA 674:21, V that qualify for assessment of impact fees. Impact fees may be imposed by a municipality on a new development project to pay for some or all of the costs required for the public service to the new development. Vote 18-0.

HB 228-L, relative to petitioned articles at annual or special town meetings. **OUGHT TO PASS.**

Rep. Julie Gilman for Municipal and County Government. This bill amends various RSAs regarding town and school annual and special meetings thereof, that a primary petitioner of petitioned warrant article may be identified or may use the first registered voter on the petition as the primary petitioner. Additionally, it provides the primary petitioner, or their designee, the same amount of time to present the article as is used for presentation for any other warrant article or up to 10 minutes. With these small changes the committee found this bill acceptable. Vote 18-0.

HB 229-L, repealing the alternative procedure for adoption of zoning ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurel Stavis for Municipal and County Government. This bill proposes to repeal two current sections of zoning law, RSA 672:8, which defines the term “Local Legislative Body,” and RSA 674:18, which authorizes the local legislative body to adopt a zoning ordinance after the planning board has adopted a mandatory section of the municipality’s master plan. Since the prime sponsor did not appear to present the bill, nor the rationale behind repealing two important sections of zoning law, the committee could not ask questions as to why these sections should be removed from the chapter. Vote 18-0.

HB 471, establishing a commission to study issues related to growth, traffic, and planning and land use for certain towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurel Stavis for Municipal and County Government. This bill seeks to create a study commission to examine patterns of growth in several towns along the I-93 corridor. Members of the committee noted that such studies can already be undertaken by Regional Planning Commissions and, in fact, are conducted regularly. It was also pointed out to the sponsors that several key towns along the corridor the bill seeks to study were omitted from the list. Given these flaws of omission and the fact that studies of this kind can – and are – already conducted, the committee saw no reason why state funds should be expended on this proposal. Vote 18-0.

HB 495-FN, requiring cities and towns to provide a breakdown of tax changes and information on bills sent to residents. **INEXPEDIENT TO LEGISLATE.**

Rep. Denis Murphy for Municipal and County Government. The committee recommends this bill as Inexpedient to Legislate. First, the prime sponsor was not in attendance to give his testimony, so the committee could not ask the sponsor questions about the bill. Second, given the different software vendors that municipalities use and the information about the tax bill, some software would need to be rewritten. The costs to municipalities could go into tens of thousands, making this bill impossible to implement. The property tax bill is just too important to take risks in trying new software and forcing the town to run parallel software systems until there is certainty in the latest software. This almost doubles the costs of implementation for both workforce and software upgrades. However, the municipal employees would need to be trained in both systems, until approved by the proper authorities. That could be select and school boards, the town manager, the Chief Financial Officer, etc. Third, since the New Hampshire Department of Revenue Administration (DRA) is responsible for the tax rate calculation, the DRA must furnish the required information to the appropriate municipality. This process would be long, arduous, and almost impossible to implement. Finally, the committee believes this is an unfunded mandate for all municipalities and for the state. Vote 18-0.

HB 501-FN, relative to allowing towns to decline 5G towers. **INEXPEDIENT TO LEGISLATE.**

Rep. John MacDonald for Municipal and County Government. This bill, as presented, would greatly damage the continued growth and success of 5G within the State of New Hampshire. The benefits of 5G include lower latency, higher capacity, and increased bandwidth. These benefits are extremely important to our citizens, businesses, and manufacturers within our state. Further, this bill would appeal RSA 12-K Deployment of Personal Wireless Service Facilities, which would leave our state without the legislative guidance provided in RSA 12-K. Vote 18-0.

HB 450, relative to commercial property assessed clean energy and resiliency (C-PACER) **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for Science, Technology and Energy. This bill duplicates the Senate version of the C-PACER bill that was previously passed by both chambers and signed into law by the Governor. Therefore, this bill was no longer needed. Vote 18-0.

HB 539, requiring electric utilities to use residential electric rates for certain types of residential condominiums. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill would provide that the residential electric rate for domestic consumption shall apply to the electricity use of well pumps and septic systems of residential condominium units. The committee understands the complexity of having common well and septic systems under one condominium association name when bills are shared by multiple condominium owners. Discussions revealed that utilities and condo associations could work things out through agreements and homeowner’s association rules. There is no need for, nor does the committee feel that legislative action is necessary to address this issue. Vote 18-0.

HB 680-FN, relative to standardizing homeowners associations' electricity billing for shared meter usage. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for Science, Technology and Energy. This bill duplicated HB 539, and its topic will be addressed by HB 537. Therefore, the unanimous choice was to move on from this bill. Vote 18-0.

HB 411-FN, relative to making the use of a mobile electronic device while driving a secondary offense. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. This bill would make using a mobile electronic device a secondary offense. The motorcycle association along with the Department of Transportation opposed this bill. It would make the roads less safe and worsen the distracted driving issue. The committee felt strongly that this bill would considerably weaken the current hands-free law. Vote 16-0.

HB 441-FN, relative to visible motor vehicle diesel emissions and "rolling coal". **INEXPEDIENT TO LEGISLATE.**

Rep. Charles Foote for Transportation. This bill is referred to as the rolling coal bill. The committee heard testimony that it is already illegal under state law, as well as under federal regulations within the Clean Air Act. Enacting this bill is redundant and would be difficult to enforce. Vote 16-0.

HB 594, relative to the definition of a way. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Transportation. This bill seeks to repeal the portion of right to mow, HB 1127 of 2024, which protects landscapers and homeowners operating riding lawn mowers between the legal property line and the edge of grass adjacent to the roadway. The sponsor of right to mow spoke with the interested agencies in order to determine the specific concerns in order to draft replacement language, but did not have any concrete requests from which to build upon. In the future, she is willing to introduce legislation to address concerns from the Department of Justice or other state agencies. Vote 16-0.

HB 632, permitting health care providers affiliated with the Veterans Administration to certify medical accommodations on behalf of veterans residing in New Hampshire. **OUGHT TO PASS.**

Rep. Henry Giasson for Transportation. This bill provides that a medical healthcare provider affiliated with the Department of Veterans Affairs (VA) can certify medical exceptions for equipment to accommodate their disability which will be accepted by the Division of Motor Vehicles (DMV). A SAF-C rule went into effect this year that was not legislated and provides that medical equipment exceptions must be certified by a New Hampshire licensed healthcare provider. The secondary consequence of this rule was a general disqualification of the VA network of providers because most of them are licensed to practice by other states and are in New Hampshire on a contract. By requiring a practitioner with a New Hampshire license to certify any disability exceptions, it prevents the VA from offering equal healthcare to veterans with a disability. Passing this law would resolve this issue faster than pursuing a rule change and would further codify into law that this can not mistakenly occur again. Vote 16-0.

HB 758, establishing a committee to study airport operation hours. **INEXPEDIENT TO LEGISLATE.**

Rep. Ted Gorski for Transportation. This bill would create a study committee which would consist of three members of the New Hampshire House of Representatives and one member of the Senate. This committee would create noise abatement recommendations and make suggestions for airport operation hours for various New Hampshire airports. The committee felt that a study committee would not be needed to address those issues. Rather, these recommendations could be best done by the various airports themselves. Vote 16-0.

REGULAR CALENDAR - PART I

HB 775-FN, directing the department of health and human services to issue a request for proposals for supervised visitation centers. **OUGHT TO PASS.**

Rep. Mark Pearson for Children and Family Law. Children need regular contact with their parents whenever possible. This is particularly true when regular contact has been disrupted due to divorce or court rulings restricting visits. Historically, New Hampshire had several supervised visitation centers. One parent would drop off the child in such a way that this parent would have no contact with the other parent who would then arrive later. That other parent would then visit with the child under the watchful eye of a supervisor who would ensure the visit was safe and free from recrimination of the other parent. Besides being a compassionate thing to do, having such visitation centers has proven cost effective in the long run. Anger mounting in a child because of lack of contact with a parent has too often escalated into violent behavior, resulting in property damage, and injury, even death, of innocent victims. For various reasons, the number of supervised visitation centers in New Hampshire has shrunk to one, and this one is presently county funded. The committee unanimously believes this bill is a compassionate thing to do, and, in the long run, a cost-effective thing to do. However, the committee also knows this is a tight year financially. We hope that at least something can be done in the short term to begin to restore such supervised visitation centers across the state. Vote 16-0.

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

MOTION TO LAY ON THE TABLE

Rep. Mark Pearson moved that **HB 775-FN**, directing the department of health and human services to issue a request for proposals for supervised visitation centers, be laid on the table.
Motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 467, defining “social districts” and enabling municipalities to create social districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lilli Walsh for the Majority of Commerce and Consumer Affairs. This amended bill defines “social districts” and enables municipalities to create such districts. This bill will allow limited social drinking to be legal in designated public places. Social districts would first require approval from the respective municipal government to allow the social district. Such districts have been highly successful in both large cities (Savannah, GA) and small towns (Hickory, NC). At least eight states have adopted statutes allowing municipalities to create districts where it’s legal to drink alcoholic beverages in public spaces. By allowing restaurants and businesses to participate, owners would have “skin in the game.” Not just one establishment would benefit from the additional business, but all would; as targeted economic development tools. Patrons would be allowed to walk around with a specially designated container of alcohol in this area. This allows for much more freedom for both the businesses and the attendees. Vote 14-2.

Rep. Manoj Chourasia for the Minority of Commerce and Consumer Affairs. This bill will allow people to take their open containers of legally purchased alcoholic beverages outside of restaurants and bars within the social district perimeter to promote a walkable, outdoor area to shop, dine and drink at their leisure. Allowing people to drink outside in the social district will require more public safety measures and law enforcement and would require additional tax dollars to implement law and order, and plans for monitoring, management, traffic control and public safety enforcement. Allowing alcoholic beverages in public places will not only create a bad impression on younger children, who are taught in schools “Say No to Alcohol,” but it can make it easier for minors to obtain alcoholic drinks, if they have a legal age friend. The shopping experience for families might not be the best with fellow drinking shoppers carrying open containers of alcoholic beverages and could have a negative impact on businesses.

Majority Amendment (1084h)

Amend RSA 178:34, V as inserted by section 1 of the bill by replacing it with the following:

V. The liquor commission shall maintain a list of municipalities where social districts are approved.

Amend RSA 178:35, II as inserted by section 1 of the bill by replacing it with the following:

II. The board of selectmen, town council, city council, or board of alderman shall establish management and maintenance plans for the social district and post these plans, along with a rendering of the boundaries of the social district, on the Internet website of the city or town. The social district shall be maintained in a manner that protects the health and safety of the general public.

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. Salvi spoke against.

Rep. Bill Boyd spoke in favor.

On a division vote, with 314 members having voted in the affirmative, and 14 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

HB 198-FN, relative to legalizing certain quantities of cannabis and establishing penalties for the smoking or vaping of cannabis in public. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alissandra Murray for the Majority of Criminal Justice and Public Safety. This bill legalizes the possession, consumption, and transferring of cannabis given the amount doesn’t exceed the possession limits of 3/4 of an ounce and the individual is at least 21 years of age or older. In order to assuage certain concerns, the bill also institutes new penalties to ensure responsible consumption of cannabis, penalizing public smoking or vaping of cannabis, with a fine for first and second offenses, and a misdemeanor charge for a third offense within five years of the prior offenses. The majority of the committee agreed this bill is an appropriate compromise that will help us achieve what our constituents have been asking us to do for years. Vote 9-7.

Rep. Jennifer Rhodes for the Minority of Criminal Justice and Public Safety. The minority of the committee felt this bill should be found inexpedient to legislate because it has been made clear that the governor has no intention of signing any bill legalizing any amount of cannabis. This bill will add, delete, or modify a criminal penalty, or change statute to which there is a penalty for violation. The body has repeatedly attempted to pass any form of cannabis to no avail. Currently, in New Hampshire cannabis is no longer criminalized, and this bill is not needed.

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

Rep. Rhodes spoke against.

Rep. Jared Sullivan spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 208 - NAYS 125

YEAS - 208

BELKNAP

Aldrich, Glen
St. Clair, Charlie

Bogert, Steven
Terry, Paul

Comtois, Barbara
Toner, Travis

Ploszaj, Tom

CARROLL

Avellani, Lino
Hamblen, Joseph

Belcher, Mike
McAleer, Chris

Burroughs, Anita
Brown, Richard

Paige, David

CHESHIRE

Ames, Dick
Murphy, Denis
Jones, Philip
Parshall, Lucius

Berch, Paul
Gruber, James
Germana, Nicholas
Thackston, Dick

Harvey, Cathryn
Hunt, John
Newell, Jodi
Weber, Lucy

Fox, Dru
Jacobs, Samantha
O'Rorke, Terri

COOS

King, Seth

GRAFTON

Almy, Susan
Bolton, Bill
Hakken-Phillips, Mary
McFarlane, Donald
Stavis, Laurel

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

Beaulier, Calvin
Fellows, Sallie
Lovett, Peter
Rockmore, Ellen
Sykes, George

Berezhny, Lex
Fracht, David
Lucas, Janet
Spahr, Terry

HILLSBOROUGH

Murray, Aissandra
Bergeron, Dan
Cornell, Patricia
DiSilvestro, Linda
Elberger, Susan
Foss, Lily
Grund, Stephanie
Jack, Martin
LeClerc, Daniel
Murray, Megan
McLean, Mark
Post, Lisa
Reinfurt, Sherri
Scully, Kevin
Sofikitis, Catherine
Tellez, Trinidad
Ulery, Jordan
Wilhelm, Matthew

Alexander, Joe
Berry, Ross
Kelley, Diane
Drew, Matt
Erf, Keith
Georges, Mary
Hartnett, Tim
Juris, Louis
Leishman, Peter
MacKenzie, Mark
Murphy, Nancy
Preece, David
Rung, Rosemarie
Seibert, Christine
Spier, Carry
Tenczar, Jeffrey
Vail, Suzanne

Ammon, Keith
Bouchard, Donald
Darby, Will
Dumont, Dillon
Davis, Fred
Giasson, Henry
Hegner, Karen
Kluger, Lee Ann
Lloyd, Christal
Manohar, Sanjeev
Noble, Kristin
Newman, Ray
Ryan, Linda
Sirois, Shane
Swanson, Dale
Mannion, Tim
Veilleux, Daniel

Beauchemin, Paige
Budathoki, Suraj
Dargie, Paul
Dupont, Pierre
Flanagan, Jack
Grill, Jessica
Herbert, Christopher
Kofalt, Jim
Long, Patrick
McGhee, Kat
Petrigno, Peter
Raymond, Heather
Newman, Sue
Slottje, Jeremy
Telerski, Laura
Mannion, Tom
Thomas, Wendy

MERRIMACK

Bricchi, Tracy
Devoid, Ricky
Gibbs, Merry
MacKay, James
Plante, Raymond
Sargent, Gregory
Wallner, Mary Jane

Caplan, Tony
Kelly, Eileen
Hicks, Matthew
Morse, Bryan
Polozov, Yury
Seaworth, Brian
Woods, Gary

Colby, Eleana
Ebel, Karen
Lane, Connie
Payeur, Stephanie
Richards, Beth
Snodgrass, Jim

McGuire, Dan
Gallager, Eric
Luneau, David
Pitaro, Matthew
Roesener, James
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Dunn, Ron
Murray, Kate
Cahill, Michael
Melvin, Charles
Osborne, Jason
Sabourin dit Choinière, Matt
Soti, Julius
Turer, Eric
Weinstein, Toni

Ball, Lorie
Foote, Charles
Khan, Aboul
Malloy, Dennis
Meuse, David
Perez, Kristine
Scherr, Buzz
Spillane, James
Vallone, Mark

Bryer, Scott
Grote, Jaci
Knab, Allison
Manos, Zoe
Milz, David
Popovici-Muller, Daniel
Simpson, Alexis
Sweeney, Joe
Vandecasteele, Susan

Donnelly, Tanya
Guthrie, Joseph
Layon, Erica
McGrath, Linda
Muns, Chris
Raynolds, Ned
Sorensen, Carrie
Tudor, Paul
Ward, Gerald

STRAFFORD

Bailey, Glenn
DeRoy, Susan
Howard, Heath
Johnson, Erik
Levesque, Cassandra
Pearson, Wayne

Bay, Luz
Farrington, Samuel
Harrington, Michael
Kaczynski, Thomas
Miller, Seth
Wade, Alice

Bixby, Peter
Smith, Geoffrey
Horrigan, Timothy
LaMontagne, Jessica
Schmidt, Peter
Wall, Janet

Burton, Wayne
Granger, Michael
Howland, Allan
Larochele, John
Stone, John

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Spilsbury, Walter

NAYS - 125**BELKNAP**

Bean, Harry
Lunney, Matthew

Dumais, Russell
Nagel, David

Freeman, Lisa

Harvey-Bolia, Juliet

CARROLL

Cordelli, Glenn
Peternel, Katy

Crawford, Karel
Taylor, Brian

MacDonald, John

Smith, Jonathan

CHESHIRE

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita

Nalevanko, Rich

Qualey, James

COOS

Davis, Arnold
Ouellet, Mike

Durkin, Sean
Tierney, James

Korzen, Lori
Valerino, Brian

Morency, Pete

GRAFTON

Bjelobrk, Marie Louise
Sellers, John

Franz, Linda

Ladd, Rick

Louis, Darrell

HILLSBOROUGH

Boyd, Bill
Cole, Brian
Griffin, Gerald
Harriott-Gathright, Linda
Lascelles, Richard
Mooney, Maureen
Panek, Sandra
Rombeau, Catherine
Sheehan, Vanessa

Barbour, Liz
Creighton, James
Gagne, Larry
Kenny, Catherine
Murphy, Mary
Morton, Jonathan
Paquette, Kathleen
Salvi, Santosh
Suiter, John

Boehm, Ralph
Daniels, Gary
Gorski, Ted
Kesselring, Steven
Mazur, Lisa
Notter, Jeanine
Pauer, Diane
Schneller, John
Wherry, Robert

Chourasia, Manoj
Fedolfi, Jim
Gould, Linda
Labrie, Brian
Miles, Julie
Ohm, Bill
Peeples, Raymond
Seidel, Sheila

MERRIMACK

Andrus, Louise
Hill, Gregory
Newsom, James
Walsh, Thomas

Aures, Cyril
Hall, Muriel
Boyd, Stephen
Wood, Clayton

Aylward, Deborah
Mehegan, Peter
Schamberg, Thomas

Cambrils, Jose
Moffett, Michael
See, Alvin

ROCKINGHAM

Bennett, Cindy
DeSimone, Debra
Ford, Mary
Kuttab, Katelyn
Love, David
Markell, Jay
Porcelli, Susan
Pearson, Stephen
Vose, Michael

Bernardy, JD
DeVito, Sayra
Guzofski, James
Miner, Laurence
Lynn, Bob
McDonnell, Valerie
Potucek, John
Summers, James
MacDonald, Wayne

Mannion, Dennis
Drago, Mike
Harb, Robert
Walsh, Lilli
Pearson, Mark
Nadeau, Brian
Prudhomme-O'Brien, Katherine
Dolan, Tom
Weyler, Kenneth

Thomas, Douglas
Edwards, Jess
Katsakiores, Phyllis
Litchfield, Melissa
Maggiore, Jim
Brown, Pam
Roy, Terry
Tripp, Richard
Wilson, Vicki

STRAFFORD

Burnham, Claudine
Walker, David

DeLemus, Susan

Southworth, Thomas

Turcotte, Len

SULLIVAN

Drye, Margaret
Aron, Michael

Girard, Dale
Rollins, Skip

Hemingway, Wayne

Aron, Judy

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

HB 226-FN, relative to the use of drug checking equipment. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety committee believes this bill should be found inexpedient to legislate. Law enforcement testified that the concerns expressed by the minority related to the safety of the drug supply are spurious. Every drug seized in an arrest is tested by the State Police and when new or dangerous substances are identified, word is put out to the street. They further testified that it is unrealistic to believe that addicts waiting for their next fix are going to wait and take their drugs for testing. By the state taking part in ensuring the illegal substances are safe for consumption and the customers are getting what they paid for is tacit approval of their actions. Taxpayers are better served by interdiction than enabling. Vote 9-7.

Rep. Jodi Newell for the Minority of Criminal Justice and Public Safety. This bill attempts to formalize a system of drug checking in New Hampshire, specifically allowing for harm reduction and public health organizations registered with the Department of Health and Human Services to engage in drug checking services. This legislation lays out definitions, including allowable materials for use in this process, and provides protections for employees of such organizations acting in their official capacity. Drug checking is one element of a holistic approach to addressing the overdose crisis, particularly one that provides for a dynamic understanding of what adulterants are in our illicit substances and where, so that our efforts to reduce fatalities can be targeted accordingly.

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

Rep. Newell spoke against.

Rep. Roy spoke in favor.

Rep. Alissandra Murray requested a roll call; sufficiently seconded.

YEAS 140 - NAYS 196

YEAS - 140

BELKNAP

Bean, Harry
Harvey-Bolia, Juliet

Bogert, Steven
Lunney, Matthew

Dumais, Russell
Ploszaj, Tom

Freeman, Lisa
Toner, Travis

CARROLL

Belcher, Mike
MacDonald, John

Cordelli, Glenn
Peternel, Katy

Crawford, Karel
Taylor, Brian

Hamblen, Joseph

CHESHIRE

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

COOS

Davis, Arnold
Ouellet, Mike

Durkin, Sean
Tierney, James

Korzen, Lori
Valerino, Brian

Morency, Pete

GRAFTON

Bjelobrk, Marie Louise
Sellers, John

Franz, Linda

Ladd, Rick

Louis, Darrell

HILLSBOROUGH

Boyd, Bill
Cole, Brian
Erf, Keith
Gagne, Larry
Kofalt, Jim
Miles, Julie
Panek, Sandra
Post, Lisa
Seidel, Sheila
Tenczar, Jeffrey

Barbour, Liz
Creighton, James
Fedolfi, Jim
Gorski, Ted
Labrie, Brian
Mooney, Maureen
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Ulery, Jordan

Boehm, Ralph
Daniels, Gary
Flanagan, Jack
Gould, Linda
Lascelles, Richard
Morton, Jonathan
Pauer, Diane
Salvi, Santosh
Sirois, Shane
Wherry, Robert

Chourasia, Manoj
Dupont, Pierre
Griffin, Gerald
Kenny, Catherine
Murphy, Mary
Ohm, Bill
Peeples, Raymond
Schneller, John
Suiter, John

MERRIMACK

Andrus, Louise
Devoid, Ricky
Boyd, Stephen
Wood, Clayton

Aures, Cyril
Hill, Gregory
Schamberg, Thomas

Aylward, Deborah
Morse, Bryan
See, Alvin

Cambrils, Jose
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Bennett, Cindy
Thomas, Douglas
Edwards, Jess
Guzowski, James

Bernardy, JD
DeSimone, Debra
Foote, Charles
Harb, Robert

Bryer, Scott
Donnelly, Tanya
Ford, Mary
Katsakiores, Phyllis

Mannion, Dennis
Drago, Mike
Guthrie, Joseph
Miner, Laurence

Walsh, Lilli
Markell, Jay
Milz, David
Porcelli, Susan
Pearson, Stephen
Vallone, Mark
Weyler, Kenneth

Love, David
McDonnell, Valerie
Nadeau, Brian
Potucek, John
Summers, James
Vandecasteele, Susan
Wilson, Vicki

Lynn, Bob
McGrath, Linda
Brown, Pam
Prudhomme-O'Brien, Katherine
Tripp, Richard
Vose, Michael

Pearson, Mark
Melvin, Charles
Perez, Kristine
Roy, Terry
Tudor, Paul
MacDonald, Wayne

STRAFFORD

Burnham, Claudine
Turcotte, Len

DeLemus, Susan
Walker, David

DeRoy, Susan

Smith, Geoffrey

SULLIVAN

Drye, Margaret
Aron, Michael

Girard, Dale

Hemingway, Wayne

Aron, Judy

NAYS - 196

BELKNAP

Aldrich, Glen
Terry, Paul

Comtois, Barbara

Nagel, David

St. Clair, Charlie

CARROLL

Avellani, Lino
McAleer, Chris

Burroughs, Anita
Brown, Richard

Paige, David

Smith, Jonathan

CHESHIRE

Ames, Dick
Gruber, James
Newell, Jodi

Berch, Paul
Jacobs, Samantha
O'Rorke, Terri

Harvey, Cathryn
Jones, Philip
Parshall, Lucius

Fox, Dru
Germana, Nicholas
Weber, Lucy

COOS

King, Seth

GRAFTON

Almy, Susan
Bolton, Bill
Hakken-Phillips, Mary
McFarlane, Donald
Stavis, Laurel

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

Beaulier, Calvin
Fellows, Sallie
Lovett, Peter
Rockmore, Ellen
Sykes, George

Berezhny, Lex
Fracht, David
Lucas, Janet
Spahr, Terry

HILLSBOROUGH

Murray, Aissandra
Bergeron, Dan
Cornell, Patricia
DiSilvestro, Linda
Davis, Fred
Grill, Jessica
Hegner, Karen
Kesselring, Steven
Lloyd, Christal
Manohar, Sanjeev
Murphy, Nancy
Preece, David
Rung, Rosemarie
Seibert, Christine
Swanson, Dale
Mannion, Tom
Wilhelm, Matthew

Alexander, Joe
Berry, Ross
Kelley, Diane
Drew, Matt
Foss, Lily
Grund, Stephanie
Herbert, Christopher
Kluger, Lee Ann
Long, Patrick
Mazur, Lisa
Noble, Kristin
Newman, Ray
Ryan, Linda
Slottje, Jeremy
Telerski, Laura
Vail, Suzanne

Ammon, Keith
Bouchard, Donald
Darby, Will
Dumont, Dillon
Georges, Mary
Harriott-Gathright, Linda
Jack, Martin
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Notter, Jeanine
Raymond, Heather
Newman, Sue
Sofikitis, Catherine
Tellez, Trinidad
Veilleux, Daniel

Beauchemin, Paige
Budathoki, Suraj
Dargie, Paul
Elberger, Susan
Giasson, Henry
Hartnett, Tim
Juris, Louis
Leishman, Peter
MacKenzie, Mark
McLean, Mark
Petrigno, Peter
Rombeau, Catherine
Scully, Kevin
Spier, Carry
Mannion, Tim
Thomas, Wendy

MERRIMACK

Bricchi, Tracy
Kelly, Eileen
Hicks, Matthew
MacKay, James
Payeur, Stephanie
Roesener, James
Soucy, Timothy

Caplan, Tony
Ebel, Karen
Lane, Connie
Mehegan, Peter
Plante, Raymond
Sargent, Gregory
Wallner, Mary Jane

Colby, Eleana
Gallager, Eric
Luneau, David
Moffett, Michael
Polozov, Yury
Seaworth, Brian
Woods, Gary

McGuire, Dan
Gibbs, Merryl
Hall, Muriel
Newsom, James
Richards, Beth
Snodgrass, Jim

ROCKINGHAM

Balboni, Peggy
Grote, Jaci
Kuttab, Katelyn
Maggiore, Jim

Ball, Lorie
Murray, Kate
Layon, Erica
Malloy, Dennis

DeVito, Sayra
Khan, Aboul
Litchfield, Melissa
Manos, Zoe

Dunn, Ron
Knab, Allison
Cahill, Michael
Meuse, David

Muns, Chris
Read, Ellen
Sorensen, Carrie
Dolan, Tom

Osborne, Jason
Sabourin dit Choinière, Matt
Soti, Julius
Turer, Eric

Popovici-Muller, Daniel
Scherr, Buzz
Spillane, James
Ward, Gerald

Raynolds, Ned
Simpson, Alexis
Sweeney, Joe
Weinstein, Toni

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Harrington, Michael
Kaczynski, Thomas
Miller, Seth
Stone, John

Bay, Luz
Gilmore, Gary
Horrigan, Timothy
LaMontagne, Jessica
Potenza, Kelley
Pearson, Wayne

Bixby, Peter
Granger, Michael
Howland, Allan
Larochelle, John
Schmidt, Peter
Wade, Alice

Burton, Wayne
Howard, Heath
Johnson, Erik
Levesque, Cassandra
Southworth, Thomas
Wall, Janet

SULLIVAN

Sullivan, Brian
Spilsbury, Walter

Cloutier, John

Damon, Hope

Rollins, Skip

and the majority committee report failed.

Rep. Newell moved the minority committee report of Ought to Pass and offered minority committee amendment (0624h).

Minority Amendment (0624h)

Amend RSA 318-B:2-f, I(b) as inserted by section 7 of the bill by replacing it with the following:

(b) Possess, transport, deliver, or provide drug paraphernalia for, or during, analysis by drug checking equipment; or

The question being adoption of the minority committee amendment.
Minority committee amendment was adopted.

The question now being adoption of the minority committee report of Ought to Pass with Amendment.
Minority committee report was adopted, and the bill was ordered to third reading.

HB 466-FN, relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after hearing testimony from law enforcement agree that this bill ought to pass. New Hampshire has one of the highest, if not the highest rate of refusal to submit to blood alcohol testing in the entire country. The reason for this is there is no incentive to cooperate with the test. The penalty, which is a loss of license, for refusal is currently far less than that for a conviction. Cooperation with the test exposes the driver to not only license loss but also criminal conviction. Hence the driver is disincentivized to take the test. Increasing the license suspension for refusal to blood alcohol testing from 180 days to one year makes the penalty for refusal closer to the penalty for conviction, 18 months, thus making someone who is innocent more likely to cooperate. On the conviction end, the suspension is 18 months, and minimum mandatory incarceration is made suspendable by the court. This strikes a balance between the refusal to comply with the test and an actual conviction. Vote 10-5.

Rep. Alissandra Murray for the Minority of Criminal Justice and Public Safety. While the minority of the committee agreed our state must take steps to lower the rates of impaired driving, this bill punishes a person's refusal to surrender their right under the Fourth Amendment to resist an unwarranted search. This legislation does not criminalize drunk driving but rather criminalizes the assertion of a constitutional right, and that is something the government cannot do. Since these chemical tests constitute searches under the Fourth Amendment, declining to submit to a warrantless search falls squarely within the ambit of that constitutional provision. An individual has a constitutional right to refuse to consent to such a search and insist that the police obtain a warrant. While drunk driving is undoubtedly a severe problem that requires regulation, the goal should be to preserve fundamental liberty interests with viable legal and policy alternatives that can effectively curb drunk driving rates.

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

Rep. Roy spoke in favor.

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

YEAS 120 - NAYS 216

YEAS - 120
BELKNAP

Bean, Harry
Lunney, Matthew

Bogert, Steven
Nagel, David

Dumais, Russell
Ploszaj, Tom

Freeman, Lisa

CARROLLCordelli, Glenn
Peternel, Katy

Crawford, Karel

Hamblen, Joseph

MacDonald, John

CHESHIREBerch, Paul
Rhodes, Jennifer

Karasinski, Sly

Mattson, Rita

Nalevanko, Rich

COOS

Korzen, Lori

Morency, Pete

Tierney, James

GRAFTONCormen, Thomas
Stavis, Laurel

Franz, Linda

Ladd, Rick

Oppel, Thomas

HILLSBOROUGHBoyd, Bill
Chourasia, Manoj
Gorski, Ted
Lascelles, Richard
Morton, Jonathan
Peeples, Raymond
Schneller, John
Suiter, JohnBarbour, Liz
Creighton, James
Gould, Linda
Leishman, Peter
Murphy, Nancy
Reinfurt, Sherri
Seibert, Christine
Tenczar, JeffreyBeauchemin, Paige
Daniels, Gary
Kenny, Catherine
Long, Patrick
Panek, Sandra
Rombeau, Catherine
Seidel, Sheila
Ulery, JordanBoehm, Ralph
Fedolff, Jim
Labrie, Brian
Mooney, Maureen
Paquette, Kathleen
Salvi, Santosh
Sofikitis, Catherine
Wherry, Robert**MERRIMACK**Andrus, Louise
Devoid, Ricky
Schamberg, ThomasAures, Cyril
Hicks, Matthew
See, AlvinAylward, Deborah
Mehegan, Peter
Wood, ClaytonMcGuire, Dan
Boyd, Stephen**ROCKINGHAM**Bennett, Cindy
DeSimone, Debra
Guzowski, James
Kuttab, Katelyn
Lynn, Bob
Manos, Zoe
Melvin, Charles
Perez, Kristine
Raynolds, Ned
Sytek, John
Vose, MichaelBernardy, JD
Foote, Charles
Katsakiores, Phyllis
Miner, Laurence
Cahill, Michael
Markell, Jay
Muns, Chris
Porcelli, Susan
Roy, Terry
Dolan, Tom
Weyler, KennethMannion, Dennis
Ford, Mary
Khan, Aboul
Walsh, Lilli
Pearson, Mark
McDonnell, Valerie
Nadeau, Brian
Potucek, John
Pearson, Stephen
Tripp, Richard
Wilson, VickiThomas, Douglas
Guthrie, Joseph
Knab, Allison
Love, David
Maggiore, Jim
McGrath, Linda
Brown, Pam
Prudhomme-O'Brien, Katherine
Summers, James
Vallone, Mark**STRAFFORD**Burnham, Claudine
Walker, David

Johnson, Erik

Larochelle, John

Schmidt, Peter

SULLIVAN

Drye, Margaret

Girard, Dale

Hemingway, Wayne

Rollins, Skip

NAYS - 216**BELKNAP**Aldrich, Glen
Terry, PaulComtois, Barbara
Toner, Travis

Harvey-Bolia, Juliet

St. Clair, Charlie

CARROLLAvellani, Lino
Smith, JonathanBelcher, Mike
McAleer, ChrisBurroughs, Anita
Brown, RichardPaige, David
Taylor, Brian**CHESHIRE**Ames, Dick
Gruber, James
Germana, Nicholas
Thackston, DickHarvey, Cathryn
Hunt, John
Newell, Jodi
Weber, LucyFox, Dru
Jacobs, Samantha
O'Rourke, TerriMurphy, Denis
Jones, Philip
Qualey, James**COOS**Davis, Arnold
Valerino, Brian

Durkin, Sean

Ouellet, Mike

King, Seth

GRAFTONAlmy, Susan
Bjelobrck, Marie LouiseBaldwin, Heather
Bolton, BillBeaulier, Calvin
Fellows, SallieBerezhny, Lex
Fracht, David

Hakken-Phillips, Mary
Lucas, Janet
Spahr, Terry

Sullivan, Jared
McFarlane, Donald
Stringham, Jerry

Louis, Darrell
Rockmore, Ellen
Sykes, George

Lovett, Peter
Sellers, John

HILLSBOROUGH

Murray, Alissandra
Berry, Ross
Cornell, Patricia
DiSilvestro, Linda
Elberger, Susan
Foss, Lily
Giasson, Henry
Hartnett, Tim
Juris, Louis
LeClerc, Daniel
Manohar, Sanjeev
McLean, Mark
Ohm, Bill
Preece, David
Ryan, Linda
Sirois, Shane
Swanson, Dale
Mannion, Tom
Wilhelm, Matthew

Alexander, Joe
Bouchard, Donald
Kelley, Diane
Drew, Matt
Erf, Keith
Griffin, Gerald
Grill, Jessica
Hegner, Karen
Kesselring, Steven
Lloyd, Christal
Murphy, Mary
Miles, Julie
Pauer, Diane
Newman, Ray
Newman, Sue
Slottje, Jeremy
Telerski, Laura
Vail, Suzanne

Ammon, Keith
Budathoki, Suraj
Darby, Will
Dumont, Dillon
Davis, Fred
Gagne, Larry
Grund, Stephanie
Herbert, Christopher
Kluger, Lee Ann
Murray, Megan
Mazur, Lisa
Noble, Kristin
Petrigno, Peter
Raymond, Heather
Scully, Kevin
Spier, Carry
Tellez, Trinidad
Veilleux, Daniel

Bergeron, Dan
Cole, Brian
Dargie, Paul
Dupont, Pierre
Flanagan, Jack
Georges, Mary
Harriott-Gathright, Linda
Jack, Martin
Kofalt, Jim
MacKenzie, Mark
McGhee, Kat
Notter, Jeanine
Post, Lisa
Rung, Rosemarie
Sheehan, Vanessa
Staub, Kathy
Mannion, Tim
Thomas, Wendy

MERRIMACK

Bricchi, Tracy
Colby, Eleana
Gibbs, Merryl
Hall, Muriel
Newsom, James
Polozov, Yuri
Seaworth, Brian
Wallner, Mary Jane

McGuire, Carol
Kelly, Eileen
Hill, Gregory
MacKay, James
Payeur, Stephanie
Richards, Beth
Snodgrass, Jim
Woods, Gary

Cambriels, Jose
Ebel, Karen
Lane, Connie
Moffett, Michael
Pitaro, Matthew
Roesener, James
Soucy, Timothy

Caplan, Tony
Gallager, Eric
Luneau, David
Morse, Bryan
Plante, Raymond
Sargent, Gregory
Walsh, Thomas

ROCKINGHAM

Balboni, Peggy
Donnelly, Tanya
Grote, Jaci
Malloy, Dennis
Read, Ellen
Sorensen, Carrie
Tudor, Paul
Ward, Gerald

Ball, Lorie
Drago, Mike
Harb, Robert
Meuse, David
Sabourin dit Choinière, Matt
Soti, Julius
Turer, Eric
Weinstein, Toni

Bryer, Scott
Dunn, Ron
Murray, Kate
Osborne, Jason
Scherr, Buzz
Spillane, James
Vandecasteele, Susan

DeVito, Sayra
Edwards, Jess
Litchfield, Melissa
Popovici-Muller, Daniel
Simpson, Alexis
Sweeney, Joe
MacDonald, Wayne

STRAFFORD

Bailey, Glenn
DeLemus, Susan
Gilmore, Gary
Horrigan, Timothy
Levesque, Cassandra
Stone, John
Wall, Janet

Bay, Luz
DeRoy, Susan
Granger, Michael
Howland, Allan
Miller, Seth
Turcotte, Len

Bixby, Peter
Farrington, Samuel
Howard, Heath
Kaczynski, Thomas
Penza, Kelley
Pearson, Wayne

Burton, Wayne
Smith, Geoffrey
Harrington, Michael
LaMontagne, Jessica
Southworth, Thomas
Wade, Alice

SULLIVAN

Sullivan, Brian
Aron, Michael

Cloutier, John
Spilsbury, Walter

Damon, Hope

Aron, Judy

and the majority committee report failed.

Rep. Alissandra Murray moved the minority committee report of Inexpedient to Legislate.

Minority committee report was adopted.

Rep. Parshall recused himself from the vote and did not participate.

HB 137, relative to allocating excess statewide education property tax funds for local school and municipal purposes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dan McGuire for the Majority of Education Funding. This bill directs municipalities to retain excess Statewide Education Property Tax (SWEPT) funds, i.e., those that are greater than the community's adequate education grant. The New Hampshire Constitution in Part 2, Article 5 requires that taxes be proportional. This bill effectively creates a property tax that is not proportional to property values but instead is based on extraneous factors. It is the opposite of HB 739, which was recommended almost unanimously by the Education Funding Committee and approved by the House on the March 13 session. Vote 15-3.

Rep. Sallie Fellows for the Minority of Education Funding. The minority supports Ought to Pass because we believe it is premature to make any changes to the Statewide Education Property Tax (SWEPT) at this time. For 20 years, the state has paid for a constitutionally adequate education with money from two sources: the \$363 million SWEPT, collected by the local tax collectors and retained locally, and payments from the state treasurer (\$482 million this year). State aid averages \$5,300 per student (base adequacy plus supplementals for special education and low-income). Since this amount is far less than what is needed to operate schools, every municipality must also raise local school property taxes. Even municipalities that receive no money from the state treasurer because their SWEPT exceeds \$5,300 per student must raise local property taxes for schools. This bill explicitly establishes in statute the current practice of allowing municipalities that receive no money from the state treasurer to use all their SWEPT to reduce their local property tax for schools. When the New Hampshire Supreme Court rules on the two school funding cases, the legislative response will undoubtedly impact municipal property taxes. SWEPT may be repealed, or it may increase creating more municipalities with excess. It is very difficult for municipalities to deal with wild fluctuations in property tax assessments and some have tax caps. This bill will keep property taxes relatively stable until the legislature can respond to the court decision.

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

HB 90-FN, relative to the definition of part-time teachers. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Glenn Cordelli for the Majority of Education Policy and Administration. This amended bill allows staff employed or contracted as a full-time or adjunct faculty member by the University System or Community College System to work part time (up to 20 hours per week) in a school district or teach an approved college dual or concurrent enrollment course in the high school. To work in a school district, it is required for the staff to have expertise or significant professional experience to teach in a subject-area offered by the school. No State Board of Education certification is required to be a part-time teacher. This amended version reflects the intent of legislation passed by the House last year on the consent calendar but failed in the committee of conference. Vote 10-8.

Rep. Muriel Hall for the Minority of Education Policy and Administration. The bipartisan intent of this bill is to allow full-time or adjunct faculty members employed or contracted in a University or Community College System of New Hampshire, but without New Hampshire State Board of Education (SBE) certification, to teach part-time dual or concurrent courses in our high schools. As amended, the new language significantly changes the intent allowing these non-certified SBE faculty members to teach any courses offered in our high schools and not limited to dual or concurrent programs. Expanding this language could lead to inconsistent instruction, reduced student-teacher-parent relationships, difficulty in maintaining continuity, and potentially impacting student outcomes.

Majority Amendment (0912h)

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

1 New Section; Part-Time Teacher; Defined. Amend RSA 189 by inserting after section 39-b the following new section:

189:39-c Part-Time Teacher; Defined.

I. A part-time teacher is not required to hold a state board of education credential provided that the individual:

(a) Works up to 20 hours per week.

(b) Seeks a criminal history record check clearance authorization from the department of education as outlined in RSA 189:13-a prior to receiving a final offer of employment.

(c) Is employed or contracted as a full time or adjunct faculty member by a university system of New Hampshire or a community college system of New Hampshire member institution.

(d) Has expertise or significant professional experience to teach in a subject-area offered by the school or district or an approved college dual or concurrent enrollment course in the high school that has the same quality and rigor as the courses offered on-campus at the sponsoring college or university.

II. Part-time teachers shall practice the principles identified in the New Hampshire code of conduct and ethics for educational professionals.

III. Any person who has had an educator credential, educator license, or other educator certification revoked under RSA 189:14-c or RSA 189:14-d, or who has been rendered ineligible to be employed as an educator under another provision of law, shall not be eligible to teach under this section.

IV. The state board of education shall adopt rules pursuant to RSA 541-A to implement this section.

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

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. On a division vote, with 198 members having voted in the affirmative, and 139 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

CACR 2, relating to the drawing of district boundaries. Providing that no district boundaries shall be drawn in a way that favors or disfavors any political party or candidate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ross Berry for the Majority of Election Law. While redistricting is inherently political, this amendment would force those drawing maps to ignore the largest and most natural communities of interest—political ones. While we regret that the process is political, attempts to make it something it is not would only shift power away from elected representatives and into the hands of unelected judges, who would then impose their own hidden ideology under the guise of fairness. The only officials directly accountable to voters are those elected by them, and redistricting should remain as close to the people as possible. For that reason, the legislature, not the courts, should handle this responsibility. Vote 10-8.

Rep. Russell Muirhead for the Minority of Election Law. This constitutional amendment would require that redistricting plans be drawn in a way that does not favor or disfavor any political party or candidate. The amendment would prohibit voting records and information on party affiliation of voters, candidates or residency of incumbents (as well as any proxy measures of this data) from being used to create redistricting plans or individual district boundaries. In short, it prohibits partisans drawing district boundaries to favor their side, what is commonly called gerrymandering. Recent polling shows that a whopping majority of Americans, 60-80 percent, depending on the poll – oppose gerrymandering. This constitutional amendment would give New Hampshire voters the chance to enshrine their convictions about gerrymandering in the state constitution. Some hold that it is impossible to take the politics out of drawing district boundaries – that any process that pretends to select or draw boundaries in a non-partisan way is just hiding the ugly truth. But in fact, it is possible to make political districts without using data about how people vote or what party they favor. That is all this constitutional amendment would require.

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

On a division vote, with 186 members having voted in the affirmative, and 150 in the negative, the majority committee report was adopted.

HB 154, enabling voters to request to have their ballots hand-counted. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alvin See for the Majority of Election Law. This bill simply makes it clear that the legislature allows individual voters to choose to have their ballot be hand counted in municipalities that use ballot counting machines. This removes the perception of a loss of a right. Vote 13-5.

Rep. Gerald Ward for the Minority of Election Law. This well-meaning bill, designed to appease concerns about “election security” on the behalf of some individuals, would allow those individuals to demand to have their ballot hand-counted. Ironically, as was discussed in the hearing, this raises the probability that their ballot would be mis-counted or mis-interpreted, inasmuch as counting by hand is notoriously less accurate than tabulating by machine, especially when done by tired election officials at the end of a long day. The bill, in addition to adding unnecessarily to the already heavy workload of moderators and clerks, is thus self-defeating and worthy of being deemed Inexpedient to Legislate.

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

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

HB 175, relative to defined coordinated expenditures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Travis Toner for the Majority of Election Law. The majority of the committee believes that political action committees (PACs) who collect money from everyday citizens of New Hampshire along with large and small businesses enable the voices of the state to be heard on a larger scale. This process is comparable to buyers’ groups and coops that use a group of businesses to increase buyer power to compete against box stores and large multinational corporations with endless resources that an individual would never be able to compete against. This bill expands the limitations of communications with candidates to include the party, which could be interpreted that if a PAC promotes a party’s platform, this would be a violation. However, at the same time it would appear that in no way does this limit unions in the same manner. This sets forth an unfair playing field and creates a monopoly of thought and power. Vote 11-7.

Rep. Russell Muirhead for the Minority of Election Law. This bill would bar coordination between those making what our RSA’s call “independent campaign expenditures” and a candidate’s campaign expenditures. Independent campaign expenditures, which are unlimited, are called independent in New Hampshire law because they are supposed to be independent of a candidate’s campaign. When campaigns and political action committees (PACs) coordinate their expenditures, then independence is destroyed, contrary to the intention of our campaign finance laws. In addition, this bill would restore the \$30,000 cap on contributions from PACs to

individual campaigns. That limit was removed without a public hearing by the other body during the budget negotiations in the last session. Because of that change, the influence of big money in New Hampshire politics has been unleashed. PACs donated over \$14 million to one gubernatorial campaign in the last election, and over \$2 million to a competing gubernatorial candidate. Most, if not all, of this was out-of-state money. This represents an obliteration of New Hampshire's campaign finance laws. By restoring the long-standing \$30,000 limit on what political advocacy committees can give to candidates and by addressing how PACs and other spenders try to evade contribution limits, this bill would help put a stop to the corruption of constitutional democracy in New Hampshire.

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

HB 408, moving the date of the state primary to the fourth Tuesday in August. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ross Berry for the Majority of Election Law. Moving the State's primary to August does not solve the current problem the state faces with an incumbent protection program. Furthermore, many parents are still out on vacation with their children at this point and while they could request an absentee ballot, the majority does not feel it prudent to deny them the opportunity to vote in person. Vote 10-8.

Rep. Matthew Wilhelm for the Minority of Election Law. The minority of the committee believes the state primary should be moved from the second Tuesday in September to the fourth Tuesday in August, which will allow more time for candidates to campaign after the state primary in the lead up to the general election in November. This bill is supported by the Secretary of State.

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

MOTION TO LAY ON THE TABLE

Rep. Berry moved that **HB 408**, moving the date of the state primary to the fourth Tuesday in August, be laid on the table.

On a division vote, with 190 members having voted in the affirmative, and 147 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 481, relative to moving the state primary date. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the Majority of Election Law. Moving New Hampshire's state primary to the second Tuesday in June would make elections more competitive by addressing the unfair timeline that currently benefits incumbents. Under the current system, absentee ballots for the general election are sent out just a week after the September primary, leaving challengers with almost no time to introduce themselves to voters before ballots are already being cast. Incumbents, who have spent years in office building name recognition and visibility, benefit from this compressed timeline, while challengers struggle to make their case to the electorate in such a short period. By shifting the primary to June, voters would have more time to fairly evaluate all candidates before making their decisions, ensuring that elections are based on ideas and qualifications rather than a schedule that protects those already in office. Vote 13-5.

Rep. Jessica Grill for the Minority of Election Law. This bill would impose a drastic change on voters by moving the state primary from its current date in September to June. The minority is also concerned about the potential unintended consequences of a June primary date, in particular the extension of election season into our legislative session, "campaign fatigue" among voters, and the growing influence of out-of-state donors on New Hampshire elections up and down the ballot. Although the minority acknowledges the difficulties caused by our current state primary date, we feel that a June date would not be in the best interest of either voters or candidates for the reasons mentioned.

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

Rep. Berry offered floor amendment (1360h).

Floor Amendment (1360h)

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect January 1, 2027.

The question being adoption of floor amendment (1360h).

On a division vote, with 357 members having voted in the affirmative, and 1 in the negative, floor amendment (1360h) was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Majority committee report was adopted, and the bill was ordered to third reading.

HB 514-FN, allowing private persons to sue for violations of election laws. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the Majority of Election Law. This bill establishes a clear and efficient process for individuals to seek judicial redress if they are harmed by violations of election law procedures, including the denial of their right to vote. Under current judicial precedent, individuals are prohibited from suing under RSA 659, leaving voters and election participants with no direct recourse when election laws are violated. This bill corrects that by creating a formal complaint process with the Department of Justice (DOJ) while ensuring that the DOJ does not have the final say on election law violations. Individuals have the inherent right to seek redress from the judicial system, and this legislation guarantees that claimants can pursue injunctive relief in superior court when necessary. By providing a structured mechanism to address election law violations, this bill strengthens election integrity while maintaining accountability. Ensuring that election laws are properly followed is essential to public confidence in the process, and this bill upholds that principle by preserving access to the courts for those seeking justice. Vote 10-7.

Rep. Russell Muirhead for the Minority of Election Law. This bill would allow private parties to sue the state for violations of election procedures committed in towns and cities and would create a mechanism by which individual citizens could compel the Attorney General's Office to investigate allegations of such violations. While the minority understands the vital public purposes this bill attempts to serve, it believes that the bill needs more work before it should become law. For instance, the bill allows courts to fix the price that lawyers can charge in the suits the bill allows for a government-imposed price control mechanism that would impair the right to counsel and violate freedom of contract. Given the need to revise parts of the bill, the minority recommends Inexpedient to Legislate.

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

On a division vote, with 186 members having voted in the affirmative, and 152 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

HB 600-FN, enabling ranked-choice voting for municipal elections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ross Berry for the Majority of Election Law. Ranked choice voting is not the right fit for New Hampshire because it adds unnecessary complexity to a voting system that has served the state well for centuries. While some argue that it allows winners to have broader voter support, in practice, it can be confusing to voters, leading to higher rates of ballot errors and potential disenfranchisement. New Hampshire has a strong tradition of straightforward, transparent elections, and introducing a ranked-choice system would create unnecessary administrative burdens on local officials who are already tasked with ensuring fair and efficient elections. Additionally, while proponents claim it saves money, in many cases, ranked choice voting has led to increased costs due to the need for new voting equipment, voter education efforts, and complicated ballot tabulation processes. Furthermore, this system can lead to unpredictable outcomes, where a candidate who was not the top choice of most voters ultimately wins due to vote redistribution, undermining the clarity and decisiveness of traditional elections. New Hampshire's election system has long been a model of local control and voter confidence and ranked choice voting would only serve to complicate a process that does not need fixing. Vote 10-8.

Rep. Matthew Wilhelm for the Minority of Election Law. The minority of the committee believes that individual communities should be afforded the opportunity to adopt ranked choice voting for local municipal elections, if they so choose. If passed, this bill will not cost taxpayers anything and could actually save some cities and towns money. Ranked choice voting improves election systems by ensuring winners have the most voter support, thus avoiding vote splitting. In New Hampshire's deep-seated tradition of local control, this is an enabling bill that does not impose anything on any municipality. Rather, it allows cities and towns to opt-in to using ranked choice voting for one or more specific municipal office(s) at one or more specific municipal election(s) and then notifying the Secretary of State at least ninety (90) days before the election. Following adoption, municipalities retain the right to opt-out of using ranked choice voting by notifying the Secretary of State at least ninety (90) days before a future election. Ranked choice voting is popular amongst the fourteen (14) million voters in jurisdictions across the country that have adopted it, including two (2) states, three (3) counties, and forty-six (46) municipalities. Cities and towns are given the authority to decide how to use ranked choice voting, including whether or not to continue holding preliminary and/or runoff elections. Ranked choice voting is a tried and true, widely tested voting method that is easy to understand and administer. If passed, this bill has the power and potential to make positive contributions to voter engagement and civil discourse at the local level for all communities that choose to adopt ranked choice voting.

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

Rep. Berry spoke in favor.

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

YEAS 194 - NAYS 145**YEAS - 194****BELKNAP**

Aldrich, Glen
Dumais, Russell
Ploszaj, Tom

Bean, Harry
Freeman, Lisa
Terry, Paul

Bogert, Steven
Harvey-Bolia, Juliet
Toner, Travis

Comtois, Barbara
Lunney, Matthew

CARROLL

Avellani, Lino
Crawford, Karel
Peternel, Katy

Belcher, Mike
Hamblen, Joseph
Brown, Richard

Buco, Thomas
MacDonald, John
Taylor, Brian

Cordelli, Glenn
Smith, Jonathan

CHESHIRE

Harvey, Cathryn
Mattson, Rita
Thackston, Dick

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

COOS

Davis, Arnold
Ouellet, Mike

Durkin, Sean
Tierney, James

Korzen, Lori
Valerino, Brian

Morency, Pete

GRAFTON

Beaulier, Calvin
Ladd, Rick

Berezhny, Lex
Louis, Darrell

Bjelobrk, Marie Louise
McFarlane, Donald

Franz, Linda
Sellers, John

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Kelley, Diane
Dupont, Pierre
Griffin, Gerald
Gould, Linda
Kofalt, Jim
Mazur, Lisa
Morton, Jonathan
Panek, Sandra
Post, Lisa
Seidel, Sheila
Suiter, John
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Daniels, Gary
Erf, Keith
Gagne, Larry
Jack, Martin
Labrie, Brian
McLean, Mark
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

Boyd, Bill
Cole, Brian
Drew, Matt
Fedolfi, Jim
Giasson, Henry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, Tim

Barbour, Liz
Creighton, James
Dumont, Dillon
Flanagan, Jack
Gorski, Ted
Kesselring, Steven
Murphy, Mary
Mooney, Maureen
Ohm, Bill
Peeples, Raymond
Scully, Kevin
Slottje, Jeremy
Mannion, Tom

MERRIMACK

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

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

Aylward, Deborah
Devoid, Ricky
Moffett, Michael
Boyd, Stephen
Walsh, Thomas

McGuire, Carol
Hicks, Matthew
Morse, Bryan
Schamberg, Thomas
Wood, Clayton

ROCKINGHAM

Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Ford, Mary
Murray, Kate
Miner, Laurence
Love, David
McDonnell, Valerie
Nadeau, Brian
Popovici-Muller, Daniel
Roy, Terry
Summers, James
Tripp, Richard
Vose, Michael

Bennett, Cindy
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Katsakiores, Phyllis
Walsh, Lilli
Lynn, Bob
McGrath, Linda
Osborne, Jason
Porcelli, Susan
Sabourin dit Choinière, Matt
Sweeney, Joe
Tudor, Paul
MacDonald, Wayne

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guzowski, James
Khan, Aboul
Layon, Erica
Cahill, Michael
Melvin, Charles
Brown, Pam
Potucek, John
Soti, Julius
Sytek, John
Vallone, Mark
Weyler, Kenneth

Bryer, Scott
DeVito, Sayra
Foote, Charles
Harb, Robert
Kuttab, Katelyn
Litchfield, Melissa
Pearson, Mark
Milz, David
Perez, Kristine
Prudhomme-O'Brien, Katherine
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Wilson, Vicki

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Potenza, Kelley

Burnham, Claudine
Granger, Michael
Turcotte, Len

DeLemus, Susan
Harrington, Michael
Walker, David

DeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Aron, Michael

Girard, Dale
Rollins, Skip

Hemingway, Wayne
Spilsbury, Walter

Aron, Judy

NAYS - 145**BELKNAP**

St. Clair, Charlie

CARROLL

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Jacobs, Samantha
O'Rorke, Terri

Berch, Paul
Jones, Philip
Parshall, Lucius

Fox, Dru
Germana, Nicholas
Weber, Lucy

Gruber, James
Newell, Jodi

COOS

King, Seth

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Spahr, Terry

Baldwin, Heather
Fracht, David
Lucas, Janet
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Oppel, Thomas
Stringham, Jerry

Cormen, Thomas
Sullivan, Jared
Rockmore, Ellen
Sykes, George

HILLSBOROUGH

Murray, Aissandra
Budathoki, Suraj
Dargie, Paul
Foss, Lily
Harriott-Gathright, Linda
Juris, Louis
Lloyd, Christal
MacKenzie, Mark
Petrigno, Peter
Rombeau, Catherine
Salvi, Santosh
Staub, Kathy
Vail, Suzanne
Wilhelm, Matthew

Beauchemin, Paige
Chourasia, Manoj
DiSilvestro, Linda
Georges, Mary
Hartnett, Tim
Kluger, Lee Ann
Long, Patrick
Manohar, Sanjeev
Preece, David
Rung, Rosemarie
Seibert, Christine
Swanson, Dale
Veilleux, Daniel

Bergeron, Dan
Cornell, Patricia
Elberger, Susan
Grill, Jessica
Hegner, Karen
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Newman, Ray
Ryan, Linda
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Bouchard, Donald
Darby, Will
Davis, Fred
Grund, Stephanie
Herbert, Christopher
Leishman, Peter
Murray, Megan
Murphy, Nancy
Raymond, Heather
Newman, Sue
Spier, Carry
Tellez, Trinidad
Wheeler, Jonah

MERRIMACK

Bricchi, Tracy
Ebel, Karen
Luneau, David
Payeur, Stephanie
Sargent, Gregory
Wallner, Mary Jane

Caplan, Tony
Gallager, Eric
Hall, Muriel
Polozov, Yury
Schultz, Kris
Woods, Gary

Colby, Eleana
Gibbs, Merryl
MacKay, James
Richards, Beth
Snodgrass, Jim

Kelly, Eileen
Lane, Connie
Newsom, James
Roesener, James
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Malloy, Dennis
Raynolds, Ned
Sorensen, Carrie

Grote, Jaci
Manos, Zoe
Read, Ellen
Turer, Eric

Knab, Allison
Markell, Jay
Scherr, Buzz
Ward, Gerald

Maggiore, Jim
Meuse, David
Simpson, Alexis
Weinstein, Toni

STRAFFORD

Bay, Luz
Gilmore, Gary
Johnson, Erik
Miller, Seth
Pearson, Wayne

Bixby, Peter
Howard, Heath
LaMontagne, Jessica
Schmidt, Peter
Wade, Alice

Burton, Wayne
Horrigan, Timothy
Larochelle, John
Southworth, Thomas
Wall, Janet

Smith, Geoffrey
Howland, Allan
Smith, Marjorie
Stone, John

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

and the majority committee report was adopted.

HB 152-FN, prohibiting the sale and use of adhesive-based rodent traps. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Judy Aron for the Majority of Environment and Agriculture. Rodents and rodent infestation are a problem. Rodents carry diseases like the black plague. In the interest of public health, the majority of the committee

sides with the health of human beings over rodents. Testimony demonstrated that glue traps are an effective way to monitor and capture rodents. Glue traps/glue boards are an effective non chemical (non poisonous) means to control rodents in places where food is stored and prepared, and in facilities where there are children and senior citizens. They are an important part of an integrated pest management plan. Eliminating their use would be very problematic for those places. Glue boards are also used to control pests like cockroaches and other insects, and while this bill bans them for use for rodents, how can you enforce one use over another? Additionally, you cannot control where people purchase these glue traps. It would be simple for people to buy them over the Internet or go to a neighboring state to purchase them. Furthermore, any way that you kill a rodent can be considered cruel. Snap traps are cruel if they do not snap the rodent in the correct way. Cats killing rodents can also be considered cruel, so is drowning rodents in a bucket of water. Sealing openings and using other exclusionary techniques do not always work, as rodents will in time find new entrances, and rodent contraception takes a long time to be effective. The majority of the committee believes that non target species would not get ensnared in glue traps if the product is used as directed on the package by the consumer and that more public education is needed. Overall, the majority felt that people who do not wish to use these products are free not to use them, but we cannot deny everyone else the ability to use an effective non chemical means of controlling rodents if they feel that works best for their rodent problem. Vote 9-5.

Rep. Nicholas Germana for the Minority of Environment and Agriculture. Adhesive traps, or glue traps, are a very old, very basic, very primitive form of pest control. Animals (not just rodents) who are caught in these traps suffer agonizing deaths. The minority of the committee recognizes the importance of being able to effectively manage rodent populations; fortunately, there are a wide variety of affordable, non-chemical pest control options on the market. This bill keeps coming back to the legislature because there is a demand among our constituents to stop this practice. Online testimony was nearly 30:1 in favor of this bill (295 to 10). The minority of the committee believes that time is now.

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

MOTION TO INDEFINITELY POSTPONE

Rep. Judy Aron moved that **HB 152-FN**, prohibiting the sale and use of adhesive-based rodent traps, be Indefinitely Postponed.

On a division vote, with 190 members having voted in the affirmative, and 140 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 96, requiring New Hampshire builders to use the 2021 Energy Building codes or a similar code that achieves equivalent or greater energy savings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Carol McGuire for the Majority of Executive Departments and Administration. This bill resurrects a code update that was rejected last year by the Building Code Review Board (BCRB) and the House. The BCRB has moved on, and is now reviewing the 2024 building codes, including the energy code; adopting the 2021 code out of sync with the other codes would cause confusion and an administrative headache for contractors and building inspectors alike. The 2021 energy code was rejected largely because it increases the cost of building, especially for housing. There are competing numbers about how much of an increase we would see, but there is total agreement that it is an increase. For contractors or home buyers who wish for increased energy efficiency, there is no restriction on implementing the 2021 code, or the 2024 code, in their projects; but the majority of the committee agrees that it should not be imposed as a minimum standard for the entire state. Vote 12-4.

Rep. Erica de Vries for the Minority of Executive Departments and Administration. This bill updates New Hampshire's building codes to the 2021 International Energy Conservation Code (IECC), replacing the outdated 2018 version. While implementation cost estimates range from \$2,000 to \$17,000 per residential home, long-term savings far outweigh costs. Homes built to 2021 IECC standards use less energy, cutting utility bills and increasing resale value. Updating the code to 2021 IECC standards increases the likelihood of federal Department of Energy grant funds being made available to the state and municipalities, which is critical to support energy audits, retrofits, and renewable projects, reducing municipalities' costs and easing property taxes. Beyond financial savings, adopting the 2021 code will improve air quality through better ventilation and vapor barriers, reducing pollutants and creating healthier spaces. Stronger standards extend building lifespans by up to 20 years, lowering homeowners' maintenance costs. Energy-efficient buildings cut energy consumption and cut carbon emissions. Without this update, New Hampshire forfeits economic, health, and environmental benefits.

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

MOTION TO LAY ON THE TABLE

Rep. Carol McGuire moved that **HB 96**, requiring New Hampshire builders to use the 2021 Energy Building codes or a similar code that achieves equivalent or greater energy savings, be laid on the table.

Rep. Alexander requested a roll call; sufficiently seconded.

YEAS 199 - NAYS 135**YEAS - 199
BELKNAP**

Aldrich, Glen
Dumais, Russell
Ploszaj, Tom

Bean, Harry
Freeman, Lisa
Terry, Paul

Bogert, Steven
Harvey-Bolia, Juliet
Toner, Travis

Comtois, Barbara
Lunney, Matthew

CARROLL

Avellani, Lino
Hamblen, Joseph
Brown, Richard

Belcher, Mike
MacDonald, John
Taylor, Brian

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
Peternel, Katy

CHESHIRE

Harvey, Cathryn
Mattson, Rita
Thackston, Dick

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

COOS

Davis, Arnold
Ouellet, Mike

Durkin, Sean
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

GRAFTON

Almy, Susan
Fellows, Sallie
Louis, Darrell

Beaulier, Calvin
Franz, Linda
McFarlane, Donald

Berezhny, Lex
Sullivan, Jared
Sellers, John

Bjelobrk, Marie Louise
Ladd, Rick

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Kelley, Diane
Dupont, Pierre
Flanagan, Jack
Gorski, Ted
Kofalt, Jim
Murphy, Mary
Mooney, Maureen
Notter, Jeanine
Pauer, Diane
Rung, Rosemarie
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

Ammon, Keith
Boehm, Ralph
Daniels, Gary
Erf, Keith
Griffin, Gerald
Gould, Linda
Labrie, Brian
Mazur, Lisa
Morton, Jonathan
Ohm, Bill
Peeples, Raymond
Schneller, John
Sirois, Shane
Mannion, Tim

Boyd, Bill
Cole, Brian
Drew, Matt
Davis, Fred
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Murphy, Nancy
Panek, Sandra
Post, Lisa
Scully, Kevin
Slotte, Jeremy
Mannion, Tom

Barbour, Liz
Creighton, James
Dumont, Dillon
Fedolfi, Jim
Giasson, Henry
Kesselring, Steven
Long, Patrick
Miles, Julie
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Seidel, Sheila
Suiter, John
Ulery, Jordan

MERRIMACK

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

Aures, Cyril
Colby, Eleana
Mehegan, Peter
Plante, Raymond
See, Alvin

Aylward, Deborah
McGuire, Dan
Moffett, Michael
Polozov, Yury
Wood, Clayton

McGuire, Carol
Devoid, Ricky
Morse, Bryan
Boyd, Stephen

ROCKINGHAM

Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Guthrie, Joseph
Khan, Aboul
Layon, Erica
Pearson, Mark
Melvin, Charles
Brown, Pam
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Vandecasteele, Susan
Wilson, Vicki

Bennett, Cindy
Thomas, Douglas
Drago, Mike
Guzofski, James
Kuttab, Katelyn
Litchfield, Melissa
Markell, Jay
Milz, David
Perez, Kristine
Roy, Terry
Spillane, James
Dolan, Tom
Vose, Michael

Bernardy, JD
DeSimone, Debra
Foote, Charles
Harb, Robert
Miner, Laurence
Love, David
McDonnell, Valerie
Nadeau, Brian
Porcelli, Susan
Pearson, Stephen
Summers, James
Tudor, Paul
MacDonald, Wayne

Bryer, Scott
DeVito, Sayra
Ford, Mary
Katsakiores, Phyllis
Walsh, Lilli
Lynn, Bob
McGrath, Linda
Osborne, Jason
Potucek, John
Sabourin dit Choinière, Matt
Sweeney, Joe
Vallone, Mark
Weyler, Kenneth

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Kaczynski, Thomas
Walker, David

Burnham, Claudine
Smith, Geoffrey
Potenza, Kelley

DeLemus, Susan
Granger, Michael
Turcotte, Len

DeRoy, Susan
Harrington, Michael
Pearson, Wayne

Drye, Margaret
Aron, Michael

Girard, Dale
Rollins, Skip

SULLIVAN

Hemingway, Wayne
Smith, Steven

Aron, Judy
Spillsbury, Walter

NAYS - 135

BELKNAP

St. Clair, Charlie

CARROLL

Buco, Thomas

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Jacobs, Samantha
O'Rorke, Terri

Berch, Paul
Jones, Philip
Parshall, Lucius

Fox, Dru
Germana, Nicholas
Weber, Lucy

Gruber, James
Newell, Jodi

GRAFTON

Baldwin, Heather
Hakken-Phillips, Mary
Rockmore, Ellen
Sykes, George

Bolton, Bill
Lovett, Peter
Spahr, Terry

Cormen, Thomas
Lucas, Janet
Stavis, Laurel

Fracht, David
Oppel, Thomas
Stringham, Jerry

HILLSBOROUGH

Murray, Alissandra
Budathoki, Suraj
Dargie, Paul
Georges, Mary
Hegner, Karen
Kluger, Lee Ann
Murray, Megan
Petrigno, Peter
Rombeau, Catherine
Seibert, Christine
Swanson, Dale
Veilleux, Daniel

Beauchemin, Paige
Chourasia, Manoj
DiSilvestro, Linda
Grund, Stephanie
Herbert, Christopher
LeClerc, Daniel
MacKenzie, Mark
Preece, David
Ryan, Linda
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Bergeron, Dan
Cornell, Patricia
Elberger, Susan
Harriott-Gathright, Linda
Jack, Martin
Leishman, Peter
Manohar, Sanjeev
Newman, Ray
Newman, Sue
Spier, Carry
Tellez, Trinidad
Wheeler, Jonah

Bouchard, Donald
Darby, Will
Foss, Lily
Hartnett, Tim
Juris, Louis
Howard, Molly
McGhee, Kat
Raymond, Heather
Salvi, Santosh
Staub, Kathy
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bricchi, Tracy
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Woods, Gary

Caplan, Tony
Gibbs, Merryl
Hall, Muriel
Richards, Beth
Snodgrass, Jim

Kelly, Eileen
Hicks, Matthew
MacKay, James
Roesener, James
Soucy, Timothy

Ebel, Karen
Lane, Connie
Newsom, James
Sargent, Gregory
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Cahill, Michael
Meuse, David
Simpson, Alexis
Weinstein, Toni

Grote, Jaci
Maggiore, Jim
Raynolds, Ned
Sorensen, Carrie

Murray, Kate
Malloy, Dennis
Read, Ellen
Turer, Eric

Knab, Allison
Manos, Zoe
Scherr, Buzz
Ward, Gerald

STRAFFORD

Bay, Luz
Howard, Heath
LaMontagne, Jessica
Miller, Seth
Wade, Alice

Bixby, Peter
Horrigan, Timothy
Larochelle, John
Schmidt, Peter
Wall, Janet

Burton, Wayne
Howland, Allan
Levesque, Cassandra
Southworth, Thomas

Gilmore, Gary
Johnson, Erik
Smith, Marjorie
Stone, John

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

and the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 145-FN, relative to background checks for licensed dietitians and adopting the dietitian licensure compact. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Jaci Grote for the Majority of Executive Departments and Administration. The bill, as amended, brings background check protocol in line with other professions under the Office of Professional Licensure and Certification. The bill adopts the dietitian licensure interstate compact and brings New Hampshire into the compact early enough to have input in the compact rules. Dietitians, not to be confused with nutritionists, are

most often found in hospitals, long term care, child health, and private practice. The compact would increase access to dietitians for valuable telehealth helping to address the shortage of adequate numbers of registered dietitians in specialty areas such as eating disorders and diabetes. Testimony confirmed that New Hampshire is one of 27 states aiming to file for the compact which allows for patient continuity with their dietitians as they travel for work or school. Although New Hampshire has a reciprocity program with other states, it requires paying a license fee in all states where a dietitian wants to practice. A dietitian who testified before the committee maintains and pays for 15 different state licenses. A compact eliminates paying for a multitude of licenses. Testimony from licensed dietitians included the Director of Clinical Services at Concord Hospital who could immediately hire a licensed dietitian from another compact state, streamlines the process of hiring for military families, and supports telemedicine as part of the offering. Vote 9-6.

Rep. Erica Layon for the Minority of Executive Departments and Administration. This bill would make New Hampshire a charter member state of a new Dietitian Licensing Compact, which will come into existence when the seventh state adopts language materially similar to the contract. This compact commission is granted many things, including the ability to assess and collect fees to both licensees and participating states, as well as to borrow money. When New Hampshire was the ninth state to adopt the United States Constitution, the rights of small states were protected by the election of two senators by the legislature of each state, the tenth amendment, and other means. As a small state, we have lost many of these protections. By joining the Dietitian Licensing Compact, the legislature is delegating powers to a multi-state organization with few protections for small states such as ours. Passing this bill risks high costs to state taxpayers for the benefit of making it easier for our residents to work out of state. For these reasons, the minority of the committee finds this bill inexpedient to legislate.

Majority Amendment (0564h)

Amend RSA 326-H:12-b as inserted by section 1 of the bill by replacing it with the following:

326-H:12-b Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the office of professional licensure and certification a criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the executive director of the office of professional licensure and certification or its designee within the office of professional licensure and certification. For the purposes of this section, a designee may be the office's agency counsel, administrative law judge, director of licensing and board administration, licensing service representative, or board administrator.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency, an authorized employee of the office of professional licensure and certification, or an authorized employee of the department of safety. If the first set of fingerprints is invalid due to an insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to an insufficient pattern, the office of professional licensure and certification may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The office of professional licensure and certification shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the executive director of the office of professional licensure and certification or its designee within the office of professional licensure and certification. The executive director of the office of professional licensure and certification or its designee within the office of professional licensure and certification shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history record check.

MOTION TO LAY ON THE TABLE

Rep. Layon moved that **HB 145-FN**, relative to background checks for licensed dietitians and adopting the dietitian licensure compact, be laid on the table.

Rep. Damon requested a roll call; sufficiently seconded.

YEAS 187 - NAYS 152

YEAS - 187

BELKNAP

Aldrich, Glen
Dumais, Russell
Ploszaj, Tom

Bean, Harry
Freeman, Lisa
Terry, Paul

Bogert, Steven
Harvey-Bolia, Juliet
Toner, Travis

Comtois, Barbara
Lunney, Matthew

CARROLL

Avellani, Lino
Hamblen, Joseph
Brown, Richard

Belcher, Mike
MacDonald, John
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Murphy, Denis
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Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

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Davis, Arnold
Ouellet, Mike

Durkin, Sean
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

GRAFTON

Beaulier, Calvin
Ladd, Rick

Berezhny, Lex
Louis, Darrell

Bjelobrk, Marie Louise
McFarlane, Donald

Franz, Linda
Sellers, John

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Kelley, Diane
Dupont, Pierre
Griffin, Gerald
Gould, Linda
Labrie, Brian
McLean, Mark
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Mannion, Tim

Ammon, Keith
Boehm, Ralph
Daniels, Gary
Erf, Keith
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, Tom

Boyd, Bill
Cole, Brian
Drew, Matt
Fedolfi, Jim
Giasson, Henry
Kesselring, Steven
Murphy, Mary
Mooney, Maureen
Ohm, Bill
Peeples, Raymond
Scully, Kevin
Slottje, Jeremy
Ulery, Jordan

Barbour, Liz
Creighton, James
Dumont, Dillon
Flanagan, Jack
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Morton, Jonathan
Pank, Sandra
Post, Lisa
Seidel, Sheila
Tenczar, Jeffrey
Wherry, Robert

MERRIMACK

Andrus, Louise
Cambrijs, Jose
Mehegan, Peter
Plante, Raymond
See, Alvin

Aures, Cyril
McGuire, Dan
Moffett, Michael
Polozov, Yury
Walsh, Thomas

Aylward, Deborah
Devoid, Ricky
Morse, Bryan
Boyd, Stephen
Wood, Clayton

McGuire, Carol
Hill, Gregory
Pitaro, Matthew
Seaworth, Brian

ROCKINGHAM

Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Ford, Mary
Katsakiores, Phyllis
Walsh, Lilli
Lynn, Bob
Melvin, Charles
Brown, Pam
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Vandecasteele, Susan
Wilson, Vicki

Bennett, Cindy
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Khan, Aboul
Layon, Erica
Markell, Jay
Milz, David
Perez, Kristine
Roy, Terry
Spillane, James
Dolan, Tom
Vose, Michael

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guzowski, James
Kuttab, Katelyn
Litchfield, Melissa
McDonnell, Valerie
Nadeau, Brian
Porcelli, Susan
Pearson, Stephen
Summers, James
Tripp, Richard
MacDonald, Wayne

Bryer, Scott
DeVito, Sayra
Foote, Charles
Harb, Robert
Miner, Laurence
Love, David
McGrath, Linda
Osborne, Jason
Potucek, John
Sabourin dit Choinière, Matt
Sweeney, Joe
Tudor, Paul
Weyler, Kenneth

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Potenza, Kelley

Burnham, Claudine
Granger, Michael
Turcotte, Len

DeLemus, Susan
Harrington, Michael
Walker, David

DeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Rollins, Skip

Hemingway, Wayne
Smith, Steven

Aron, Judy
Spilsbury, Walter

Aron, Michael

**NAYS - 152
BELKNAP**

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Gruber, James
Newell, Jodi

Berch, Paul
Jacobs, Samantha
O'Rorke, Terri

Harvey, Cathryn
Jones, Philip
Parshall, Lucius

Fox, Dru
Germana, Nicholas
Weber, Lucy

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Spahr, Terry

Baldwin, Heather
Fracht, David
Lucas, Janet
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Oppel, Thomas
Stringham, Jerry

Cormen, Thomas
Sullivan, Jared
Rockmore, Ellen
Sykes, George

HILLSBOROUGH

Murray, Aissandra
Budathoki, Suraj
Dargie, Paul
Foss, Lily
Hartnett, Tim
Jeudy, Jean
Leishman, Peter
Murray, Megan
Murphy, Nancy
Rombeau, Catherine
Salvi, Santosh
Suiter, John
Vail, Suzanne
Wilhelm, Matthew

Beauchemin, Paige
Chourasia, Manoj
DiSilvestro, Linda
Georges, Mary
Hegner, Karen
Juris, Louis
Lloyd, Christal
MacKenzie, Mark
Petrigno, Peter
Rung, Rosemarie
Seibert, Christine
Swanson, Dale
Veilleux, Daniel

Bergeron, Dan
Cornell, Patricia
Elberger, Susan
Grund, Stephanie
Herbert, Christopher
Kluger, Lee Ann
Long, Patrick
Manohar, Sanjeev
Preece, David
Ryan, Linda
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Bouchard, Donald
Darby, Will
Davis, Fred
Harriott-Gathright, Linda
Jack, Martin
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Newman, Ray
Newman, Sue
Staub, Kathy
Tellez, Trinidad
Wheeler, Jonah

MERRIMACK

Bricchi, Tracy
Ebel, Karen
Lane, Connie
Newsom, James
Sargent, Gregory
Wallner, Mary Jane

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Woods, Gary

Colby, Eleana
Gibbs, Merryl
Hall, Muriel
Richards, Beth
Snodgrass, Jim

Kelly, Eileen
Hicks, Matthew
MacKay, James
Roesener, James
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Knab, Allison
Malloy, Dennis
Read, Ellen
Turer, Eric

Edgar, Michael
Cahill, Michael
Manos, Zoe
Scherr, Buzz
Vallone, Mark

Grote, Jaci
Pearson, Mark
Meuse, David
Simpson, Alexis
Ward, Gerald

Murray, Kate
Maggiore, Jim
Raynolds, Ned
Sorensen, Carrie
Weinstein, Toni

STRAFFORD

Bay, Luz
Gilmore, Gary
Johnson, Erik
Smith, Marjorie
Stone, John

Bixby, Peter
Howard, Heath
LaMontagne, Jessica
Miller, Seth
Pearson, Wayne

Burton, Wayne
Horrigan, Timothy
Larochele, John
Schmidt, Peter
Wade, Alice

Smith, Geoffrey
Howland, Allan
Levesque, Cassandra
Southworth, Thomas
Wall, Janet

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Girard, Dale

and the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 252, creating a state holiday to honor Daniel Webster's birthday. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeremy Slottje for Executive Departments and Administration. While the committee recognizes Daniel Webster's historical significance as a distinguished statesman, lawyer, and orator who contributed greatly to New Hampshire and the nation, we find that establishing a new state holiday on January 18 is impractical at this time. The addition of a new holiday would impose logistical and financial burdens on state agencies, schools, and local governments, particularly given the proximity to existing holidays such as Martin Luther King Jr. Civil Rights Day, observed on the third Monday of January. Furthermore, the committee believes that Webster's legacy can be adequately honored through existing educational programs and historical commemorations without the need for a dedicated state holiday. The encouragement of Senate readings and school activities, while commendable, does not necessitate a formal holiday designation. Vote 12-4.

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

(Rep. Steven Smith in the Chair)
REGULAR CALENDAR - PART I CONT'D

HB 428-L, prohibiting municipal amendments to the state building code. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for the Majority of Executive Departments and Administration. The committee believes that the hodge podge of building code amendments throughout the state causes expensive confusion and increases the cost of housing. As amended, the only municipal amendments to the building code will be the administrative codes regarding things like where to file, where to pay fees, and other administrative details which are different across the state. As amended, this bill will prohibit technical amendments which currently allow towns to declare themselves in a different climate zone or adjacent towns each requiring a different type of underground conduit. Rather than require contractors to keep up to date with a number of different codes, and potentially decline to work in more burdensome municipalities, the majority of the committee believes that it is time to move to a standardized building code with this bill as amended. Vote 10-6.

Rep. Erica de Vries for the Minority of Executive Departments and Administration. This bill, as amended, prohibits municipalities from adopting building code requirements stricter than the state code. This bill disregards SB 437, signed into law by Governor Sununu on May 31, 2024. SB 437 established a balanced process for reviewing and approving municipal codes that exceed state standards: stricter codes enacted before July 1, 2024, require state review and local re-approval, and new, stricter codes proposed after July 1, 2024, must be submitted as amendments under the latest state code. SB 437 ensures fair oversight while allowing municipalities to address unique local needs. It prevents overreach while preserving local flexibility. HB 428 nullifies this balanced approach, barring municipalities from ever setting higher standards, even with state oversight. The New Hampshire Municipal Association opposes HB 428, recognizing it strips local legislative bodies of authority to adapt codes to local circumstances. SB 437 has been in effect for less than nine months, too soon to judge its success. Many municipalities, especially SB 2 towns, only recently held elections that could reflect voter sentiment on local codes. HB 428 preemptively overrides a fair, thoughtful process before it has a chance to demonstrate results. HB 428 undermines local control and dismisses SB 437's potential benefits before they can be realized.

Majority Amendment (0328h)

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

1 New Hampshire Building Code; Definitions. RSA 155-A:1, III is repealed and reenacted to read as follows:

III. "Local enforcement agency" means, for a municipality as defined in RSA 672:10 that has adopted an enforcement mechanism under RSA 155-A:3, the official qualified and authorized to issue permits, make inspections, and enforce the laws, ordinances, and rules enacted by the state and local government that establish standards and requirements applicable to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure, or any appurtenances connected or attached to such building or structure.

2 State Building Code. Amend RSA 155-A:2, III to read as follows:

III. To the extent that it does not conflict with any other provision of law, and except as otherwise provided in this paragraph, the issuance of permits and the collection of fees pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts where such activities have been authorized in accordance with RSA [674:51 and RSA 47:22] 155-A:3. Pursuant to the state fire marshal's authority to enforce the state building code under RSA 155-A:7, I, the fire marshal may establish for municipalities that do not have a building official or other enforcement mechanism authorized in RSA 155-A:4, with approval of the commissioner of safety and by rules adopted under RSA 541-A, fees to defray the cost of issuing building permits in accordance with the state building code. Such fees shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

3 State Building Code. Amend RSA 155-A:2, VI to read as follows:

VI. For any municipality which has not adopted an enforcement mechanism under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings. Any municipality that has adopted an enforcement mechanism under RSA [674:51] **155-A:3** may contract with a local enforcement agency or a qualified third party for these services as an alternative to establishing the position of building [inspector under RSA 674:51, HH(c)] **official pursuant to RSA 155-A:3**, and such agency or third party shall have the same authority as a building inspector as provided in that section.

4 State Building Code. Amend RSA 155-A:2, VIII to read as follows:

VIII. Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local code requirements that are less stringent than the state building code[~~or state fire code~~], or where expressly required by RSA [674:51, or RSA 47:22] **155-A:3**, and all buildings, building components, and structures shall comply with all applicable state or local building [and fire code] requirements, land use restrictions including, but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

5 Local Amendments; Application. RSA 155-A:3 is repealed and reenacted to read as follows:
155-A:3 Enforcement mechanism.

I. The local legislative body, as defined in RSA 672:8, is hereby empowered and authorized to establish a local enforcement agency, as defined in RSA 155-A:1, III, to enforce the state building code adopted under RSA 155-A. The local legislative body may adopt a nationally recognized code not included in, and not inconsistent with, the state building code, except for a nationally recognized code which has the same or similar scope or purpose, as determined by the building code review board, that is included in the most recent edition of the state building code adopted under RSA 155-A:1, IV.

II. Amendments to the state building code implementing the issuance of permits and the collection of fees pursuant to RSA 155-A:2, III, and the issuance of permits and certificates of occupancy pursuant to RSA 155-A:2, IV, or other administrative functions shall be reserved for the municipalities, provided they are not less stringent than the state building code and confirmed pursuant to RSA 155-A:3, IV. No amendments to the technical requirements of the state building code are permitted. Municipal amendments to technical requirements of the state building code are permitted if the state building code is more than 2 editions behind the published model codes included in the state building code, provided they are not less stringent than the state building code and confirmed pursuant to RSA 155-A:3, IV.

III. At a minimum, the municipality shall ensure by ordinance that implementation and enforcement includes:

(a) The date of the first enactment of any building code regulations in the municipality and of each subsequent amendment thereto.

(b) Provision for the establishment of a building code board of appeals as provided in RSAs 673:1, V; 673:3, IV; and 673:5.

(c) Provision for the establishment of the position of building official as provided in RSA 673:1.

(d) The building official shall have the authority to:

(1) Accept and review appropriate design documents;

(2) Issue building permits as provided in RSA 676:11-13;

(3) Perform inspections as may be necessary to assure compliance with the state building code; and

(4) Issue any certificates of occupancy as enacted pursuant to paragraph IV.

(e) A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph IV.

IV. The regulations adopted pursuant to paragraph I may include a requirement for a certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is erected, remodeled, or undergoes a change or expansion of use subsequent to the effective date of such requirement. The municipality shall be responsible for implementation and enforcement of the requirement under this paragraph.

V. Municipal Employees and Departments.

(a) The provisions of this chapter shall not be construed to restrict or encumber the local governing body's authority relative to the appointment, removal, or duties of municipal employees and the organization of municipal departments.

(b) Any provision of the state building code that conflicts with existing local ordinances, regulations, policies, practices, or procedures regarding the appointment, removal, or duties of municipal employees and the organization of municipal departments shall not apply, provided that the ordinances, regulations, policies, practices, or procedures do not prevent effective enforcement of the state building code.

VI. Any ordinance adopted under paragraph II by a local legislative body shall be submitted to the state building code review board for review and confirmation.

VII. The state building code established in RSA 155-A shall be effective in all municipalities, as defined in RSA 672:10, in the state, without further local modification, except as permitted by this section, and shall be enforced as provided in RSA 155-A:7. Notwithstanding any other provision of law, no local legislative body shall enact or enforce any ordinance, adopt or enforce any rule, or implement any regulation that amends, overrides, or deviates from the state building code, or addresses any subject included in the state building code, except as otherwise permitted by this section or other statute, on or after the effective date of this section. All municipalities with an enforcement mechanism shall enforce and comply fully with the state building code without further local modification, except as otherwise permitted by this section or other statute.

VIII(a). Local amendments and codes adopted pursuant to paragraph III prior to July 1, 2024, and the procedural history of adoption under RSA 155-A:10 shall be submitted for review to the building code review board for confirmation that such additional amendments are not inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent edition of the building code adopted under RSA 155-A. No local amendment shall be enforced if it has not been submitted to the building code review board within 60 days of the effective date of this paragraph. Upon the withholding of confirmation of a submitted local amendment by the state building code review board, the amendment shall not be enforced.

(b) Any such ordinance enacted or adopted pursuant to paragraph III on or after July 1, 2024, shall not be enforced unless confirmed by the building code review board pursuant to RSA 155-A:10, IV(c). The procedural history of local adoption relating to published notice, public hearing, and vote of approval shall be submitted to the board within 30 days of enactment or adoption and prior to enforcement.

IX. No municipality or local land use board, as defined in RSA 672:7, shall enforce any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or two-family dwelling unit in a structure used only for residential purposes, or in existing buildings that contain, or will contain, no more than four dwelling units, unless fire sprinklers are existing or are required by a nonresidential occupancy. Notwithstanding any provision of law to the contrary, no municipality or local land use board shall enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or use of automatic fire suppression sprinklers in any manufactured housing unit, as defined in RSA 674:31, situated in a manufactured housing park, as defined in RSA 205-A:1, II. Nothing in this paragraph shall affect the ability of an applicant for a local land use permit to include the installation of fire suppression sprinklers pursuant to RSA 674:36, IV, or affect the validity or enforceability of such inclusion.

X. No county, city, town, village district, local land use board, or other subdivision of this state shall adopt any ordinance, regulation, code, or administrative practice that prohibits or restricts a person or entity from installing a safe and commercially available heating or other energy system of their choice, or from engaging the services of an energy provider of their choice to install, connect, or resupply such energy system. In this paragraph, “energy provider” means a qualified and licensed distributor of oil, propane, natural gas, or other company or entity that supplies energy or related services to the public.

6 Local Amendments; Application. Amend RSA 155-A:4, II to read as follows:

II. In municipalities that have adopted an enforcement mechanism pursuant to RSA ~~[674:51 and RSA 47:22]~~ **155-A:3**, the permit under this section shall conform to the locally adopted process. No permit shall be issued that would not result in compliance with the state building code ~~and state fire code~~.

7 Local Amendments; Application. Amend RSA 155-A:7, I to read as follows:

I. The local enforcement agency appointed pursuant to RSA ~~[674:51 or RSA 47:22]~~ **155-A:3** shall have the authority to enforce the provisions of the state building code and the local fire chief shall have the authority to enforce the provisions of the state fire code, provided that where there is no local enforcement agency or contract with a qualified third party pursuant to RSA 155-A:2, VI, the state fire marshal or the state fire marshal’s designee may enforce the provisions of the state building code and the state fire code, subject to the review provisions in RSA 155-A:10, upon written request of the municipality.

8 Local Amendments; Application. Amend RSA 155-A:10, IV(c) – (f) to read as follows:

(c) Municipal ~~[amendments]~~ **ordinances**: municipalities shall submit proposed ~~[amendments]~~ **ordinances** to the state building code ~~[pursuant to RSA 155-A:3]~~ to the board for review and confirmation prior to adoption. Municipalities may submit proposed language to the board for an advisory opinion at any time. Cities shall submit ~~[the]~~ final proposed ~~[building code amendments]~~ **ordinances** no later than 90 days before final adoption. Towns shall submit ~~[the]~~ final proposed ~~[amendments]~~ **ordinances** no later than 10 days after the conclusion of the final public hearing. Municipal submissions shall include the final text for each ~~[amendments]~~ **ordinance**. The board shall act to review and confirm proposed municipal ~~[amendments]~~ **ordinances** within 90 days of submission for cities, and 45 days for towns. Failure of the board to act within these time frames shall constitute a confirmation of the municipal ~~[amendments]~~ **ordinances**. The board’s review shall be limited to a confirmation that the local ~~[amendments]~~ **ordinance** complies with RSA ~~[674:51 or RSA 47:22]~~ **155-A:3**, and a verification with the state fire marshal that there is no conflict with the fire code.

(d) Once an ~~[amendments]~~ **ordinance** is approved by the legislative body, the municipality shall submit documentation to the building code review board within 30 days, pursuant to subparagraph (c), that the public hearing was properly noticed and held, and that the provision was adopted by the local legislative body.

(e) ~~[Repealed.]~~

(f) ~~[amendments]~~ **Ordinances** adopted by municipalities, submitted to the board ~~[under the provisions of RSA 674:51, II this chapter]~~, and confirmed by the board, shall be published by the board after notification of adoption is received from the municipality.

9 General Requirements. Amend RSA 155-A:11-b, I to read as follows:

I. The board shall hear appeals of final decisions of any local building code board of appeals established under **RSA 155-A:3 and** RSA 674.

10 General Requirements. Amend RSA 674:34, II to read as follows:

II. Appeals of decisions of any local building code board of appeals shall be made within 30 days of the board’s decision to the state building code review board as outlined under RSA ~~[155-A:10, IV(c)]~~ **155-A:11-b**.

11 General Requirements. Amend RSA 675:1, II to read as follows:

II. Zoning ordinances proposed under RSA 674:16 **and** historic district ordinances proposed under RSA 674:46 shall be adopted in accordance with the procedures required under RSA **675:2 through 675:5**.

12 Repeal. The following are repealed:

I. RSA 47:22, relative to the municipalities' grant of power.

II. RSA 674:51, relative to the local land use planning board and their power to amend state building codes and establish enforcement procedures.

13 Effective Date. This act shall take effect January 1, 2027.

The question being adoption of the majority committee amendment.

On a division vote, with 184 members having voted in the affirmative, and 149 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. Grote spoke against.

Rep. Layon spoke in favor.

On a division vote, with 188 members having voted in the affirmative, and 151 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

HB 606, relative to a patient's right to medically appropriate care for reproductive disorders. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan DeLemus for the Majority of Health, Human Services and Elderly Affairs. This bill addresses the current problem of doctors denying medically appropriate care for reproductive disorders because of their social judgment about a person's age, number of children, or the physician's opinion about the patient's future reproductive desires. It is narrowly focused on reproductive disorders and does not cover procedures related to gender identification. It further allows for the physician to require informed consent and waiver of damages related to the sterilizing procedure only and prevents the patient from taking civil action because they are unable to bear children but retain all rights to pursue remedies for any purposeful, reckless, or negligent acts. Vote 15-3.

Rep. Yury Polozov for the Minority of Health, Human Services and Elderly Affairs. The minority recognizes that the testimonies reflect genuine struggles but believes more study is needed. The bill's language is too broad, especially since it aims to discipline physicians for denying sterilization in certain cases. Concerns emerge when patients sign electronic waivers without true informed consent or a full discussion of sterilization and its surgical side effects. Further complexity arises from cases where the need for surgery became clear only after the procedure, suggesting delays may not stem from a physician's reluctance to sterilize. Challenges also include the risk of misdiagnosis, particularly when limited observation time cannot confirm bleeding duration and pain levels remain subjective. Lastly, we should assess whether the growing cultural acceptance of sterilization is naturally addressing these historical concerns.

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

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

HB 132-FN, repealing liability for familial support under chapter 165, aid to assisted persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katelyn Kuttub for Judiciary. As amended, this bill eliminates the legal requirement for a relative with means to be imprisoned for 60-90 days for refusing to provide aid to an indigent relative. It still permits towns and cities to seek reimbursement for aid provided from legally liable relatives with sufficient means. The concept of legally liable relative reimbursement is considered only when it is feasible, possible, and accessible, and it is applicable in both cities and towns. Local welfare's value lies in its situational flexibility, and RSA 165:19 is utilized selectively, particularly for longer-term assistance, support for unhoused young adults, and burial or cremation expenses. For instance, RSA 165:19 plays a crucial role in determining eligibility for cremation assistance and empowers local welfare administrators (LWAs) to compel responsible individuals to cover cremation costs if they are capable. Repealing the law may lead to a substantial increase in local welfare expenditures for cremation costs, as individuals may opt for the town to cover these expenses rather than assuming responsibility. An illustrative case is Manchester, where according to the LWA, annual cremation costs already amount to approximately \$40,000. The primary benefit of RSA 165:19 is the direct assistance it provides to applicants or potential applicants by relatives, which is more significant than the subsequent reimbursement process. This long-standing practice is both reasonable and cost-saving for local taxpayers. Vote 13-5.

Amendment (0927h)

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

AN ACT relative to liability for familial support under RSA chapter 165, aid to assisted persons.

Amend the bill by replacing section 1 with the following:

1 Liability for Support. Amend RSA 165:19 to read as follows:

165:19 Liability for Support. The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such person if [his] *their* weekly income is more than sufficient to

provide a reasonable subsistence compatible with decency and health. [~~Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman, or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If, after hearing, it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days.~~] If a poor person has no relation of sufficient ability, the town or city in which [he] *they* [resides] *reside* shall be liable for [his] *their* support. ***Aid to a person who is otherwise eligible for assistance under this chapter shall not be withheld due to the failure of a legally liable relative to respond to the welfare administrator, or their refusal to provide aid. Any town or city furnishing aid may seek reimbursement from any legally liable relative with sufficient means to provide the reimbursement without financial hardship.***

AMENDED ANALYSIS

This bill changes the standard of responsibility of relatives to support poor persons.

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, and the bill was ordered to third reading.

HB 195-FN, relative to the expectation of privacy in the collection and use of personal information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bob Lynn for the Majority of Judiciary. This bill is very similar to HB 314 (2023), which passed the House but died in the other chamber. It is designed to provide additional privacy protection above that provided by SB 255 (Ch. 5, Laws of 2024). It applies to what the bill defines as “third-party providers of information and services.” The definition is limited to providers of telephone and other utility services, Internet service providers, cable television, streaming services, social media services, email services, banks and financial institutions, insurance companies, and credit card companies. The bill provides that individuals have a reasonable expectation of privacy in “personal information” (i.e., name, address, date of birth, social security number, telephone numbers, Internet addresses, location information, biographic identifiers, DNA/RNA data, and other unique personal identifiers) and it prohibits covered companies from disclosing such information to anyone except in limited circumstances. Unless disclosure is specifically authorized by other law, disclosure is permitted only when: (1) the individual consents; (2) the provider has reason to believe disclosure is necessary to detect or prevent a crime, fraud, or other malicious activity; (3) an emergency exists in which there is an immediate danger of death or serious injury, or substantial property damage if the information is not disclosed; (4) the information is disclosed in response to a properly authorized request from a governmental body or pursuant to a court order; or (5) the information is disclosed to another person or business to enable the provision of the service that the person has requested from the third party provider. The bill establishes specific procedures that covered companies must utilize in order to obtain consent, which include the requirement of an “opt in” system. When disclosure is made in response to a government request or demand for the private information, the bill calls for notice to be provided to the individual whose information is to be disclosed unless the government agency can demonstrate good cause for not providing such notice. The bill does not allow private individuals to sue for violation of its provisions but does allow the Attorney General to bring suit for violations, and to collect the greater of actual damages or \$1,000 for each violation. The majority of the committee believes this bill reflects a balanced compromise of competing interests that will enhance the privacy rights of all New Hampshire citizens. The amendment adds clarifying language to the definition of when information is “available to the public” and therefore not covered by the bill; this is necessary to avoid First Amendment concerns. The amendment also changes language in other sections of the bill to ensure that it allows covered businesses to make disclosure of personal information in all circumstances where there is a legitimate reason for doing so. Vote 11-6.

Rep. Paul Berch for the Minority of Judiciary. This bill is a solution looking for a problem. It seeks to cover the same ground as SB 255 (Ch. 5, Laws of 2024), signed into law last term. Designed to regulate everything from cellular and other utilities to Internet providers to banks and financial institutions to insurance companies to credit card companies, the committee heard from a litany of witnesses how not only would the bill be impossible to follow, but that it was at variance with practices in neighboring states. Our current law, based upon the model Uniform Law, is consistent with all of our neighboring states as well as 20 states across the nation. It addresses a national problem, which calls for a national solution to the extent possible. Current law does that; this bill does not. The bill was opposed by organizations and companies such as the Business and Industry Association, State Farm, New Hampshire Bankers, and the Trade Association on Business Privacy.

Problems were noted by the New Hampshire Department of Justice Consumer Fraud Division and the New Hampshire State Police. Some specific problems have been fixed by committee amendment; many have not. One member of the minority believes an additional amendment can address most of the bill's shortcomings. This bill not only is a step backward in protecting the privacy of Granite Staters but puts well intentioned companies operating in New Hampshire in danger of violating the law, being sued or suffering other hardships.

Majority Amendment (0890h)

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

1 New Chapter; Protections from Disclosure of Personal Information. Amend RSA by inserting after chapter 507-H the following new chapter:

CHAPTER 507-I

PROTECTIONS FROM DISCLOSURE OF PERSONAL INFORMATION

507-I:1 Definitions. In this chapter:

I. "Available to the public" means personal information about an individual which is widely known or readily accessible to the public and in which an individual could not have a reasonable expectation of privacy.

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

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

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

507-I:2 Protection from Disclosure of Personal Information; Consent.

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

(a) Such individual has given explicit consent for the disclosure of such information to one or more others;

(b) The third-party provider of information and services has reason to believe that such disclosure is necessary to prevent, detect, protect against, or respond to past, present, or expected criminal or fraudulent conduct, identity theft, harassment, or deceptive or malicious activity;

(c) An emergency exists where there is an immediate danger of death or serious physical injury to an individual or substantial loss or destruction of property if the information is not disclosed;

(d) The information is disclosed in accordance with RSA 507-I:3; or

(e) The information is disclosed in order to provide the service that the individual has requested.

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

(a) The communication to the individual by which consent is sought shall be simple, clear, and unambiguous; and shall state the purpose or purposes for which the information is to be disclosed;

(b) The communication shall be separate from any other communication sent to the individual by the third-party provider of information and services; and

(c) The communication shall be structured so that the individual is required to respond by performing an affirmative act to "opt in" in order to grant consent.

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

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

(a) When requested to do so by a government investigative, law enforcement, regulatory, administrative, or adjudicative body or agency acting within the scope of its authority.

(b) When required to do so by a subpoena duly issued by a government investigative, law enforcement, regulatory, administrative, or adjudicative body or agency acting within the scope of its authority, by a duly empaneled grand jury, or by a court.

(c) When compelled to do so pursuant to a duly issued search warrant or pursuant to a judicially recognized exception to the requirement for a search warrant.

(d) When requested by the division of emergency services and communications for purposes of responding or assisting with emergency 911 telecommunications.

(e) In an emergency, where the immediate danger of death or serious physical injury to an individual or substantial loss or destruction of property requires the disclosure, without delay, of personal information concerning a specific individual, telephone number, username, or other unique identifier, and where judicial process cannot be obtained in time to prevent the identified danger.

(f) When specifically authorized by other law.

II. Unless the government entity can show good cause for requiring compliance more promptly, when a government entity seeks the disclosure of personal information from a third-party provider of information and services pursuant to RSA 507-I:3, I(a) or I(b), the request or demand for such information shall not require production of the information sooner than 10 days from the date the request or demand is made. Within 5 days of receiving such request or demand, the third-party provider shall notify the individual to whom the information pertains that the request or demand has been made so that such individual has an opportunity to pursue judicial remedies to prevent compliance with the request or demand if there are valid grounds to do so; provided, however, that no such notice shall be given if (a) the government entity seeking the information requests that such notice not be provided and demonstrates good cause for making such request; or (b) a court has issued an order that such notice not be given.

III. When a third-party provider of information and services discloses personal information of an individual in an emergency situation covered by RSA 507-I:2, I(c), or when a government entity seeks disclosure of personal information from a third-party provider of information and services pursuant to RSA 507-I:3, I(c), I(d), or I(e), the provider shall promptly after such disclosure provide notice that it has made the disclosure to the individual to whom the information pertains; provided, however, that no such notice shall be given if (a) the government entity seeking the information demands that such notice not be provided and demonstrates good cause for making such request; or (b) a court has issued an order that such notice not be given.

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

507-I:5 Remedies.

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

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

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

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

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

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

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

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.

MOTION TO LAY ON THE TABLE

Rep. Berch moved that **HB 195-FN**, relative to the expectation of privacy in the collection and use of personal information, be laid on the table.

On a division vote, with 124 members having voted in the affirmative, and 215 in the negative, the motion failed.

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

Rep. Berch spoke against.

Rep. Lynn spoke in favor.

On a division vote, with 261 members having voted in the affirmative, and 79 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

HB 400, requiring a public body's collective bargaining negotiations to be deemed public meetings and requiring that arguments made and information generated during the meetings be made available to the public under the right-to-know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Marjorie Smith for the Majority of Judiciary. Depending on the specific form of local government decision making, whether city or town council, board of selectmen or aldermen, or county government, the public gets to speak on issues related to raising and spending public money, and to choose their elected officials. That is essential and appropriate public accountability. But the decisions that are part of collective bargaining negotiations -- the inner workings of government, including wages, hours, costs and benefits - require a delicate mix of give and take, with many compromises negotiated in order to reach the best possible accommodation of conflicting goals. Such negotiation cannot reasonably be conducted in public. Without minimizing the importance of public accountability, the committee concluded overwhelmingly that this bill should be found inexpedient to legislate. Vote 14-4.

Rep. Kristine Perez for the Minority of Judiciary. This bill, as simply written, is about transparency and encourages honest debate and strong crafted defensible labor agreements. We here in the House allow for arguments on all sides to be aired openly for the public to hear, so why not the same for families and taxpayers who want contracts structured to yield the best employees and the greatest value for their dollar? Contracts often yield to seniority rules and stifle merit-pay provisions and potentially block promotion of exceptional part-time employees. Public collective bargaining is catching on with support in Ithaca, NY and Portland, OR and the National Education Association has begun voicing support for contract negotiations as public meetings. Contract negotiations are not about top-secret issues or sensitive private matters. They concern pay, promotion and workplace conditions. The same type of information that is openly public during hearings on budgets, wage matrix discussions and personnel planning. This bill simply brings this change to New Hampshire by striking two words from RSA 91-A:2, 1(a): "[O]r Negotiations" is removed, but it still protects the confidential strategy meetings of the negotiating parties.

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

MOTION TO LAY ON THE TABLE

Rep. Alexander moved that **HB 400**, requiring a public body's collective bargaining negotiations to be deemed public meetings and requiring that arguments made and information generated during the meetings be made available to the public under the right-to-know law, be laid on the table.

On a division vote, with 163 members having voted in the affirmative, and 180 in the negative, the motion failed.

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

Reps. Perez and Brown spoke against.

Rep. Turer spoke in favor.

On a division vote, with 211 members having voted in the affirmative, and 135 in the negative, the majority committee report was adopted.

HB 509-FN, relative to the contents of the attorney general's annual report detailing state forfeiture information for the preceding fiscal year. **OUGHT TO PASS.**

Rep. Donald McFarlane for Judiciary. This bill strengthens government accountability by requiring more detailed annual reports on asset forfeitures from the Attorney General. This bill ensures that each seizing agency provides specific information for every asset seizure, giving the public a clearer understanding of how and why property is taken. By increasing transparency, the bill allows for greater scrutiny of forfeiture practices and helps identify potential abuses, ensuring that law enforcement adheres to legal standards and respects constitutional rights. This level of disclosure is crucial in a free society, where property rights must be protected from overreach and improper government actions. Moreover, this bill enhances the ability to assess whether asset seizure laws are being applied justly and consistently. The additional data collected will allow for comprehensive studies on forfeiture trends, helping lawmakers and the public determine if reforms are needed to prevent unjust takings. By holding law enforcement agencies accountable and making their actions more visible, this bill reinforces the principles of due process and limited government. Asset forfeiture should never become a tool for revenue generation or unchecked power. This bill ensures that the process remains fair, legal, and transparent. Supporting this bill is a stand for property rights, government accountability, and the rule of law. Vote 11-7.

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

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

HB 520, relative to authorizing hearing officers of the department of education to issue subpoenas. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Katelyn Kuttub for the Majority of Judiciary. This bill grants authority to Department of Education hearing officers to issue subpoenas at the request of the commissioner or commissioner's designee relative to educator code of conduct violations for certified educators. The majority of the committee felt strongly that protecting the safety of children must always be of utmost importance. The majority also very much values the work our teachers do, and the language of the bill was carefully crafted to try to address concerns raised by educators last year, including allowing for the issuing of subpoenas on behalf of educators at their request

in adjudicatory proceedings and for the sharing of any evidence collected pursuant to the subpoena with both parties in any adjudicatory proceedings. It further allows for motions to quash. The committee heard testimony that in the case of a former special education teacher at a Concord school, who was convicted of child rape and indecent assault and battery of a student at the middle school, the department was unable to get copies of necessary documents, slowing the process of suspending his educator license. While in the majority of cases, the department has been successful in receiving necessary documents due in part to their great relationships with many district personnel, even one case of not being able to receive needed documentation or testimony from witnesses, which results in a child being harmed, is one too many children being needlessly harmed. The majority strongly urges the passing of this bill to protect the safety of New Hampshire students. Moreover, the education departments of all other New England states have such subpoena power, as do other New Hampshire state regulatory agencies. The argument that a hearings officer in an agency cannot act impartially because s/he works under the authority of the head of the agency has repeatedly been rejected by the courts in a variety of contexts. Vote 10-8.

Rep. Eric Turer for the Minority of Judiciary. The amendment would authorize the Department of Education to seek subpoenas through the Attorney General's office, rather than setting up a novel subpoena process through the hearing officers within the department. This follows similar RSA's covering other agencies overseeing licensure and certification. This approach would resolve several issues raised during the bill's hearing. Most notably, as initially drafted, the key questions of justification and good faith need for the subpoena would be decided by the hearing officers, who themselves report to the commissioner who is making the request. Similarly, the bill provides that the subject of the subpoena may make a motion to quash or modify it, but these too would be heard by the hearing officers issuing the subpoena. These conflicts call into question any sense of impartiality. Lastly, all witnesses, including the department's own representative, acknowledged that there have been no instances where such subpoenas have been needed to obtain information in the past, suggesting that simply providing a path to subpoena through the Attorney General's office would provide that option in the least invasive way, should the need ever arise.

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

Rep. Turer offered minority committee amendment (0842h).

Minority Amendment (0842h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Duties of Commissioner; Power to Subpoena. Amend RSA 21-N:4 by inserting after paragraph XII the following new paragraph:

XIII. Upon request of the commissioner or the commissioner's designee, the attorney general is authorized, for good cause shown, to seek subpoenas for persons, and for books, papers, documents, and other items for the purpose of carrying out investigations pursuant to the code of conduct for New Hampshire educators, as established by RSA 21-N:9, II(cc)(1).

(a) In seeking a subpoena, the department shall present the reasons for seeking such a subpoena to the attorney general, who shall issue the subpoena if the attorney general finds that:

(1) The subpoena is sought in good faith for the purpose of investigating a violation or possible violation of the educator code of conduct by a certified educator; and

(2) The information sought by the subpoena appears reasonably likely to be material and relevant to the investigation.

(b) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service. Subpoenas for books, papers, documents and other items shall not require compliance in fewer than 15 days after receipt of service.

(c) When a subpoena is authorized by the attorney general:

(1) Service shall be made on licensees and certified individuals by certified mail to the address on file with the department or by hand and shall not entitle such persons to witness or mileage fees; and

(2) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on such persons shall be annotated "Fees Guaranteed by the New Hampshire Department of Education Bureau of Credentialing."

(d) The person to whom the subpoena is directed may file a motion to quash or modify the subpoena with the attorney general within 10 days after service of the subpoena. Upon consideration of such a motion and any response submitted by the attorney general within such time as he or she directs, the attorney general shall promptly rule upon the same, with or without a hearing, as he or she determines appropriate. If, as a result of said ruling, any part or all of the subpoena is enforced, the attorney general shall determine the time within which compliance with the subpoena must occur.

(e) Any evidence collected pursuant to a subpoena shall be made available to both parties in any adjudicatory proceeding in which it is material and relevant.

(f) In any adjudicatory proceeding resulting from an alleged code of conduct violation, the attorney general may issue subpoenas for the attendance of witnesses and for the production of books, papers, documents

and other items on behalf of the department or on behalf of the certified educator alleged to have committed the violation. Any costs incurred in issuing a subpoena shall be the responsibility of the party requesting the subpoena, unless otherwise determined by the attorney general.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of education to request the attorney general to issue subpoenas.

The question being adoption of the minority committee amendment.

Rep. Turer spoke in favor.

Rep. Kuttub spoke against.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 154 - NAYS 190

YEAS - 154 BELKNAP

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Gruber, James
Newell, Jodi

Berch, Paul
Jacobs, Samantha
O'Rorke, Terri

Harvey, Cathryn
Jones, Philip
Parshall, Lucius

Fox, Dru
Germana, Nicholas
Weber, Lucy

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Spahr, Terry

Baldwin, Heather
Fracht, David
Lucas, Janet
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Oppel, Thomas
Stringham, Jerry

Cormen, Thomas
Sullivan, Jared
Rockmore, Ellen
Sykes, George

HILLSBOROUGH

Murray, Aissandra
Budathoki, Suraj
Dargie, Paul
Foss, Lily
Harriott-Gathright, Linda
Jack, Martin
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Newman, Ray
Ryan, Linda
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Beauchemin, Paige
Chourasia, Manoj
DiSilvestro, Linda
Georges, Mary
Hartnett, Tim
Judy, Jean
Leishman, Peter
Murray, Megan
Murphy, Nancy
Raymond, Heather
Newman, Sue
Spier, Carry
Tellez, Trinidad
Wheeler, Jonah

Bergeron, Dan
Cornell, Patricia
Elberger, Susan
Grill, Jessica
Hegner, Karen
Juris, Louis
Lloyd, Christal
MacKenzie, Mark
Petrigno, Peter
Rombeau, Catherine
Salvi, Santosh
Staub, Kathy
Vail, Suzanne
Wilhelm, Matthew

Bouchard, Donald
Darby, Will
Davis, Fred
Grund, Stephanie
Herbert, Christopher
Kluger, Lee Ann
Long, Patrick
Manohar, Sanjeev
Preece, David
Rung, Rosemarie
Seibert, Christine
Swanson, Dale
Veilleux, Daniel

MERRIMACK

Bricchi, Tracy
Ebel, Karen
Lane, Connie
Newsom, James
Sargent, Gregory
Soucy, Timothy

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Wallner, Mary Jane

Colby, Eleana
Gibbs, Merryl
Hall, Muriel
Richards, Beth
Schultz, Kris
Woods, Gary

Kelly, Eileen
Hicks, Matthew
MacKay, James
Roesener, James
Snodgrass, Jim

ROCKINGHAM

Balboni, Peggy
Knab, Allison
Manos, Zoe
Scherr, Buzz
Vallone, Mark

Edgar, Michael
Cahill, Michael
Meuse, David
Simpson, Alexis
Ward, Gerald

Grote, Jaci
Maggiore, Jim
Muns, Chris
Sorensen, Carrie
Weinstein, Toni

Murray, Kate
Malloy, Dennis
Raynolds, Ned
Turer, Eric

STRAFFORD

Bay, Luz
Gilmore, Gary
Johnson, Erik
Smith, Marjorie
Stone, John

Bixby, Peter
Howard, Heath
LaMontagne, Jessica
Miller, Seth
Pearson, Wayne

Burton, Wayne
Horriggan, Timothy
Larochele, John
Schmidt, Peter
Wade, Alice

Smith, Geoffrey
Howland, Allan
Levesque, Cassandra
Southworth, Thomas
Wall, Janet

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Girard, Dale

NAYS - 190**BELKNAP**Aldrich, Glen
Dumais, Russell
Nagel, DavidBean, Harry
Freeman, Lisa
Ploszaj, TomBogert, Steven
Harvey-Bolia, Juliet
Terry, PaulComtois, Barbara
Lunney, Matthew
Toner, Travis**CARROLL**Avellani, Lino
Hamblen, Joseph
Brown, RichardBelcher, Mike
MacDonald, John
Taylor, BrianCordelli, Glenn
Smith, JonathanCrawford, Karel
Peternel, Katy**CHESHIRE**Murphy, Denis
Nalevanko, RichHunt, John
Qualey, JamesKarasinski, Sly
Rhodes, JenniferMattson, Rita
Thackston, Dick**COOS**Davis, Arnold
Ouellet, MikeDurkin, Sean
King, SethKorzen, Lori
Tierney, JamesMorency, Pete
Valerino, Brian**GRAFTON**Beaulier, Calvin
Ladd, RickBerezhny, Lex
Louis, DarrellBjelobrk, Marie Louise
McFarlane, DonaldFranz, Linda
Sellers, John**HILLSBOROUGH**Alexander, Joe
Berry, Ross
Kelley, Diane
Dupont, Pierre
Griffin, Gerald
Gould, Linda
Labrie, Brian
McLean, Mark
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, RobertAmmon, Keith
Boehm, Ralph
Daniels, Gary
Erf, Keith
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, TimBoyd, Bill
Cole, Brian
Drew, Matt
Fedolfi, Jim
Giasson, Henry
Kesselring, Steven
Murphy, Mary
Mooney, Maureen
Ohm, Bill
Peeples, Raymond
Scully, Kevin
Slottje, Jeremy
Mannion, TomBarbour, Liz
Creighton, James
Dumont, Dillon
Flanagan, Jack
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Morton, Jonathan
Panek, Sandra
Post, Lisa
Seidel, Sheila
Suiter, John
Ulery, Jordan**MERRIMACK**Andrus, Louise
Cambrils, Jose
Mehegan, Peter
Plante, Raymond
See, AlvinAures, Cyril
McGuire, Dan
Moffett, Michael
Polozov, Yury
Walsh, ThomasAylward, Deborah
Devoid, Ricky
Morse, Bryan
Boyd, Stephen
Wood, ClaytonMcGuire, Carol
Hill, Gregory
Pitaro, Matthew
Seaworth, Brian**ROCKINGHAM**Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Ford, Mary
Khan, Aboul
Layon, Erica
Pearson, Mark
Melvin, Charles
Brown, Pam
Porcelli, Susan
Sabourin dit Choinière, Matt
Sweeney, Joe
Tudor, Paul
Weyler, KennethBennett, Cindy
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Kuttab, Katelyn
Litchfield, Melissa
Markell, Jay
Milz, David
Packard, Sherman
Potucek, John
Soti, Julius
Sytek, John
Vandecasteele, Susan
Wilson, VickiBernardy, JD
DeSimone, Debra
Dunn, Ron
Guzowski, James
Miner, Laurence
Love, David
McDonnell, Valerie
Nadeau, Brian
Perez, Kristine
Roy, Terry
Spillane, James
Dolan, Tom
Vose, MichaelBryer, Scott
DeVito, Sayra
Edwards, Jess
Harb, Robert
Walsh, Lilli
Lynn, Bob
McGrath, Linda
Osborne, Jason
Popovici-Muller, Daniel
Pearson, Stephen
Summers, James
Tripp, Richard
MacDonald, Wayne**STRAFFORD**Bailey, Glenn
Farrington, Samuel
Potenza, KelleyBurnham, Claudine
Granger, Michael
Turcotte, LenDeLemus, Susan
Harrington, Michael
Walker, DavidDeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Aron, Michael

Grant, George
Rollins, Skip

Hemingway, Wayne
Spilsbury, Walter

Aron, Judy

and the minority committee amendment failed.

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

Rep. Kuttab spoke in favor.

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

YEAS 193 - NAYS 155**YEAS - 193****BELKNAP**

Aldrich, Glen
Dumais, Russell
Nagel, David

Bean, Harry
Freeman, Lisa
Ploszaj, Tom

Bogert, Steven
Harvey-Bolia, Juliet
Terry, Paul

Comtois, Barbara
Lunney, Matthew
Toner, Travis

CARROLL

Avellani, Lino
Hamblen, Joseph
Brown, Richard

Belcher, Mike
MacDonald, John
Taylor, Brian

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
Peternel, Katy

CHESHIRE

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

COOS

Davis, Arnold
Ouellet, Mike

Durkin, Sean
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

GRAFTON

Beaulier, Calvin
Ladd, Rick

Berezhny, Lex
Louis, Darrell

Bjelobrk, Marie Louise
McFarlane, Donald

Franz, Linda
Sellers, John

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Kelley, Diane
Dupont, Pierre
Griffin, Gerald
Gould, Linda
Labrie, Brian
McLean, Mark
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, Tim

Ammon, Keith
Boehm, Ralph
Daniels, Gary
Erf, Keith
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Ohm, Bill
Peeples, Raymond
Scully, Kevin
Slottje, Jeremy
Mannion, Tom

Boyd, Bill
Cole, Brian
Drew, Matt
Fedolfi, Jim
Giasson, Henry
Kesselring, Steven
Murphy, Mary
Morton, Jonathan
Panek, Sandra
Post, Lisa
Seidel, Sheila
Suiter, John
Ulery, Jordan

Barbour, Liz
Creighton, James
Dumont, Dillon
Flanagan, Jack
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

MERRIMACK

Andrus, Louise
Cambrils, Jose
Mehegan, Peter
Plante, Raymond
See, Alvin

Aures, Cyril
McGuire, Dan
Moffett, Michael
Polozov, Yury
Walsh, Thomas

Aylward, Deborah
Devoid, Ricky
Morse, Bryan
Boyd, Stephen
Wood, Clayton

McGuire, Carol
Hill, Gregory
Pitaro, Matthew
Seaworth, Brian

ROCKINGHAM

Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Foote, Charles
Harb, Robert
Miner, Laurence
Love, David
McDonnell, Valerie
Nadeau, Brian
Perez, Kristine
Prudhomme-O'Brien, Katherine
Soti, Julius

Bennett, Cindy
Thomas, Douglas
Drago, Mike
Ford, Mary
Katsakiores, Phyllis
Walsh, Lilli
Lynn, Bob
McGrath, Linda
Osborne, Jason
Popovici-Muller, Daniel
Roy, Terry
Spillane, James

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Khan, Aboul
Layon, Erica
Pearson, Mark
Melvin, Charles
Brown, Pam
Porcelli, Susan
Pearson, Stephen
Summers, James

Bryer, Scott
DeVito, Sayra
Edwards, Jess
Guzofski, James
Kuttab, Katelyn
Litchfield, Melissa
Markell, Jay
Milz, David
Packard, Sherman
Potucek, John
Sabourin dit Choinière, Matt
Sweeney, Joe

Sytek, John
Vandecasteele, Susan
Wilson, Vicki

Dolan, Tom
Vose, Michael

Tripp, Richard
MacDonald, Wayne

Tudor, Paul
Weyler, Kenneth

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Potenza, Kelley

Burnham, Claudine
Granger, Michael
Turcotte, Len

DeLemus, Susan
Harrington, Michael
Walker, David

DeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Aron, Judy

Girard, Dale
Aron, Michael

Grant, George
Rollins, Skip

Hemingway, Wayne
Spilsbury, Walter

NAYS - 155 BELKNAP

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Gruber, James
Newell, Jodi

Berch, Paul
Jacobs, Samantha
O'Rorke, Terri

Harvey, Cathryn
Jones, Philip
Parshall, Lucius

Fox, Dru
Germana, Nicholas
Weber, Lucy

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Spahr, Terry

Baldwin, Heather
Fracht, David
Lucas, Janet
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Oppel, Thomas
Stringham, Jerry

Cormen, Thomas
Sullivan, Jared
Rockmore, Ellen
Sykes, George

HILLSBOROUGH

Murray, Alissandra
Budathoki, Suraj
Dargie, Paul
Foss, Lily
Harriott-Gathright, Linda
Jack, Martin
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Preece, David
Rung, Rosemarie
Seibert, Christine
Swanson, Dale
Veilleux, Daniel

Beauchemin, Paige
Chourasia, Manoj
DiSilvestro, Linda
Georges, Mary
Hartnett, Tim
Judy, Jean
Leishman, Peter
Murray, Megan
Mooney, Maureen
Newman, Ray
Ryan, Linda
Sofikitis, Catherine
Telerski, Laura
Thomas, Wendy

Bergeron, Dan
Cornell, Patricia
Elberger, Susan
Grill, Jessica
Hegner, Karen
Juris, Louis
Lloyd, Christal
MacKenzie, Mark
Murphy, Nancy
Raymond, Heather
Newman, Sue
Spier, Carry
Tellez, Trinidad
Wheeler, Jonah

Bouchard, Donald
Darby, Will
Davis, Fred
Grund, Stephanie
Herbert, Christopher
Kluger, Lee Ann
Long, Patrick
Manohar, Sanjeev
Petrigno, Peter
Rombeau, Catherine
Salvi, Santosh
Staub, Kathy
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bricchi, Tracy
Ebel, Karen
Lane, Connie
Newsom, James
Sargent, Gregory
Soucy, Timothy

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Wallner, Mary Jane

Colby, Eleana
Gibbs, Merryl
Hall, Muriel
Richards, Beth
Schultz, Kris
Woods, Gary

Kelly, Eileen
Hicks, Matthew
MacKay, James
Roesener, James
Snodgrass, Jim

ROCKINGHAM

Balboni, Peggy
Knab, Allison
Manos, Zoe
Read, Ellen
Turer, Eric

Edgar, Michael
Cahill, Michael
Meuse, David
Scherr, Buzz
Vallone, Mark

Grote, Jaci
Maggiore, Jim
Muns, Chris
Simpson, Alexis
Ward, Gerald

Murray, Kate
Malloy, Dennis
Raynolds, Ned
Sorensen, Carrie
Weinstein, Toni

STRAFFORD

Bay, Luz
Gilmore, Gary
Johnson, Erik
Smith, Marjorie
Stone, John

Bixby, Peter
Howard, Heath
LaMontagne, Jessica
Miller, Seth
Pearson, Wayne

Burton, Wayne
Horriggan, Timothy
Larochelle, John
Schmidt, Peter
Wade, Alice

Smith, Geoffrey
Howland, Allan
Levesque, Cassandra
Southworth, Thomas
Wall, Janet

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

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

(Speaker Packard in the Chair)
REGULAR CALENDAR - PART I CONT'D

HB 587-FN, allowing admission of one-party audio and video recordings in certain circumstances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald McFarlane for the Majority of Judiciary. New Hampshire has long upheld two-party consent for recordings, reflecting our Live Free or Die commitment to personal privacy. However, this bill, as amended, strikes a necessary balance between privacy and justice by allowing one-party consent recording only in cases where the recording is reasonably believed to contain evidence of a crime and is intended for law enforcement or court use, not public disclosure. This ensures that individuals facing threats, coercion, or abuse can protect themselves while maintaining New Hampshire's tradition of safeguarding personal privacy from public exploitation. This bill is particularly crucial for victims of domestic violence, extortion, and other crimes that often happen behind closed doors. Abusers frequently use secrecy to evade justice, leaving victims without the ability to document threats or coercion. Under current law, a victim who records their abuser without consent could face criminal charges, even if the recording contains clear evidence of a crime, and their recording may be inadmissible to prosecute their abuser. This bill corrects this injustice, giving victims the ability to secure proof of wrongdoing without fear of prosecution. Additionally, this bill ensures that individuals acting in self-defense can legally document threats against them, reinforcing the fundamental right to protect oneself. Importantly, this amendment does not alter New Hampshire's core commitment to two-party consent for public disclosure. Recordings made under this provision cannot be released publicly or used for personal or political gain, only for law enforcement and judicial purposes. This preserves privacy protections while ensuring that evidence of criminal activity is not suppressed by outdated restrictions. This bill is a pro-liberty, pro-victim, and pro-justice reform that empowers Granite Staters to defend themselves without compromising our state's deeply held values. Vote 13-5.

Rep. Paul Berch for the Minority of Judiciary. The minority finds this bill too ambiguous and easily misused. It would allow one party to make or possess an audio or video recording of an in-person or phone conversation if intended for law enforcement or court purposes and if it is not publicly disclosed or otherwise released by the person recording or their agent. Nowhere is there a definition of who is an agent, and the committee was unable to agree on who that agent could be. The minority was concerned that the language in the bill would preclude the person from disclosing the recording to third parties, including trusted family members or friends or a domestic violence advocate. Additionally, it would allow such recording based only on the reasonable belief of the person recording that there will be a crime committed before the conversation even takes place. A person could endlessly record their neighbor's conversations as to whether they possess an illegal gun or have hunted out of season or possesses pot, simply because of an unverifiable claim that in the past their neighbor mentioned such a thing. It would allow citizens to try to get their neighbor to say something incriminating on tape based on reasonable belief that they might do so. This is a very low standard, easily subject to misuse and reduces the personal liberty and privacy of Granite Staters, who have every reason to expect that they are not being recorded or wiretapped by private citizens without a court order.

Majority Amendment (0843h)

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Domestic Violence; One-Party Recording. Amend RSA 570-A:2, II by inserting after subparagraph (m) the following new subparagraph:

(n) Any person who is a party to a conversation, or who has the prior explicit consent of such a party, except a law enforcement officer acting in their official capacity, to make or possess a recording when that recording:

(1) Is intended to be provided to a law enforcement agency or utilized for the purpose of court proceedings and is not publicly disclosed or released by the person or their agent; and

(2) Is or contains evidence of what the person reasonably anticipates or believes to be a crime.

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. Berch spoke against.

Rep. McFarlane spoke in favor.

On a division vote, with 163 members having voted in the affirmative, and 184 in the negative, the majority committee report failed.

Rep. Berch moved the minority committee report of Inexpedient to Legislate.

MOTION TO LAY ON THE TABLE

Rep. Read moved that **HB 587-FN**, allowing admission of one-party audio and video recordings in certain circumstances, be laid on the table.

On a division vote, with 283 members having voted in the affirmative, and 64 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 614-FN, relative to litigation alleging constitutional rights violations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bob Lynn for the Majority of Judiciary. This bill would change long-standing New Hampshire law by allowing a private cause of action for a person claiming a violation of the New Hampshire State Constitution. It also would allow for such claims to be pursued even if the claimant suffered no actual harm from the alleged violation. The bill makes no differentiation between intentional and non-intentional violations, nor is there any requirement that the violation be malicious or reckless. The majority of the committee felt that, unlike under the Federal Constitution, there is no need to allow a cause of action for alleged state constitutional violations because most conduct that would subject a person to liability for such a violation can already be remedied under the common law for torts such as assault, battery, false arrest, false imprisonment, malicious prosecution, defamation, invasion of privacy, interference with contractual relations or prospective advantage, etc. The majority feels that it would be unwise to grant our courts more authority than they currently have, authority that could allow creative lawyers or inventive judges to fashion all manner of “new rights” that could foster significant additional costs and obligations on the state and its subdivisions. Vote 14-4.

Rep. Donald McFarlane for the Minority of Judiciary. New Hampshire has the second-oldest constitution in the world, dating back to 1784 and preceded only by John Adams’ Massachusetts constitution. But unlike Massachusetts, our state constitution was not born of consensus; it was the product of fierce resistance. Granite Staters rose up and rejected three proposed constitutions before our framers finally crafted one that emphatically protected their rights. That legacy of defending liberty is one of which we should be proud. Yet today, New Hampshire’s constitution falls short of its promise. Unlike the US Constitution, our state constitution provides no means for Granite Staters to seek justice when their rights have been violated. Our state courts have consistently held that it provides no remedies, of any kind, for any constitutional rights violations that occurred in the past, whether to your free speech, your religious liberty, your right to bear arms, or any other constitutional right. Instead, New Hampshire citizens are forced to turn to the federal courts in Washington, DC or rely on the common law of torts, which is often an inadequate substitute. This is not how a sovereign state should operate. When Granite Staters have their rights violated, New Hampshire, not the federal government, should be responsible for protecting them. This failure to provide a remedy undermines our state’s independence, weakens the authority of our courts, and leaves our citizens without justice. This bill fixes this problem by ensuring that when the government violates a person’s rights under the New Hampshire Constitution, they have a legal path to seek justice in New Hampshire courts. Like the federal 42 U.S.C. § 1983, this bill does not create new rights, new causes of action, or new government obligations. It simply ensures that our courts recognize and enforce the constitutional rights Granite Staters already have. Liberty means nothing without accountability. If we truly believe in constitutional rights, we must also believe in holding government actors accountable when they violate those rights. This bill restores this principle by ensuring that our state courts afford liberty and justice for all, not just for those who can afford a drawn-out federal court battle. And for petitioners whose claims do not align with the First Circuit Court of Appeal’s rulings, their only remaining option is to seek one of the rare few cases granted certiorari by the US Supreme Court, an impossibly high bar for most citizens. New Hampshire was founded on the idea that government must be held in check to preserve individual liberty. This bill upholds that tradition. It ensures that when government oversteps, Granite Staters can seek justice in their own state, under their own constitution, in their own courts, as it should be.

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

MOTION TO LAY ON THE TABLE

Rep. Lynn moved that **HB 614-FN**, relative to litigation alleging constitutional rights violations, be laid on the table.

On a division vote, with 177 members having voted in the affirmative, and 167 in the negative, the motion was adopted.

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 1:10 p.m.

(Speaker Packard in the Chair)

REGULAR CALENDAR - PART I CONT'D

HB 641-FN, establishing a private right of action for civil rights violations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for the Majority of Judiciary. The majority of the Judiciary Committee believes that this bill is unnecessary. This bill would allow a private individual the ability to sue for a violation of their

civil rights. The committee heard testimony from the sponsors that this bill is needed to protect civil rights; however, the New Hampshire Attorney General's office testified that they have sufficient staff to investigate violations of other's civil rights, and they have investigated and brought actions against a number of individuals in the past year. This bill also adds two new positions to the Attorney General's office in the amount of \$222,000 per year in the first year and there will need to be additional funding to the courts to handle the extra anticipated cases. Vote 10-8.

Rep. Catherine Rombeau for the Minority of Judiciary. Under Part 1, Article 14 of our state constitution, every New Hampshire citizen "is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character." Currently, however, only the Attorney General has the authority to file a civil rights action under the New Hampshire Civil Rights Act (RSA 354-B), and while civil penalties may be levied against violators of that law, those penalties are paid to the state, not to the citizen whose rights were violated. This bill, as amended, would remedy this inconsistency by establishing a private right of action under the Civil Rights Act, enabling members of the public to file their own civil actions thereunder, with notice to the Attorney General. Accordingly, a person who was threatened or suffered bodily or property injury in violation of the Civil Rights Act would be able to recover monetary damages if a court or jury finds such a violation occurred. Courts would thus treat civil rights violations the same way courts treat most typical civil law claims: they would recognize that damage done to individuals and their property should be remedied financially to those individuals.

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

Rep. Rombeau spoke against.

Rep. Alexander spoke in favor.

On a division vote, with 195 members having voted in the affirmative, and 146 in the negative, the majority committee report was adopted.

HB 487, relative to providing employees with advance notice of the work schedule. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Granger for the Majority of Labor, Industrial and Rehabilitative Services. The majority of the Labor Committee recommends Inexpedient to Legislate on this bill. This bill seeks to mandate employers to post schedules 7 days in advance of a scheduled shift for employees. Notwithstanding the inherent issues with enforcement or the vagueness of this bill, it is clearly putting an undue burden on employers to carry out an unnecessary mandate. Some industries have a rolling workweek based on the weather, seasonal industries have a short window of operations and the hospitality industry in New Hampshire is heavily based on tourist seasons. From our smallest businesses to our largest employers, they depend on flexibility and productivity of their employees. This bill seeks to remove that and mandate a schedule that in some industries is just unworkable. For these reasons and more, the majority found this bill intrusive into an employer and employee relationship and takes away the ability of employers to pivot when necessary and to have an available workforce that is not tied to a scheduling mandate. Vote 11-9.

Rep. Kathy Staub for the Minority of Labor, Industrial and Rehabilitative Services. Providing employees with 7 days advance notice of their work schedule enables workers to better navigate challenges with childcare, medical appointments, caregiving responsibilities and in the long run makes them more reliable employees. The minority of the committee supports Ought to Pass with Amendment that would limit the advance notice to hospitality workers.

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

Rep. de Vries spoke against.

Rep. Granger spoke in favor.

Rep. Brian Sullivan requested a roll call; sufficiently seconded.

YEAS 196 - NAYS 155

YEAS - 196

BELKNAP

Aldrich, Glen
Dumais, Russell
Ploszaj, Tom

Bean, Harry
Freeman, Lisa
Terry, Paul

Bogert, Steven
Harvey-Bolia, Juliet
Toner, Travis

Comtois, Barbara
Nagel, David

CARROLL

Avellani, Lino
Hamblen, Joseph
Brown, Richard

Belcher, Mike
MacDonald, John
Taylor, Brian

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
Peternel, Katy

CHESHIRE

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

COOS

Davis, Arnold
Ouellet, Mike

Durkin, Sean
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

GRAFTON

Beaulier, Calvin
Ladd, Rick
Spahr, Terry

Berezhny, Lex
Louis, Darrell
Stringham, Jerry

Bjelobrk, Marie Louise
McFarlane, Donald

Franz, Linda
Sellers, John

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Creighton, James
Dumont, Dillon
Fedolfi, Jim
Giasson, Henry
Kesselring, Steven
Murphy, Mary
Mooney, Maureen
Ohm, Bill
Peeples, Raymond
Scully, Kevin
Slotte, Jeremy
Mannion, Tom

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Dupont, Pierre
Flanagan, Jack
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Morton, Jonathan
Panek, Sandra
Post, Lisa
Seidel, Sheila
Suiter, John
Ulery, Jordan

Boyd, Bill
Colcombe, Riché
Daniels, Gary
Erf, Keith
Griffin, Gerald
Gould, Linda
Labrie, Brian
McLean, Mark
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

Barbour, Liz
Cole, Brian
Drew, Matt
Davis, Fred
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, Tim

MERRIMACK

Andrus, Louise
Cambrils, Jose
Mehegan, Peter
Plante, Raymond
Seaworth, Brian

Aures, Cyril
McGuire, Dan
Moffett, Michael
Polozov, Yury
See, Alvin

Aylward, Deborah
Devoid, Ricky
Morse, Bryan
Boyd, Stephen
Walsh, Thomas

McGuire, Carol
Hill, Gregory
Pitaro, Matthew
Sargent, Gregory
Wood, Clayton

ROCKINGHAM

Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Foote, Charles
Khan, Aboul
Layon, Erica
Pearson, Mark
Melvin, Charles
Brown, Pam
Potucek, John
Sabourin dit Choinière, Matt
Sweeney, Joe
Tudor, Paul
Weyler, Kenneth

Bennett, Cindy
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Kuttab, Katelyn
Litchfield, Melissa
Markell, Jay
Milz, David
Perez, Kristine
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Vandecasteele, Susan
Wilson, Vicki

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guzowski, James
Miner, Laurence
Love, David
McDonnell, Valerie
Nadeau, Brian
Popovici-Muller, Daniel
Roy, Terry
Spillane, James
Dolan, Tom
Vose, Michael

Bryer, Scott
DeVito, Sayra
Edwards, Jess
Harb, Robert
Walsh, Lilli
Lynn, Bob
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Pearson, Stephen
Summers, James
Tripp, Richard
MacDonald, Wayne

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Potenza, Kelley

Burnham, Claudine
Granger, Michael
Turcotte, Len

DeLemus, Susan
Harrington, Michael
Walker, David

DeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Aron, Judy
Spilsbury, Walter

Girard, Dale
Aron, Michael

Grant, George
Rollins, Skip

Hemingway, Wayne
Smith, Steven

**NAYS - 155
BELKNAP**

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Faulkner, Barry
Germana, Nicholas
Weber, Lucy

Berch, Paul
Gruber, James
Newell, Jodi

Harvey, Cathryn
Jacobs, Samantha
O'Rourke, Terri

Fox, Dru
Jones, Philip
Parshall, Lucius

GRAFTON

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

Baldwin, Heather
 Fracht, David
 Lucas, Janet
 Sykes, George

Bolton, Bill
 Hakken-Phillips, Mary
 Oppel, Thomas

Cormen, Thomas
 Sullivan, Jared
 Rockmore, Ellen

HILLSBOROUGH

Murray, Alissandra
 Bouchard, Donald
 Darby, Will
 Foss, Lily
 Harriott-Gathright, Linda
 Jack, Martin
 Foxx, Loren
 Long, Patrick
 Manohar, Sanjeev
 Preece, David
 Rung, Rosemarie
 Seibert, Christine
 Swanson, Dale
 Veilleux, Daniel
 Wilhelm, Matthew

Beauchemin, Paige
 Budathoki, Suraj
 Dargie, Paul
 Georges, Mary
 Hartnett, Tim
 Jeudy, Jean
 LeClerc, Daniel
 Howard, Molly
 McGhee, Kat
 Newman, Ray
 Ryan, Linda
 Sofikitis, Catherine
 Teterski, Laura
 Dolan, William

Bergeron, Dan
 Chourasia, Manoj
 DiSilvestro, Linda
 Grill, Jessica
 Hegner, Karen
 Juris, Louis
 Leishman, Peter
 Murray, Megan
 Murphy, Nancy
 Raymond, Heather
 Newman, Sue
 Spier, Carry
 Tellez, Trinidad
 Thomas, Wendy

Booras, Efstathia
 Cornell, Patricia
 Elberger, Susan
 Grund, Stephanie
 Herbert, Christopher
 Kluger, Lee Ann
 Lloyd, Christal
 MacKenzie, Mark
 Petrigno, Peter
 Rombeau, Catherine
 Salvi, Santosh
 Staub, Kathy
 Vail, Suzanne
 Wheeler, Jonah

MERRIMACK

Bricchi, Tracy
 Ebel, Karen
 Lane, Connie
 Newsom, James
 Snodgrass, Jim

Caplan, Tony
 Gallagher, Eric
 Luneau, David
 Payeur, Stephanie
 Soucy, Timothy

Colby, Eleana
 Gibbs, Merryl
 Hall, Muriel
 Schamberg, Thomas
 Wallner, Mary Jane

Kelly, Eileen
 Hicks, Matthew
 MacKay, James
 Schultz, Kris
 Woods, Gary

ROCKINGHAM

Balboni, Peggy
 Murray, Kate
 Maggiore, Jim
 Meuse, David
 Scherr, Buzz
 Vallone, Mark

de Vries, Erica
 Katsakiores, Phyllis
 Malloy, Dennis
 Muns, Chris
 Simpson, Alexis
 Ward, Gerald

Edgar, Michael
 Knab, Allison
 Manos, Zoe
 Reynolds, Ned
 Sorensen, Carrie
 Weinstein, Toni

Grote, Jaci
 Cahill, Michael
 McGrath, Linda
 Read, Ellen
 Turer, Eric

STRAFFORD

Bay, Luz
 Gilmore, Gary
 Johnson, Erik
 Smith, Marjorie
 Stone, John

Bixby, Peter
 Howard, Heath
 LaMontagne, Jessica
 Miller, Seth
 Pearson, Wayne

Burton, Wayne
 Horrigan, Timothy
 Larochelle, John
 Schmidt, Peter
 Wade, Alice

Smith, Geoffrey
 Howland, Allan
 Levesque, Cassandra
 Southworth, Thomas
 Wall, Janet

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

and the majority committee report was adopted.

HB 142, relative to the Honor and Remember Flag. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen Boyd for the Majority of Legislative Administration. This bill would designate the Honor and Remember Flag as the state symbol of remembrance for those who died in the line of duty or as the result of service and require the flag to fly over the State House for no more than five designated days of the year including Gold Star Mother's Day. The organization behind the flag, while a commercial enterprise, has yet to garner widespread support from traditional national service organizations such as the Veterans of Foreign Wars (VFW) or the American Legion. During the hearing, a New Hampshire representative of the State Veterans Advisory Committee testified in opposition to the bill stating the American flag is what is draped over fallen soldiers' coffins and no other flag is wanted or necessary. The Honor and Remember Flag does currently fly at the New Hampshire Veterans Cemetery in Boscawen, New Hampshire, at their discretion. The flag can be purchased directly from the company, and it can be personalized for individual service members. Overwhelmingly, the correspondence received by the committee indicated that it has been, and should remain, the US flag that our service members fought and died for and the flag that drapes their coffins and is presented to their spouse, parent or child, that being the flag that honors them. The majority of the committee voted to recommend this bill Inexpedient to Legislate, not as a rebuke of the Honor and Remember Flag, but as a recognition of the US flag as our official symbol of remembrance. It is noted that RSA 4:13-h proclaims Gold Star Mother's Day. "The governor shall annually issue a proclamation calling for the proper observance of the first Sunday after Easter which shall be known as Gold Star Mother's Day recognizing and

honoring all mothers who have lost sons or daughters while on duty in the United States armed forces. The governor shall urge the citizens of the state to observe this day with appropriate events.” The Governor might well want to order the Honor and Remember Flag to be flown on this day. Vote 9-3.

Rep. Joseph Barton for the Minority of Legislative Administration. This bipartisan measure has been in the mix before and this version includes new language and compromises that reflect earlier testimony and feedback. The flag design is from a national organization, Honor and Remember, Inc. An earlier issue concerned the flag being manufactured by a private vendor. That is a non-argument, a red herring. The company makes the flags available at cost, or a bit more than cost. It’s not about profit. It’s about having a flag that can be personalized with the name of a deceased veteran. That can’t be done with an American flag. And, of course, flag manufacturers sell countless American flags, often at far more than cost. The minority position is one of support for the proposed flag and for the Gold Star families who seek to have it recognized by having it officially flown at our capitol once or twice a year. During a time when military recruiting has been struggling, this type of recognition sends an important message that military service is valued and that those who make the ultimate sacrifice will be remembered. Much has been made of the fact that some Veterans organizations don’t endorse this flag. The State Veterans Advisory Council (SVAC) did not support this bill. Unfortunately, no supporter of the flag was invited to make the case for the flag to SVAC. One SVAC response has been “We have the American Flag. That’s all we need.” Except for those pesky exceptions. For example, the Marine Corps flag flies over this State House every November 10th, the Marine Corps birthday. That flag honors but one service. The Honor and Remember Flag commemorates deceased veterans and gold star families from every service. The American flag is enhanced, not detracted, when it is complemented and supported by other flags, to include the POW Flag, the American Legion Flag, the VFW flag and so on. A majority of states, most other states, have already recognized the Honor and Remember Flag. Why does a veteran-friendly state like New Hampshire refuse to do so? These families who have been fighting for this flag have been doing so for many years. It’s time to finally reward their efforts by giving the sanction and imprimatur of our great state to validate their hard work, their memories, their lost loved ones, and their flag, by passing this bill this year.

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

MOTION TO LAY ON THE TABLE

Rep. Hill moved that **HB 142**, relative to Gold Star Mother’s Day, be laid on the table.

On a division vote, with 167 members having voted in the affirmative, and 184 in the negative, the motion failed.

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

Rep. Tom Mannion spoke against.

On a division vote, with 125 members having voted in the affirmative, and 226 in the negative, the majority committee report failed.

Rep. Wade moved the minority committee report of Ought to Pass and offered floor amendment (1356h).

Floor Amendment (1356h)

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

AN ACT relative to Gold Star Mother’s Day.

Amend the bill by replacing section 1 with the following:

1 The State and Its Government; Observances Proclaimed by Governor; Gold Star Mother’s Day. Amend RSA 4:13-h to read as follows:

4:13-h Gold Star Mother’s *and Family’s* Day.

I. The governor shall annually issue a proclamation calling for the proper observance of the [first Sunday after Easter] last Sunday in September, which shall be known as Gold Star Mother’s and Family’s Day, recognizing and honoring all mothers and families who have lost sons or daughters while on duty in the United States armed forces. The governor shall urge the citizens of the state, and its cities, towns, and municipalities, to observe this day with appropriate events.

II. The Honor and Remember Flag, created by the national organization Honor and Remember Inc., is hereby recognized as a New Hampshire symbol honoring the service and sacrifice of New Hampshire’s men and women who served in the United States Armed Forces and gave their lives while serving or as a result of serving, as well as their families. The governor shall order the Honor and Remember Flag to be displayed daily at the New Hampshire state veterans cemetery in Boscawen and at the State House in the most junior order of precedence on the last Sunday in September.

AMENDED ANALYSIS

This bill changes the observance of Gold Star Mother’s Day to the last Sunday in September and designates the Honor and Remember Flag as a state symbol of remembrance for those who died in the line of duty or as a result of service.

The question being adoption of floor amendment (1356h).

Rep. Wade spoke in favor.

Floor amendment (1356h) was adopted.

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

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

HB 157, establishing a study committee to examine ways to improve the usefulness of fiscal notes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Len Turcotte for the Majority of Legislative Administration. The majority of the committee listened closely to the goals the prime sponsor had for this study committee as well as testimony of the concerns raised by the House Clerk. The committee agrees that while the accepted belief among legislators is that the Legislative Budget Assistant's Office (LBAO) does fantastic work, it also agrees that very occasionally legislation might demand a more in-depth, cost-benefit analysis than LBAO has time or resources to provide. Time would seem to be the biggest challenge given our legislative deadlines and 2-year terms of office. An example was given in testimony, of a recent, similar cost-benefit analysis undertaken that took a full eight months to complete. Additionally, and with time still on their mind, members of the majority of the committee suggested to the prime sponsor that an ad hoc committee (with input from our LBAO personnel) versus a formal study committee would be advisable, with a goal of crafting and presenting a different non-study bill next September/October. An amendment was offered by the minority to correct many of the immediate problems with the bill, but regardless, much valuable study time until this legislation reaches final passage would be lost. The majority of the committee recommends Inexpedient to Legislate on the formal study committee and suggests the prime sponsor organizes a better bill for next September's filing period. Vote 9-2.

Rep. Alice Wade for the Minority of Legislative Administration. As members of the General Court, we have a constitutional duty to consider and enact laws "as they may judge for the benefits and welfare of this state." To assist us with that responsibility, certain bills we consider are accompanied by a fiscal note. There was general agreement among all members of the committee that most fiscal notes tend to be of little use in understanding what "benefits and welfare to the state" those pieces of legislation to which they are affixed are likely to have on our state. Typically, most of them only include a statement of the impact on the budget of an affected state agency. There are many reasons why, including limits dictated by current law on the scope of fiscal notes, the requirement that all bills with a possible fiscal impact of \$10,000 or more must have a fiscal note, the large number of bills introduced each year, the demands of the calendar set by the legislature and staffing and resources allocated to the Legislative Budget Assistant and agencies responsible for preparing most fiscal notes. The committee agreed that improving the efficacy of fiscal notes is necessary. While the majority believes this is best handled through informal discussions among members, the minority believes that by passing this bill the legislature establishes that this is a priority for which it wishes to allocate time and resources towards addressing. During testimony, there were several minor issues identified around who should serve and how the members of the study committee would be appointed, as well as what the scope of the study committee should be. These were addressed in an amendment submitted but not considered by the committee.

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

MOTION TO LAY ON THE TABLE

Rep. Hill moved that **HB 157**, establishing a study committee to examine ways to improve the usefulness of fiscal notes, be laid on the table.

Motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 347, relative to protection of employment for members of the general court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin Verville for the Majority of Legislative Administration. This bill places an unfunded mandate on New Hampshire companies only, by requiring time off from work for members of the General Court. This places a burden on New Hampshire companies to have to find replacement labor and/or talent while employees are off from work to tend to legislative requirements. The mandate applies to employers of 25 or more employees. For a small-size business, each person out, on a regular basis, for six months per year, each person represents up to 4% of total labor. Employees with specific responsibilities or skills are very difficult to fill in for. Vote 8-3.

Rep. Alice Wade for the Minority of Legislative Administration. This bill would protect legislators who work a job in New Hampshire from being disciplined or terminated from their job for having to attend a session or their own committee, provided that they give their boss advanced notice. There has already been litigation which states that retaliating against an employee for serving as a state representative is illegal. This bill provides guidelines for enforcement and enables the Department of Labor to investigate reports of abuse. The amendment for this bill also allows employers with less than 25 employees to be exempt to reduce the

burden for employees that may serve a critical function. If we want to truly be a volunteer legislature that allows anyone to serve as a state representative, we need to provide protections against being fired for serving your constituents.

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

MOTION TO INDEFINITELY POSTPONE

Rep. Sheehan moved that **HB 347**, relative to protection of employment for members of the general court, be Indefinitely Postponed.

MOTION TO LAY ON THE TABLE

Rep. Wade moved that **HB 347**, relative to protection of employment for members of the general court, be laid on the table.

On a division vote, with 265 members having voted in the affirmative, and 85 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 456, relative to testimony of agency employees in general court hearings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Len Turcotte for the Majority of Legislative Administration. The amendment replaces the entire original bill language. This bill, as amended, would implement a few changes regarding lobbyists into the statutes. First, in an effort to create transparency, any dues paid to the New Hampshire Municipal Association (NHMA) would require a specific vote by the legislative body of the municipality. Secondly, regarding the dues that municipalities pay to any of the various associations, those dues would not be able to include funding for lobbying, unless non-taxpayer monies were collected for that specific purpose and those monies were kept in physically segregated accounts. Lastly, the amendment makes clear that no prohibition on free speech exists. The options for a municipality to "lobby" the legislature remain. A) Senators and Executive Councilors and Representatives are available to bring the thoughts and testimony from their communities. B) Municipal employees can testify in person or on-line. C) Municipalities may pay for lobbyists with that one caveat that the funds cannot include taxpayer funding. The committee also heard that the municipalities rely on the other services the lobbying firms provide. We agree. The key service NHMA provides is a legislative analysis of upcoming legislation. That service exists for all people with a computer, not just those with a membership. Municipalities use and value the legal services of these organizations as well. Municipal dues can pay for legal services. Only lobbying services are prohibited to be paid with taxpayer funding. Vote 7-4.

Rep. Alice Wade for the Minority of Legislative Administration. This non-germane amendment contains the provisions of HB 314, which this committee already voted to retain. This non-germane amendment also mimics bills from previous years that have consistently been voted Inexpedient to Legislate. Over 50 New Hampshire cities, towns, counties and other non-profit groups have testified or written letters against this type of bill. This bill's non-germane amendment essentially does two things: It prohibits three specific statewide organizations representing local officials from taking positions on legislation and separately puts new restrictions on other associations that are not listed in RSA chapter 31 that prohibit them from lobbying with public funds, which may be all of the funds that they receive, leading to an all-out ban on their lobbying. If a municipality does not want the services of a lobbying service currently, they simply do not have to buy into that organization. Municipalities and local officials joining organizations that can track and speak on legislation on their behalf is, in fact, the more prudent, fiscally responsible, and efficient way of engaging in the legislative process. Otherwise, local officials would either spend more time away from their duties to do so themselves, or the local official perspective at the legislature would simply weaken. Neither result is acceptable or in the interest of good public policy. The reality is that there are many private sector organizations and entities that receive public money through appropriations as part of municipal and state budgets, but for some reason they would not be restricted in any way by this legislation. This bill is another attempt at overreach of local control of our cities, towns, and counties.

Majority Amendment (0908h)

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

AN ACT prohibiting the use of certain local funds for lobbying.

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

1 Town Officers' Associations; Lobbyists. Amend RSA 31:8 to read as follows:

31:8 Town Officers' Associations. For the encouragement of equitable taxation and the education of public officials **acting as state agents** in tax problems and other matters pertaining to the proper and efficient discharge of the duties of their respective offices, each town and city shall pay annually to the New Hampshire Association of Assessing Officials, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association, such amounts as shall be due for annual membership for its officials

therein, providing that the amount paid for any one annual membership hereunder shall not exceed [\$20] **\$75**. Members of these several organizations in addition to the annual membership [fee] **dues**, shall be entitled to receive their actual expenses incurred in attending the annual convention of their respective associations, the same to be audited by the selectmen of towns and the finance committee of cities and paid out of city and town funds. ***In accordance with RSA 15:5, I, no part of the annual membership dues shall be used to pay a lobbyist or an organization that pays part or all of the salary of a lobbyist. However, nothing in this section or in RSA 15:5 shall be construed to prohibit an individual member of such association from recording a position before the general court or a committee thereof.***

2 Authorization to Pay Dues. Amend RSA 31:8-a to read as follows:

31:8-a Authorization to Pay Dues. The ~~[board of selectmen may vote to pay, from amounts appropriated by the town for town officers' expenses, such amounts as shall be payable]~~ ***legislative body may vote to raise and appropriate such sums as required to pay*** for annual membership in the New Hampshire Municipal Association and expenses incurred in attending regular meetings of the said association. ***In accordance with RSA 15:5, I, [provided that the appropriation of such dues has not previously been rejected by a vote at the annual town meeting and provided further that] the association shall not record association positions before the general court or committees thereof, but may provide information to the general court or committees thereof.*** ~~[on matters which do not directly affect New Hampshire towns and cities; nor]~~ ***The association shall not*** engage in partisan political activity by endorsing, or otherwise supporting, any political party or candidate. ***Furthermore, no part of membership dues shall be contributed to or paid to an organization that pays part or all of the salary of a lobbyist, but nothing in this section or RSA 15:5 shall be construed to prohibit an individual public official from recording a position before the general court or a committee thereof.***

3 Prohibited Activities. Amend RSA 15:5 to read as follows:

15:5 Prohibited Activities.

I. Except as provided in paragraph II, no recipient of a grant or appropriation of ***federal, state, or local*** funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

II. Any recipient of a grant or appropriation of state ***or local*** funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, ***may not use the state or local funds for such purpose.*** ~~[shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes:]~~ ***Funds from other sources may be used for that purpose if such other funds are not commingled with the state or local funds and are kept physically and financially separate from the state or local funds.*** The mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

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

AMENDED ANALYSIS

This bill prohibits the use of certain local funds for lobbying activities.

The question being adoption of the majority committee amendment.

On a division vote, with 178 members having voted in the affirmative, and 170 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.

MOTION TO INDEFINITELY POSTPONE

Rep. Maggiore moved that **HB 456**, relative to testimony of agency employees in general court hearings, be Indefinitely Postponed.

On a division vote, with 187 members having voted in the affirmative, and 163 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 138-L, relative to tax impact notation on warrant articles with multi-year tax impacts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Franz for the Majority of Municipal and County Government. The current law under RSA 32:5, V-b enables any town to adopt a provision that requires a warrant article to contain a notation stating the estimated tax impact of the article. This bill amends the law to include special warrant articles with multi-year tax impacts or leases with or without non-appropriation clauses. The notations shall contain the estimated tax impact for the first five years of the agreement or for each year if the agreement is less than five years. Due to fluctuating interest rates and tax rates, some tax impacts for future years cannot be exact in the notations so are therefore estimated and are subject to the approval of the governing body and shall not require local amendment or readoption. This bill simply provides additional information and transparency for the voters. Vote 10-8.

Rep. Eleana Colby for the Minority of Municipal and County Government. The minority of the committee is deeply concerned about the implications of this legislation. Forecasting project tax impacts over a five-year period involves an overwhelming number of variables, including fluctuating bond interest rates, refinancing opportunities, property reassessments, changes to available tax credits, and unpredictable revenue streams. This bill would compel governing bodies to knowingly disseminate inaccurate information, forcing voters to make crucial long-term decisions based on fundamentally flawed projections. The minority believes this legislation promotes fiduciary malpractice, inevitably eroding trust within our communities. The minority feels the State of New Hampshire should not support legislation that places local officials in the untenable position of breaching their legal and ethical obligations to their constituents.

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

Rep. Colby spoke against.

Rep. Franz spoke in favor.

On a division vote, with 189 members having voted in the affirmative, and 159 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

HB 147, relative to clarifying tax exemptions for properties used by religious, educational, and charitable organizations. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John MacDonald for the Majority of Municipal and County Government. The definition of “appertaining to” and “directly” used for a religious or educational purpose, contained in the current law has been interpreted differently by municipalities when it comes to determining lots and buildings used for religious, educational, and charitable purposes and providing tax exemptions for those properties. This bill brings clarity to the intent of the law by replacing “appertaining to” with sections that define that the entire building and lot on which religious or educational or charitable activities are taking place shall be exempt from taxation. Vote 10-8.

Rep. Jim Maggiore for the Minority of Municipal and County Government. This bill, if enacted, will erase language in RSA 72:23 created specifically to “close loopholes and protect against abuse” relative to tax exempt properties and return us to previously ambiguous and confusing language. In 1994 the Municipal and County Government Committee passed HB 1484 creating the existing statutory language. The 13-4 majority opinion concluded, “[E]xemption laws, as they now exist, leave a great deal of uncertainty for those who have to enforce them. The bill, as amended, intends to remove those uncertainties with removing the traditional exemptions for which there is broad public support. Its effect will be to close loopholes and protect against abuse.” The minority of the committee believe it is preferable to keep current language rather than return to language that could open loopholes and create abuses.

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

MOTION TO LAY ON THE TABLE

Representative Reinfurt moved that **HB 147**, relative to clarifying tax exemptions for properties used by religious, educational, and charitable organizations, be laid on the table.

Motion was adopted.

(Rep. Kofalt in the Chair)

REGULAR CALENDAR - PART I CONT'D

HB 582-FN, relative to safety requirements for operation of personal water crafts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nicholas Bridle for the Majority of Resources, Recreation and Development. This bill seeks to define personal watercraft differently than other types of boats and place different restrictions on them related to personal floatation devices, operating restrictions, and criminal penalties. The majority of the committee found that the experience relative to these craft do not warrant a change in the laws. The local dealers opposed the legislation. This is similar to a bill the House defeated last year. There is no reason to redefine personal watercraft. The current laws on boating safety work. Vote 9-7.

Rep. Will Darby for the Minority of Resources, Recreation and Development. This bill applies the same safety requirements to all personal watercraft (PWCs), commonly referred to as jet skis, that have been in place since 1988 for small, 1-2 person variants, known as skicraft. PWCs have very large engines, up to 300HP, are capable of speeds up to 70 MPH, and can accelerate to 60 MPH in less than 4 seconds. They are currently considered boats in statute, which allows for children as young as 12 to operate them with an adult onboard. But unlike boats, PWCs lack gunwales or other restraints that prevent passengers from being thrown into the water during acceleration or when encountering large wakes and waves. This bill also increases the level of offense for careless and negligent operation of a PWC, such as jumping wakes behind other boats and weaving through congested waterways, to a misdemeanor, as for skicraft, from a violation, which was reduced last year for other boats. All of the bill’s safety measures align with manufacturers’ operating requirements, and the Department of Safety reviewed the bill to ensure its provisions were limited to enforceable safety measures that will not result in a ban on any body of water.

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

HB 674-FN, relative to non-wire alternatives, time-of-use tariffs, and multi-year rate settings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Harrington for the Majority of Science, Technology and Energy. The committee heard hours of testimony on the complexity of implementing advanced metering and time of use pricing, which utilities already offer in some form. There are ongoing dockets at the Public Utilities Commission on these issues and the committee felt that was a better venue to perform the investigation of them. In addition, the majority felt the cost of meter replacement and back-end systems support needed for these non-wires alternatives was too high. Vote 10-8.

Rep. Tony Caplan for the Minority of Science, Technology and Energy. This bill is intended to bring on additional, much needed electric generation and lower costs using distributed generation resources such as renewables and battery storage projects, which count as “non-wire alternatives” (NWA) under New Hampshire integrated planning requirements. By establishing incentives and rules for electric utilities to procure these NWAs, located nearby to where the electricity will be used, rates for all customers will be lowered as utilities come to rely more on NWA generation and storage instead of transmission and distribution infrastructure such as poles and wires needed to move electricity far distances to their customers. This bill also intends to incentivize utilities to provide “time of use” pricing schemes coupled with smart meters which will allow greater cost savings and opportunities for energy efficiency to users. Finally, this bill intends to stabilize the distribution portion of bills for ratepayers by mandating regular 5-year rate cases where the utilities will be allowed to balance their estimates for infrastructure spending, including NWA procurements, with actual costs and pass any savings back to their customers. Some have stated that current dockets at the Public Utilities Commission will settle these issues, but the minority believes it is the legislature’s role to set the agenda for the electric utilities, not allow regulators to unilaterally determine the goals of utility regulation.

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

MOTION TO LAY ON THE TABLE

Rep. McGhee moved that **HB 674-FN**, relative to non-wire alternatives, time-of-use tariffs, and multi-year rate settings, be laid on the table.

Motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 692, relative to utility companies adopting advanced meters. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeanine Notter for the Majority of Science, Technology and Energy. This bill, as introduced, required the state’s regulated utilities to develop a plan to upgrade all meters to so-called “smart meters.” Such a plan involves multi-million-dollar upgrades to back-end systems, which requires time and resources. During a work session, the committee discussed an amendment that would simply require a report by the utilities on their compliance with a Federal Energy Regulatory Commission (FERC) order moving toward grid modernization, including smart meter adoption. But a use for such a report could not be identified. Therefore, most of the committee found this bill to be unnecessary since utilities already do long-range planning in mandated integrated distribution plans. Vote 10-8.

Rep. Kat McGhee for the Minority of Science, Technology and Energy. This bill requires electric distribution utilities to develop a plan to make advanced electric metering available to customers on an opt-in basis. Meter technology is a necessary component of a competitive energy market and the state’s largest utility is the long pole in the tent when it comes to systems’ upgrades that support competition. Since meters roll-off of depreciation each year, this bill attempts to require that new machines be replaced with advanced meters at the time of renewal with the customer paying any difference in the cost for the upgraded meter if they opt to receive theirs prior to the full migration starting in 2030. This was an attempt to save money on this large capital investment and aid in the conversion of the state’s meter technology, as meters will be replaced in 2025, 2026, 2027, 2028, and 2029. These meters, once replaced, will not have reached depreciation by the time they are replaced again, so the bill attempted to prevent throwing good money after bad.

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

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 692**, relative to utility companies adopting advanced meters, be laid on the table. Motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 755-FN, relative to the state’s electric utility market. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. JD Bernardy for the Majority of Science, Technology and Energy. This bill proposes major changes to the way New Hampshire's monopoly electricity providers are governed, including new grid modernization concepts such as load reduction and reduced intervals for performing load settlement. The state's Department of Energy (DOE) and Public Utilities Commission (PUC) have been studying these concepts for several years. The state's utilities participate in regulatory and investigative dockets to examine these potential innovations. These utilities all opposed this bill. Many of the concepts the bill embraces are not widely in use in the electricity industry, and they will be very expensive to adopt, and those costs will be passed along to electricity customers. One utility testified about its unsuccessful attempt to implement an idea called transactive energy, and its discovery that time-of-use rates are not of particular interest to its customers. This bill appears to be premature as a direction for near-term electricity regulation. Vote 10-8.

Rep. Wendy Thomas for the Minority of Science, Technology and Energy. This bill is a crucial step toward modernizing New Hampshire's electric utility market, ensuring greater customer choice, lower costs, and increased investment in distributed energy resources (DERs) like solar, battery storage, and flexible loads. By enabling competition, the bill will drive innovation, allowing suppliers to offer dynamic pricing and time-varying rates that benefit consumers and businesses alike. With the integration of advanced metering and data-sharing systems, this legislation removes outdated barriers that have kept residential and small business customers from fully participating in the competitive energy market. It fosters private investment in clean energy technologies while reducing reliance on regulated monopoly services. By aligning with regional energy market structures and promoting fair compensation for DERs, this bill empowers consumers, enhances grid efficiency, and strengthens New Hampshire's energy resilience. It is a forward-thinking reform that will keep New Hampshire competitive in the region.

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

MOTION TO LAY ON THE TABLE

Rep. McGhee moved that **HB 755-FN**, relative to the state's electric utility market, be laid on the table. Motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 759-FN, relative to community energy generators. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Harrington for the Majority of Science, Technology and Energy. This bill, as introduced, creates a new type of customer-generator called a "community generator" and allows that generator to offset the electrical energy load of a community aggregator or alternative supplier. In so doing, it makes a major change in that it raises the limits on community generators from 1 MW to just under 5 MWs. This is a major expansion of customer-driven generation and could result in an increase in the state's distributed energy resources (DERs) by 325-350 MWs in a short time. The North American Reliability Corporation (NERC) has warned for three consecutive years now that large increases in DERs degrades grid reliability. Voters consistently express a preference for dependable electricity. Vote 10-8.

Rep. Thomas Cormen for the Minority of Science, Technology and Energy. This bill responds to concerns raised by the Department of Energy to HB 1600 from 2024. It defines a "community generator" as a customer-generator that directly offsets the load of a municipal or county aggregation, such as Community Power Coalition of New Hampshire, or a competitive power supplier. It further specifies that power exported to the grid by a community generator goes only to the customer's load and not into the retail electricity market. Utilities would not incur any costs for energy supply credits that they would otherwise need to recover from their ratepayers. As a result, there would be neither new cost shifting nor new stranded costs. Overall, this bill would provide for greater competition in the energy supply market. The minority considers this bill a valuable addition to the competitive energy markets in which the Granite State has established itself as a leader.

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

MOTION TO LAY ON THE TABLE

Rep. Cormen moved that **HB 759-FN**, relative to community energy generators, be laid on the table. Motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 760-FN, relative to utility default service. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Vose for the Majority of Science, Technology and Energy. This bill seeks to prevent the collection of certain utility default service under-collections from all utility customers through a non-bypassable charge, such as the stranded cost recovery charge. The utilities have requested, and the public utilities commission (PUC) currently has open dockets to decide whether to allow cost recovery from non-default service customers,

which the bill would prohibit. Most of the committee felt that the completion of these dockets would yield vital information on the efficacy of this cost recovery mechanism. The PUC may or may not allow it, which would inform the direction of any future legislation. Vote 10-8.

Rep. Thomas Corman for the Minority of Science, Technology and Energy. This bill pertains to the situation when an electric utility does not collect enough from its default service customers to cover the costs of the electricity it has bought to serve them. Currently, Eversource and Unitil have proposed, at the urging of the Public Utilities Commission (PUC), to place the cost of such under-collections into “non-bypassable” charges: costs that all the utility’s customers must pay, whether or not they are on default service. This practice shifts costs from the customer group that incurred them—the default service customers—onto all customers, such as those of us on Community Power or who purchase power from another competitive supplier. With the PUC pressing the electric utilities to purchase most of their power for default service from the volatile day-ahead and spot markets, the risk of under-collections becomes more likely. This bill would restrict under-collections to be charged to only the utility’s default service customers, that is, the customer group that the power was purchased for. If this bill is not enacted, then the PUC could end up destroying the competitive market for electric generation supply, where customers taking their supply from competitive suppliers—including the Community Power Aggregators—end up subsidizing the utility energy default service rate. The majority of the committee voted Inexpedient to Legislate on this bill because it is the topic of an open docket at the PUC, believing that we should wait for the docket to be resolved. The minority of the committee holds that the PUC derives its authority from the legislature, and if the legislature wants only default service customers to bear such under-collection charges, then we should say so in statute and not wait for the PUC’s decision.

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

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 760-FN**, relative to utility default service, be laid on the table.
Motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 761-FN, relative to customer energy storage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tom Ploszaj for the Majority of Science, Technology and Energy. This bill changes the time at which net-metered electricity can be exported to the grid. Currently, that export would happen when the electricity gets generated with solar panels or another resource. The bill would allow such exports to come from a customer’s battery, which would allow the exports to happen at a time other than when the power was created. This bill also proposed to require the Department of Energy and the Public Utilities Commission to adopt rules and issue orders in adjudicated proceedings concerning net metering of customer energy storage. The bill failed to proscribe the needed guidelines for the department and commission to fully implement retail-customer owned behind-the-meter energy storage intended for export to the grid. The bill as introduced also failed to provide guardrails to prevent charging the battery from the grid and then later exporting that energy back to receive a higher net metering credit, which would increase cost-shifting to other customers. Vote 10-8.

Rep. Thomas Corman for the Minority of Science, Technology and Energy. Energy storage is time-shifted energy generation. It allows energy that is generated when it is relatively inexpensive to do to be discharged when needed and wholesale prices are higher. Storage provides stability and makes our fragile power grid more reliable. Last year the legislature enacted SB 391 (2024), which directed the Department of Energy (DOE) to develop rules for the interconnection of distributed energy resources, which normally includes storage interconnected to the distribution grid. However, existing statute provides that the Public Utilities Commission (PUC) adopt rules for the interconnection of storage, which they have yet to initiate. This bill would simply shift the rulemaking authority for storage to the DOE, so that there is one set of rules for interconnection of distributed energy resources. It would also clarify that the PUC may allow storage in conjunction with net metering, an authority they have already asserted and exercised, but is now being questioned. The majority of the committee expressed concern that a utility customer could charge a battery from the grid and then sell the energy back at a higher cost at some later time. The minority of the committee agrees that this could happen, although this has nothing to do with the bill. The owner of the battery would receive the difference of the price of energy that they discharge when it is expensive minus the price they paid when it is not expensive. This practice is known as capitalism.

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

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 761-FN**, relative to customer energy storage, be laid on the table.
Motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HCR 3, applying for a convention of the states under Article V of the Constitution of the United States. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mike Belcher for the Majority of State-Federal Relations and Veterans Affairs. This resolution applies for a states convention under Article V to suggest amendments to our federal constitution, utilizing established rules and procedures along lines that while specific, are still broad enough to allow convention delegates to fully consider proposed constitutional amendments. A states convention is now seen as necessary due to a variety of critical problems identified by elected representatives and citizens, to include a dangerous federal debt, an erosion of individual liberties, transgressions against powers due the several states under the tenth amendment, and serial activities by federal lawmakers that call for the consideration of term limits for congresspersons in the same fashion as the President is now constitutionally term-limited. As a prescribed pathway created by our American founders towards addressing grievances while seeking justice and a more perfect union, as well as for reforming that which can't be reformed from within, an Article V convention is not only warranted but essential. Concerns about "runaway" conventions are unfounded, as any proposed amendments at any states convention would subsequently require 38 states to ratify. Vote 10-7.

Rep. Christine Seibert for the Minority of State-Federal Relations and Veterans Affairs. Proponents of this resolution request a Convention of States under Article V, "for proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress." The minority has concerns about the broad nature of the stated purpose of an Article V Convention, as well as the overall process of such a convention. First, using the term "limited to..." is anything but limited when followed by three very broad areas that would be open for discussion. The language in the resolution provides no clear focus on the exact problems we are hoping to address, and any proposed solutions we as a state seek as a result. Legal scholars and others are divided on virtually all aspects of an Article V convention primarily because the language in the Constitution is not complete and clear. The Constitution does not provide any guidance or framework for such a convention. How the convention is held, by whom, who attends the convention, and who decides the agenda are not addressed in the Constitution. Those urging us to adopt this resolution say that it is a tool for citizens to be heard when Congress is not listening, but we should be wary of embracing this untested vehicle for change until some important protections are in place. Before we move forward there needs to be clarity on how a convention's rules and procedures are to be set. The minority prefers that Congress first establish procedures for amending the Constitution by the national constitutional convention method. The establishment of procedures will make it easier for state legislatures to support a national convention by knowing the rules under which it would operate. Failing to deal with the uncertainties of the convention method is courting a constitutional crisis. Other critical issues to be resolved before we adopt this and other resolutions calling for any Article V conventions are: Must Congress call an Article V convention if 34 states properly ask for one? If called, are the limitations on scope binding on the convention? What constitutes a valid application to Congress and who is the judge of that? How long are applications valid? Can they be rescinded? What powers does Congress have as to the scope of the convention, procedures for selection of delegates, and will the process then still be required to only propose amendments? What would the subsequent steps be, and what are the possible loopholes that can be taken advantage of? What are the roles of the President and the Governors, if any? Are issues arising at the convention subject to another process or set of rules? If each state can create its own set of rules around their delegates, how do we ensure fairness, consistency, and protection for all of the delegates? Arguably the most important step in this entire process pertains to our own state's delegate selection process. This process and the exact rules surrounding it are non-existent, and congress itself will be setting these parameters only when a constitutional convention is triggered. The innumerable directions in which the broad subject matter could lead the delegates lends credence to "runaway convention" concerns. For these reasons, the minority opposes the Ought to Pass Motion and asks that the resolution be found Inexpedient to Legislate.

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

MOTION TO LAY ON THE TABLE

Rep. Granger moved that **HCR 3**, applying for a convention of the states under Article V of the Constitution of the United States, be laid on the table.

On a division vote, with 267 members having voted in the affirmative, and 76 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HCR 5, rescinding House Concurrent Resolution No. 40 passed by the 2012 New Hampshire General Court asking that Congress call a convention under Article V of the United States Constitution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tom Mannion for the Majority of State-Federal Relations and Veterans Affairs. The majority believes that rescinding our 2012 application to a Convention of States for the purposes of proposing a balanced budget amendment would not be in the best interests of the state, nor our country. The 2024 national elections indicated that Americans want federal fiscal restraint, and this standing application supports that desire. Opponents to conventions of states often seek to rebrand such conventions as “Constitutional Conventions,” and believe they could result in the rewriting of the entire founding document. That belief conflicts with reality. It is impossible for such a rewriting to occur to be then further agreed to by the states. The Constitution’s Article V provision only permits amendment suggestions to the current document, not complete rewrites. The existing precedent of smaller scale conventions of states, such as those that deal with river and ground water rights, have already established the rules by which an Article V Convention would function - each state gets one vote, regardless of size and number of delegates sent to the convention. Again, such a convention only issues amendment proposals, which would still require ratification by 38 states in both legislative chambers to be enacted. Fears about runaway conventions are utterly unfounded. With the above requirements in place regarding amendment adoption, it is impossible for it to go awry. Thus, the majority supports Inexpedient to Legislate on this resolution. Vote 10-7.

Rep. Christine Seibert for the Minority of State-Federal Relations and Veterans Affairs. This resolution proposes the rescission of HCR 40 adopted in 2012 requesting that Congress call an Article V Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the US Constitution requiring, with certain exceptions, that for each fiscal year the president submit, and Congress adopt a balanced federal budget. The minority disagrees with the premise in the original 2012 resolution for the Convention and also has grave concerns about the procedures governing any Article V convention. First, the minority disagrees that a convention should be held to adopt an amendment to the US Constitution requiring a balanced amendment. The minority believes that such an amendment will hurt the economy, undercut social security, Medicare, and other programs with reserves, and raise profound enforcement questions. Next, the minority does not favor utilizing an Article V Convention until there is clarity on how such a convention’s rules and procedures are to be set. The minority prefers that Congress first establish procedures for amending the Constitution by the national constitutional convention method. Failing to deal with the uncertainties of the convention method is courting a constitutional crisis. Other critical issues to be resolved before we adopt any resolution calling for an Article V Convention are: Must Congress call an Article V Convention if 34 states properly ask for one? If called, are the limitations on scope binding on the convention? What constitutes a valid application to Congress and who is the judge of that? How long are applications valid? Can they be rescinded? What powers does Congress have to the scope of the convention, procedures for selection of delegates, and must it submit the amendments to the states for ratification? What are the roles of the President and the Governors, if any? Are issues arising at the convention justiciable? Does each state have one vote, the number of its electoral votes, or another number based on population? For these reasons, the minority opposes the Inexpedient to Legislate motion.

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

MOTION TO LAY ON THE TABLE

Rep. Moffett moved that **HCR 5**, rescinding House Concurrent Resolution No. 40 passed by the 2012 New Hampshire General Court asking that Congress call a convention under Article V of the United States Constitution, be laid on the table.

On a division vote, with 176 members having voted in the affirmative, and 168 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HCR 10, calling for the repeal of the Jones Act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for the Majority of State-Federal Relations and Veterans Affairs. The Jones Act, shorthand for the Merchant Marine Act of 1920, provides a lesson on how economic controls can backfire. The Jones Act is described by the US Department of Homeland Security as a protectionist policy intended to develop the American merchant marine and US shipbuilding. Elements of the Jones Act include requirements that ships transporting goods within the United States must be US-crewed, US-owned, and US-built. These provisions are unnecessary and counterproductive. Jones Act defenders allege that requiring the use of US crews for domestic waterborne shipping protects Americans against foreign terrorists and spies freely traversing the Mississippi River disguised as ship operators. This is a scare tactic. With or without the Jones Act, it is illegal for someone to work in the United States without a Permanent Resident Card, a work permit, or an employment-related visa. This is true whether they are transporting merchandise between US ports or employed in any other job. Jones Act requirements that ships transporting goods between domestic ports must be US-owned deprives the industry of beneficial foreign investment. Areas of the economy that are open to foreign investment account for 7.1 million US jobs. As other analysts have pointed out, removing ownership

limits would provide more opportunities for Americans involved in domestic waterborne transportation to also benefit from job-creating foreign investment. As with foreign investment in other US industries, ownership of vessels providing waterborne transportation would be screened by the Committee on Foreign Investment in the United States (CFIUS) to mitigate national security risks. Additionally, it has been argued that modern ownership arrangements render the Jones Act's ownership requirement obsolete. The most-criticized element of the Jones Act is its ban on using foreign-built ships for domestic shipping. This is a unique regulatory barrier. No similar restrictions apply to the domestic transportation of merchandise by air, rail, or truck. As a result, Americans pay inflated prices for ships. According to a 2017 Congressional Research Service report, coastal-size containerships built in the United States cost six to eight times more than comparable foreign-built ships. The argument made by proponents of the Jones Act is simple: The United States needs a strong shipbuilding industry, and the way to realize this goal is by freeing it of the obligation to compete with foreign shipbuilders. But high tariffs don't necessarily make industries stronger. They often actually make them weaker. By reducing competition, the Jones Act reduces the incentive for US shipbuilders to innovate. Foreign car competition, for example, has prompted American car manufacturers to improve. That people could buy Toyotas instead of Fords made Ford a better company. According to the US Maritime Administration, the United States non-defense oceangoing vessel fleet declined from 193 ships in 2000 to 96 as of October 2018. And our Navy is down to around 280 ships. China is pushing 500. Our great decline in domestic shipbuilding creates national security issues as well as economic issues. Some of the strongest transportation manufacturing industries in the United States operate in a low-tariff environment. US production of aircraft, railroad rolling stock, automobiles, and heavy-duty trucks has been increasing, even though the government does not force Americans to use US-built planes, trains, or automobiles when transporting cargo, as it does with ships. Moreover, the effective tariff rate for imported recreational boats is just one percent, but 95 percent of the recreational boats sold domestically are made in the US. Clearly, American manufacturers don't require high tariffs to be successful. In fact, their success is contingent upon low trade barriers that foster innovation and competition and quality products. Trade barriers undermine US security by weakening the economy and creating conflict with our allies. Here in New England, we need fuel oil and natural gas. A pipeline through New York would help, but politicians there won't let it happen. So, we depend on fuel supply coming via ship. A recent *Wall Street Journal* article stated that Jones Act limitations add costs that encourages fuel to be exported overseas. Citigroup's global head of commodity research told the paper, "The Gulf Coast is not selling [diesel] to Philadelphia or New York." They're selling it to Holland. Then fuel-laden ships that satisfy the Jones Act bring that fuel here to the northeast from Holland. The Jones Act is over 100 years old. Instead of receiving unending protection from international competition, domestic shipbuilders should operate in the same low-tariff policy under which manufacturers of trucks, automobiles, aircraft, and other industries are thriving. The Jones Act should not be allowed to inflict another 100 years of damage on the US economy. Vote 11-6.

Rep. Christine Seibert for the Minority of State-Federal Relations and Veterans Affairs. The minority opposes this resolution as it relates to the Jones Act because we believe as proposed, it compromises New Hampshire jobs, weakens our borders, impedes military readiness, takes away American control over our own supply chain, and openly invites Chinese maritime dominance. The Jones Act mandates that cargo moved between US ports be transported on vessels owned by US companies, built in US shipyards, and crewed by US mariners. The US towing industry comprises the largest segment of the 40,000-vessel-strong Jones Act fleet, which plays a crucial role in the nation's supply chain. The US maritime industry supports over 650,000 jobs and contributes more than \$150 billion to the economy. In New Hampshire alone, the industry generates over \$230 million annually to the state economy and provides well-paying jobs. The Committee heard from voices as varied as a former Trump Administration appointee with New Hampshire shipping experience and the AFL-CIO about why this measure is bad for New Hampshire and our nation. Supporting the Jones Act is a bi-partisan tradition, and one supported by the current Trump/Vance Administration. Attempts to repeal or reform without specifics is dangerous in a time of so much uncertainty.

Majority Amendment (0318h)

Amend the resolution by replacing all after the resolving clause with the following:

That the New Hampshire House of Representatives supports the reformation of the Jones Act, and that copies of this resolution be delivered to the president of the United States, the majority and minority leaders in both houses of Congress, the New Hampshire congressional delegation, and the governor of the state of New Hampshire.

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. Lloyd spoke against.
Rep. McFarlane spoke in favor.

On a division vote, with 172 members having voted in the affirmative, and 171 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

HJR 1, affirming the natural right of persons and affirming that the state and federal government are established for the purpose of upholding, protecting, and securing these rights. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mike Belcher for the Majority of State-Federal Relations and Veterans Affairs. The majority supports this resolution which identifies the nature of American government as existing to affirm and uphold the individual, inherent and inalienable rights of American citizens, while identifying the source of our common American ethic as transcendent. We believe that the legitimization of government authority is based in the consent of the governed as a republican form of government. We remain concerned about several manners by which this paradigm has been transgressed in recent history, to include coercion to spiritual dogma; subjecting freedom of speech to censorship and prosecution; impeding the right to bear and train in arms; severely transgressing the right to security in privacy of papers, effects and data; and depriving rights to jury trials which gravely threaten liberty interests. Vote 10-7.

Rep. Lily Foss for the Minority of State-Federal Relations and Veterans Affairs. The purported reason for this resolution is to safeguard natural rights for which resolution falls short. Article 2 of the Bill of Rights of the New Hampshire Constitution explicitly affirms and protects the natural rights of citizens, rendering this resolution superfluous. What this resolution does accomplish, however, is a violation of both the Establishment Clause of the First Amendment and Article 6 of the New Hampshire Bill of Rights. By stating that “the source of the rights of mankind is likewise transcendent, endowed and justified by our creator,” the resolution, should it pass, would enshrine theistic religion as the official state system of belief. Article 6 of the New Hampshire Bill of Rights is very clear: “no subordination of any one sect, denomination or persuasion to another shall ever be established.” If this resolution were to pass, those citizens whose religious persuasion, or lack thereof, does not include the idea of a creator would find their beliefs suborned by the state. The majority may claim that the fact that this language copies that of the Declaration of Independence justifies the usage of explicitly religious terms. But an important distinction here is that the Declaration of Independence is not law. The Establishment Clause (“Congress shall make no law respecting an establishment of religion”) and Article 6 are. Since this resolution does not include any new language that benefits New Hampshire citizens and in fact violates both the state and federal constitutions, the minority urges this body to reject it.

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

MOTION TO LAY ON THE TABLE

Rep. Seibert moved that **HJR 1**, affirming the natural right of persons and affirming that the state and federal government are established for the purpose of upholding, protecting, and securing these rights, be laid on the table.

On a division vote, with 182 members having voted in the affirmative, and 160 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I CONT'D

HB 249, allowing bicyclists to treat stop signs as yield signs and stop lights as stop signs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Pitaro for the Majority of Transportation. This bill would allow the operators of bicycles, human-powered vehicles, and electric bicycles to roll through stop signs provided that they yield. Testimony before the committee in favor of the bill largely spoke of convenience, in that the operators of the bicycle would not have to exert additional strength from propelling the bicycle from a required traffic stop. Those in favor also spoke of the bicyclists' need to ride with a wider awareness of their surroundings, while they negotiate their environment. But when it comes to traffic signage and negotiating our roadways, the environment that we create for our motoring public must have safe, clear, and consistent rules. Allowing bicyclists to slow down at stop signs, instead of stopping at stop signs, will have unintended confusion and inconsistency for motorists at intersections. It should also be added that to the best of all concerned's knowledge, no bicyclist has ever received a citation for rolling through a stop sign. For these reasons, the majority of the committee recommends this bill be found inexpedient to legislate. Vote 9-7.

Rep. Seth Miller for the Minority of Transportation. This bill creates a safer, more efficient experience on our roads for both cyclists and vehicular traffic. It is based on decades of data reported by the National Highway Traffic Safety Association (NHTSA) and multiple states across the country, covering urban and rural cycling environments. Worry about theoretical future unintended consequences should not outweigh the real risk to cyclists we can reduce today.

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

Rep. Miller spoke against.

Rep. Pitaro spoke in favor.

On a division vote, with 207 members having voted in the affirmative, and 135 in the negative, the majority committee report was adopted.

(Speaker Packard in the Chair)
REGULAR CALENDAR - PART I CONT'D

HB 461, relative to department of safety and department of motor vehicle training and testing materials. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Thomas Walsh for the Majority of Transportation. As publicly stated by a leading officer at the Department of Safety, the three main safety issues on our roadways are impairment, distraction, and language barriers. Impairment and distraction solutions have been evolving for years. This bill addresses the language issue which has grown significantly in the past four years. Our road signs, directional signs, and emergency electronic signs are all written in English. Common sense dictates that anyone issued a New Hampshire driver's license would need a basic understanding of the English language. The bill requires that training and testing materials provided the Division of Motor Vehicles (DMV) would be in the English language. The amendment simply states that no translating assistance is allowed for the taking of the driving exam. This is not ground breaking. RSA 3-C:1 states that the official language in New Hampshire is English, and all official public documents shall be in English. Lastly, the federal motor carrier regulations also require proficiency in the English language. Vote 9-7.

Rep. Seth Miller for the Minority of Transportation. Road safety comes from having drivers who successfully complete the training and testing mandated by the state. Allowing drivers to meet that threshold in the language that they are most comfortable increases that safety. Moreover, this content has already been paid for. The minority believes we are throwing money away while driving residents out of our workforce, out of our businesses, and out of our community.

Majority Amendment (0471h)

Amend RSA 263:6-e, V as inserted by section 1 of the bill by replacing it with the following:

V.(a) No person may take any portion of a driver's license examination with the assistance of:

(1) An in-person translator.

(2) A mobile translation application on a personal electronic device.

(3) A translation computer program or translation software application on a desktop computer, laptop computer, or tablet.

(4) Any other device distributed to a non-English or non-American Sign Language speaker to assist that person with the translation of English or American Sign Language.

(b) Devices used to aid a person with hearing or seeing the English language or seeing American Sign Language shall be permitted.

VI. The department of safety shall adopt rules in accordance with RSA 541-A regarding this section.

AMENDED ANALYSIS

This bill requires all printed and digitally available driver's license examination-related materials, including the examination itself, be available and administered in the English language only. This bill also prohibits in-person or electronic translation assistance.

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. Miller spoke against.

Rep. Thomas Walsh spoke in favor.

Rep. Nicholas Germana requested a roll call; sufficiently seconded.

YEAS 187 - NAYS 159

YEAS - 187

BELKNAP

Aldrich, Glen
Dumais, Russell
Terry, Paul

Bean, Harry
Freeman, Lisa
Toner, Travis

Bogert, Steven
Harvey-Bolia, Juliet

Comtois, Barbara
Ploszaj, Tom

CARROLL

Avellani, Lino
Hamblen, Joseph
Taylor, Brian

Belcher, Mike
Smith, Jonathan

Cordelli, Glenn
Peternel, Katy

Crawford, Karel
Brown, Richard

CHESHIRE

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

COOS

Davis, Arnold
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

Ouellet, Mike

GRAFTON

Beaulier, Calvin
Ladd, Rick

Berezhny, Lex
Louis, Darrell

Bjelobrk, Marie Louise
McFarlane, Donald

Franz, Linda
Sellers, John

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Creighton, James
Dumont, Dillon
Griffin, Gerald
Gould, Linda
Kofalt, Jim
Mazur, Lisa
Morton, Jonathan
PANEK, Sandra
Post, Lisa
Seidel, Sheila
Suiter, John
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Dupont, Pierre
Gagne, Larry
Herbert, Christopher
Labrie, Brian
McLean, Mark
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

Boyd, Bill
Colcombe, Riché
Daniels, Gary
Erf, Keith
Giasson, Henry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, Tim

Barbour, Liz
Cole, Brian
Drew, Matt
Flanagan, Jack
Gorski, Ted
Kesselring, Steven
Murphy, Mary
Mooney, Maureen
Ohm, Bill
Peeples, Raymond
Scully, Kevin
Slottje, Jeremy
Mannion, Tom

MERRIMACK

Andrus, Louise
Cambriels, Jose
Moffett, Michael
Polozov, Yury
Walsh, Thomas

Aures, Cyril
McGuire, Dan
Morse, Bryan
Boyd, Stephen
Wood, Clayton

Aylward, Deborah
Devoid, Ricky
Pitaro, Matthew
Seaworth, Brian

McGuire, Carol
Hill, Gregory
Plante, Raymond
See, Alvin

ROCKINGHAM

Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Foote, Charles
Katsakiores, Phyllis
Walsh, Lilli
Lynn, Bob
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Sabourin dit Choinière, Matt
Sweeney, Joe
Tudor, Paul
Weyler, Kenneth

Bennett, Cindy
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Khan, Aboul
Layon, Erica
Pearson, Mark
Melvin, Charles
Brown, Pam
Potucek, John
Soti, Julius
Sytek, John
Vandecasteele, Susan
Wilson, Vicki

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guzowski, James
Kuttab, Katelyn
Litchfield, Melissa
Markell, Jay
Milz, David
Perez, Kristine
Prudhomme-O'Brien, Katherine
Spillane, James
Dolan, Tom
Vose, Michael

Bryer, Scott
DeVito, Sayra
Edwards, Jess
Harb, Robert
Miner, Laurence
Love, David
McGrath, Linda
Nadeau, Brian
Popovici-Muller, Daniel
Pearson, Stephen
Summers, James
Tripp, Richard
MacDonald, Wayne

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Potenza, Kelley

Burnham, Claudine
Granger, Michael
Turcotte, Len

DeLemus, Susan
Harrington, Michael
Walker, David

DeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Aron, Michael

Grant, George
Rollins, Skip

Hemingway, Wayne
Smith, Steven

Aron, Judy
Spilsbury, Walter

NAYS - 159**BELKNAP**

Nagel, David

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Faulkner, Barry
Germana, Nicholas
Weber, Lucy

Berch, Paul
Gruber, James
Newell, Jodi

Harvey, Cathryn
Jacobs, Samantha
O'Rourke, Terri

Fox, Dru
Jones, Philip
Parshall, Lucius

GRAFTON

Almy, Susan
 Fellows, Sallie
 Lovett, Peter
 Spahr, Terry

Baldwin, Heather
 Fracht, David
 Lucas, Janet
 Stavis, Laurel

Bolton, Bill
 Hakken-Phillips, Mary
 Oppel, Thomas
 Stringham, Jerry

Cormen, Thomas
 Sullivan, Jared
 Rockmore, Ellen
 Sykes, George

HILLSBOROUGH

Murray, Alissandra
 Bouchard, Donald
 Darby, Will
 Davis, Fred
 Grund, Stephanie
 Jack, Martin
 Foxx, Loren
 Long, Patrick
 Manohar, Sanjeev
 Preece, David
 Rung, Rosemarie
 Seibert, Christine
 Swanson, Dale
 Veilleux, Daniel
 Wilhelm, Matthew

Beauchemin, Paige
 Budathoki, Suraj
 Dargie, Paul
 Foss, Lily
 Harriott-Gathright, Linda
 Judy, Jean
 LeClerc, Daniel
 Howard, Molly
 McGhee, Kat
 Newman, Ray
 Ryan, Linda
 Sofikitis, Catherine
 Teterski, Laura
 Dolan, William

Bergeron, Dan
 Chourasia, Manoj
 DiSilvestro, Linda
 Georges, Mary
 Hartnett, Tim
 Juris, Louis
 Leishman, Peter
 Murray, Megan
 Murphy, Nancy
 Raymond, Heather
 Newman, Sue
 Spier, Carry
 Tellez, Trinidad
 Thomas, Wendy

Booras, Efstathia
 Cornell, Patricia
 Elberger, Susan
 Grill, Jessica
 Hegner, Karen
 Kluger, Lee Ann
 Lloyd, Christal
 MacKenzie, Mark
 Petrigno, Peter
 Rombeau, Catherine
 Salvi, Santosh
 Staub, Kathy
 Vail, Suzanne
 Wheeler, Jonah

MERRIMACK

Bricchi, Tracy
 Ebel, Karen
 Lane, Connie
 Mehegan, Peter
 Schamberg, Thomas
 Wallner, Mary Jane

Caplan, Tony
 Gallagher, Eric
 Luneau, David
 Newsom, James
 Schultz, Kris
 Woods, Gary

Colby, Eleana
 Gibbs, Merryl
 Hall, Muriel
 Payeur, Stephanie
 Snodgrass, Jim

Kelly, Eileen
 Hicks, Matthew
 MacKay, James
 Sargent, Gregory
 Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
 Murray, Kate
 Malloy, Dennis
 Muns, Chris
 Simpson, Alexis
 Ward, Gerald

de Vries, Erica
 Knab, Allison
 Manos, Zoe
 Reynolds, Ned
 Sorensen, Carrie
 Weinstein, Toni

Edgar, Michael
 Cahill, Michael
 McDonnell, Valerie
 Read, Ellen
 Turer, Eric

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

STRAFFORD

Bay, Luz
 Gilmore, Gary
 Johnson, Erik
 Smith, Marjorie
 Pearson, Wayne

Bixby, Peter
 Howard, Heath
 LaMontagne, Jessica
 Miller, Seth
 Wade, Alice

Burton, Wayne
 Horrigan, Timothy
 Laroche, John
 Schmidt, Peter
 Wall, Janet

Smith, Geoffrey
 Howland, Allan
 Levesque, Cassandra
 Southworth, Thomas

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Girard, Dale

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

HB 489, allowing volunteer emergency workers to use a rear facing blue light on their private vehicles when involved in emergency service. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Pitaro for the Majority of Transportation. The intent of this bill would be to allow emergency response volunteers to install a blue light within the rear window of their personal vehicle while actively engaging in their response work. Many in favor who testified before the committee spoke to how blue light in particular has inherent qualities such as its ability to pierce through fog or break up patterns. Indeed, if blue lights are used, they work. This is precisely why the uses and expectations of blue lights is reserved for law enforcement. In order for our law enforcement, and in particular our police force, to perform their jobs in the field, they must be safe and given the room to do their work. Police having access to specialized equipment is carefully balanced against the safety of the motoring public. There is no ambiguity when it comes to motorists identifying a police cruiser, a fire truck, or an ambulance when happening upon a response. Allowing any and all personal vehicles, even if operated by an authorized emergency response volunteer, will serve more as a distraction to the motoring public and actually erodes established safety standards already granted to law enforcement. Vote 10-6.

Rep. George Sykes for the Minority of Transportation. This bill would allow volunteer emergency responders to use a rear facing only blue light. This is an important safety issue for our traveling public and our volunteers. Research has shown that blue lights are more visible and unlike red lights are not easily confused with red brake lights. This is why fire apparatus now can have a blue light. This practice aligns with the practices of other states as well.

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

On a division vote, with 125 members having voted in the affirmative, and 217 in the negative, the majority committee report failed.

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

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

REGULAR CALENDAR - PART II

HB 553-FN, relative to the definition of abuse and neglect and conditions triggering a rebuttable presumption of harm in abuse and neglect cases. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Gregg for the Majority of Children and Family Law. The majority of the committee agrees that the balance of protecting children, honoring family bonds, and honoring parents' rights, we must have an updated definition of what child abuse and neglect are. Therefore, we have the ability to work with interventions before tragedy happens. In this state we have seen far too many tragedies where children were not able to be protected. This bipartisan bill, as amended, clarifies the circumstances in which the Division for Children, Youth and Families will screen in a report to begin an investigation. It does not change the current burden of proof nor remove parents' due process rights. The replace-all amendment is the result of a bipartisan subcommittee which worked long and hard to produce language most people could agree with. Vote 10-4.

Rep. Lori Korzen for the Minority of Children and Family Law. While the bill attempts to expand the definitions of abuse and neglect, it does so at the expense of parental rights. For example, conservative or Christian parents could be at risk of losing their child if that child decides he/she wants to change his or her name and/or pronouns. Under this bill, a parent's decision to call his or her child by his or her birth name could place the child under severe emotional and/or psychological abuse that the child may need to be removed from the home.

Majority Amendment (1079h)

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

1 Purpose; Modifications. Amend RSA 169-C:2 to read as follows:

169-C:2 Purpose.

I. It is the primary purpose of this chapter, through the mandatory reporting of suspected instances of child abuse or neglect, to provide protection to children whose life, health or **physical, emotional, or psychological** welfare is endangered. The best interest of the child shall be the primary consideration of the court in all proceedings under this chapter.

II. It is a further purpose of this chapter to establish a judicial framework to protect the rights of ~~[all parties involved]~~ **children, parents, and guardians** in the adjudication of child abuse or neglect cases. Each child coming within the provisions of this chapter shall receive, preferably in the child's own home **or the community**, the care, emotional security, guidance, and control that will promote the child's best interest~~[-and, if].~~ **If** the child should be removed from the control of his or her parents, guardian, or custodian, adequate care shall be secured for the child, **preferably in the community**.

III. This chapter seeks to coordinate efforts by parents and state and local authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

(a) Protect the ~~[safety]~~ **physical, emotional, and psychological welfare** of the child, **acknowledging the trauma caused to the child by abuse and neglect**.

(b) Take such action as may be necessary to prevent the abuse or neglect of children.

(c) ~~[Determine if the preservation of family unity is in the best interest of the child.]~~ **Presume that family unity is in the best interest of the child; but, if it is determined to not be in the child's best interest, to secure placement in the least restrictive setting, as provided in RSA 169-C:19-h. There shall be frequent review of each child removed from the home with the goal to return the child home or to the community as quickly as possible.**

(d) Provide protection, treatment, and rehabilitation, as needed, to children ~~[placed in alternative care]~~ **under the care and custody or legal supervision of the department, whether placed in the home or in out-of-home care.**

(e) Provide assistance to parents **and guardians** to deal with and correct problems in order to ~~[avoid]~~ **prevent** removal of children from ~~[the family]~~ **their home**.

~~[H].~~ **IV.** This chapter shall be liberally construed to the end that its purpose may be carried out, to wit:

(a) To encourage the mental, emotional, and physical development of each child coming within the provisions of this chapter, by providing the child with the protection, care, treatment, counseling, supervision, and rehabilitative resources which the child needs and has a right to receive.

(b) To achieve the foregoing purposes~~[-and policies, whenever it is in the best interest of the child,]~~ by keeping a child in~~[-contact with his or her home community and in a family environment by]~~ **his or her**

home, and preserving the unity of the family and separating the child from his or her parents only when the [safety] **physical, emotional or psychological welfare** of the child is **at risk or** in danger or when it is clearly necessary for the child's welfare or the interests of the public safety and when it can be clearly shown that a change in custody will be in the best interest of the child; [and]

(c) *To ensure that if a child must be removed from his or her home, the child shall be placed in accordance with RSA 169-C:19-h, with kin or fictive kin if such a placement is safe and available, otherwise in a licensed foster home, ensuring contact with his or her home community and in a family environment; and, only as a last resort and if necessary for the emotional, mental health, behavioral health, or psychological needs of the child, be placed in group home or child care institution licensed and certified pursuant to RSA 170-E and RSA 169-F;*

(d) *To provide trauma-informed services and care to system-involved children, families, and caregivers; and*

[(e)] (e) To provide effective judicial procedures through which the provisions of this chapter are executed and enforced and which [recognize] **recognizes as the primary determinant, the safety, welfare, and best interest of the child;** and [enforce] **protects** the constitutional and other rights of [the] **all** parties and assures them a fair hearing.

2 Definitions; Modifications. Amend RSA 169-C:3 to read as follows:

169-C:3 Definitions.

When used in this chapter and unless the specific context indicates otherwise:

I. "Abandoned" means the child has been left by [his] **their** parent, guardian or custodian, without provision for care, **including but not limited to their physical, emotional or psychological well-being;** supervision; or, financial support although financially able [to provide such support]; **or assisted to do so, but not if the child has been left due to a lack of availability of mental or behavioral health services.**

II. ["Abused child"] "**Abuse**" means **any of the following:** [any child who has been]:

(a) [Sexually abused] **Sexual abuse of a child**; [or].

(b) [Intentionally physically injured; or]

[(c)] Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect] **Emotional abuse, which means a persistent pattern of threatening, demeaning, or humiliating behavior directed at a child by a caregiver, which may include, but is not limited to:**

(1) **Rejection, which means communicating to a child that they are worthless, unwanted, or unloved, which may cause harm to the child's emotional development or sense of well-being.**

(2) **Neglecting emotional needs, which means failing to provide necessary emotional support or affection to a child, depriving them of care, attention, and nurturing essential for their healthy development.**

(3) **Shaming or humiliating, which means engaging in a pattern of persistent criticism or belittlement, likely to cause emotional harm and undermine the child's sense of self-worth.**

(4) **Terrorizing, which means using threats, verbal aggression, or intimidating behavior to control a child, which may lead to emotional harm and instill fear or anxiety.**

(5) **Isolation, which means the deliberate act of restricting or preventing a child from engaging in social interactions with family, peers, or the community for a prolonged amount of time, resulting in social and emotional deprivation.**

(6) **Corrupting, which means harming a child through involvement in or exposure to criminal activities.**

(7) **Exploiting, which means using a child unfairly for the abuser's own advantage such that the action may adversely affect the child cognitively, emotionally, and socially.**

(c) [Physically injured] **Physical injury to a child** by other than accidental means, **or indeterminate means if the parents, guardians, or custodians are the primary or sole caregivers and have offered no reasonable alternative explanation for said injuries**; [or].

[(e)] (d) [Subjected] **Subjection of a child**, by any person, to human trafficking as defined in RSA 633:7. [; or]

[(f)] (e) [Subjected] **Subjection of a child** to an act prohibited by RSA 632-A:10-d.

III. "Adjudicatory hearing" means a hearing to determine the truth of the allegations in the petition filed under this chapter.

IV. [Repealed].

V. "Child" means any person who has not reached [his] **their** eighteenth birthday.

VI. "Child care agency" means a "child day care agency" as defined in RSA 170-E:2, IV or a "child care agency" as defined in RSA 170-E:25, II.

VII. "Child placing agency" means the department, Catholic charities of New Hampshire, or child and family services of New Hampshire, or any successor organization.

VII-a. “Compelling reason” for assessing permanency at an early permanency hearing includes circumstances where:

(a) Both parents, or only one parent if the other parent is deceased or not identified, have made no effort or only negligible efforts to comply with the dispositional orders;

(b) A ground exists for termination of parental rights for both parents, or for only one parent if the other parent is deceased or not identified, under one or more paragraphs of RSA 170-C:5; or

(c) There is another compelling reason to assess the permanency plan of reunification earlier than the 12-month permanency hearing.

VII-b. “Concurrent plan” means an alternate permanency plan in the event that a child cannot be safely reunified with his or her parents.

VIII. “Consent order” means a written agreement entered into among or between the parties regarding the facts and the disposition in a neglect or abuse case, and approved by the court.

IX. “Court” means the district court, unless otherwise indicated.

X. “Custodian” means an agency or person, other than a parent or guardian, licensed pursuant to RSA 170-E to whom legal custody of the child has been given by court order.

XI. “Dispositional hearing” means a hearing held after a finding of abuse or neglect to determine what dispositional order should be made on behalf of the child.

XII. “Department” means the Department of Health and Human Services.

XIII. “Foster home” means a residential care facility licensed pursuant to RSA 170-E for child care in which family care and training are provided on a regular basis for no more than 6 unrelated children, unless all the children are of common parentage.

XIII-a. “Founded report” means a report made pursuant to this chapter for which the department finds by a preponderance of the evidence that the child who is the subject of such report is abused or neglected.

XIV. “Guardian” means a parent or person appointed by a court having jurisdiction with the duty and authority to make important decisions in matters having a permanent effect on the life and development of the child, and to be concerned about the general welfare of the child. Such duty and authority include but are not necessarily limited either in number or kind to:

(a) The authority to consent: (1) to marriage, (2) to enlistment in the armed forces of the United States, and (3) to major medical, psychiatric and surgical treatment, (4) to represent the child in legal actions; and (5) to make other decisions of substantial legal significance concerning the child;

(b) The authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order; and

(c) The rights and responsibilities of legal custody except where legal custody has been vested in another individual or in an authorized agency.

XIV-a. “Household member” means any person living with the parent, guardian, or custodian of the child from time to time or on a regular basis, who is involved occasionally or regularly with the care of the child.

XV. “Imminent danger” means circumstances or surroundings causing immediate peril or risk to a child’s **psychological or emotional well-being, physical or mental** health, or life.

XVI. “Institutional child abuse or neglect” means situations of known or suspected child abuse or neglect wherein the person responsible for the child’s welfare is a foster parent or is an employee of a public or private residential home, institution or agency. ***This includes, but is not limited to, use of restraint or seclusion under circumstances which do not indicate that restraint or seclusion is necessary to ensure the immediate physical safety of a person due to substantial and imminent risk of serious bodily harm to the child or others.***

XVII. “Legal custody” means a status created by court order embodying the following rights and responsibilities unless otherwise modified by court order:

(a) The right to determine where and with whom the child shall live;

(b) The right to have the physical possession of the child;

(c) The right and the duty to protect and constructively discipline the child; and

(d) The responsibility to provide the child with food, clothing, shelter, education, emotional security and ordinary medical care provided that such rights and responsibilities shall be exercised subject to the power, rights, duties and responsibilities of the guardian of the child and subject to residual parental rights and responsibilities if these have not been terminated by judicial decree.

XVIII. “Legal supervision” means a legal status created by court order wherein the child is permitted to remain in his home under the supervision of a child placing agency subject to further court order.

XIX. [~~“Neglected child”~~] “**Neglect**” means [~~a child~~] **any of the following**:

(a) [~~Who has been abandoned~~] **Abandonment of a child** by his or her parents, guardian, or custodian[~~;~~ or].

(b) [~~Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child’s physical, mental, or emotional health, when it is established that the~~]

child's health has suffered or is likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian; or] ***Failure by a child's parent, guardian, or custodian, either deliberately or through negligence or inability, to provide proper supervision, care, and attention to a child, or provide adequate food, clothing, shelter, or education, or proper medical care, and it is established that the child's physical, mental, emotional, or psychological well-being has suffered or is likely to suffer serious impairment, when such inability is not due solely to inadequate economic means.***

(c) [~~Whose parents, guardian or custodian are unable~~] ***Inability of a parent, guardian, or custodian*** to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity[;].

(d) ***Voluntary or knowing entrustment of the care of a child by a parent, guardian, or custodian to individuals who may not provide safe care, including but not limited to:***

(1) ***Persons who are subject to active protective or restraining orders;***

(2) ***Persons with current or past history of sex-crimes;***

(3) ***Persons with current or recent violent crimes; or***

(4) ***Persons with recent instances of substance misuse, or of manufacturing, sales or trafficking of legal or illegal substances; and***

(5) ***It is established that the child's physical, mental, emotional, or psychological well-being has suffered or is likely to suffer serious impairment.***

(e) ***The birth of a child exposed to alcohol or substances, unless these substances were used as prescribed or recommended, and if the mother is under the treatment of or monitored by a licensed health care provider, and the child's health or welfare may be at serious risk due to substance use.***

(f) [~~Provided, that no~~] ***No*** child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

XX. "Notice" means communication given in person or in writing to the parent, guardian, custodian or other interested party not having custody or control of the child, of the time and place fixed for hearing; and it shall be given in all cases, unless it appears to the court that such notice will be ineffectual.

XX-a. "Out-of-home placement" means the placement of a child in substitute care with someone other than the child's biological parent or parents, adoptive parent or parents, or legal guardian.

XXI. "Parent" means mother, father, adoptive parent, stepparent, but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

XXI-a. "Party having an interest" means the child; the guardian ad litem of the child; the child's parent, guardian or custodian; the state; or any household member subject to court order.

XXI-b. "Permanency hearing" means a court hearing for a child in an out-of-home placement to review, modify, and/or implement the permanency plan or to adopt the concurrent plan.

XXI-c. "Permanency plan" means a plan for a child in an out-of-home placement that is adopted by the court and provides for timely reunification, adoption through termination of parental rights or parental surrender, guardianship with a fit and willing relative or another appropriate party, or another planned permanent living arrangement.

XXII. "A person responsible for a child's welfare" includes the child's parent, guardian or custodian, as well as the person providing out-of-home care of the child, if that person is not the parent, guardian or custodian. For purposes of this definition, "out-of-home care" includes child day care, and any other settings in which children are given care outside of their homes.

XXIII. "Probable cause" means facts and circumstances based upon accurate and reliable information, including hearsay, that would justify a reasonable person to believe that a child subject to a report under this chapter is abused or neglected.

XXIV. "Protective custody" means the status of a child who has been taken into physical custody by a police officer or juvenile probation and parole officer because the child was in such circumstances or surroundings which presented an imminent danger to the child's health or life and where there was not sufficient time to obtain a court order.

XXV. "Protective supervision" means the status of a child who has been placed with a child placing agency pending the adjudicatory hearing.

XXV-a. "Psychological maltreatment" means pervasive and emotionally abusive behavior, which shall include, but not be limited to, patterns of threatening, berating, or demeaning behavior.

XXV-b. "Psychotropic medication" means a drug prescribed by a licensed medical practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

XXV-c. "Medication restraint" means the involuntary administration of any medication, including a psychotropic medication, for the purpose of immediate control of behavior.

XXVI. “Relative” means parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nieces, nephews or first and second cousins.

XXVII. “Residual parental rights and responsibilities” means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship except guardianship pursuant to termination of parental rights, including, but not limited to, right of visitation, consent to adoption, right to determine religious affiliation and responsibilities for support.

XXVII-a. “Serious impairment” means ~~[a substantial weakening or diminishment of]~~ **an adverse impact on** a child’s emotional, physical, **psychological**, or mental ~~[health or of a child’s]~~ **well-being or** safety, and ~~[general well-being]~~ **which may result from a single event or from a consistent pattern of behavior, and may be currently observed or predicted.** The following circumstances shall be considered in determining the likelihood that a child may suffer serious impairment, **with a trauma-informed lens, as defined in RSA 169-C:3, XXVIII:**

(a) The age and developmental level of the child; **although the child’s age or ability to care for themselves is not dispositive of the potential harm caused by other factors.**

(b) ~~[Any recognized mental, emotional, or physical disabilities]~~ **The child’s social, emotional, learning, mental health, behavioral health, or physical conditions.**

(c) School attendance and ~~[performance]~~ **the child’s ability to fully engage in school.**

(d) The child’s ~~[-illegal use of controlled substances, or the child’s contact with other]~~ **exposure to** persons involved in the ~~[illegal use of controlled substances]~~ **misuse or sale, manufacture, or trafficking of legal or illegal substances or the parent’s or child’s** abuse of alcohol.

(e) Exposure to incidents of domestic or sexual violence.

(f) Any documented failure to thrive.

(g) Any history of frequent illness or injury.

(h) Findings in other proceedings.

(i) The condition of the child’s place of residence.

(j) Assessments or evaluations of the child conducted by qualified professionals.

(k) Such other factors that may be determined to be appropriate or relevant.

(l) Any single incident or occurrence of serious injury or illness.

(m) Parentification of a child, which occurs when a child is regularly expected to take on parental responsibilities, including but not limited to providing emotional or practical support for a parent or another individual, beyond what would be reasonably expected for the child’s age and circumstances, instead of receiving that care and support themselves.

XXVII-b. “Sexual abuse” means the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term “child” or “children” means any individual who is under the age of 18 years.

XXVII-c. “Screened-out report” means a report made pursuant to this chapter that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for assessment.

XXVII-d. “Trauma informed” means a service system in which all parties involved recognize and respond to the impact of traumatic stress on those who have contact with the system including children, families, caregivers, and service providers. It is an expansion of the system’s concerns beyond children’s physical safety and permanence to include children’s psychological safety; attempts to address trauma-related needs by promoting the well-being and resilience of children, families, caregivers, and service providers; treats children and families as partners in their own care; and, collaborates with other relevant agencies and systems.

XXVIII. “Unfounded report” means a report made pursuant to this chapter for which the department determines that there is, **by a preponderance of the evidence**, insufficient evidence to substantiate a finding that the child is abused or neglected.

XXIX. A report that is “unfounded but with reasonable concern” means a report made pursuant to this chapter for which the department determines that there is probable cause to believe the child was abused or neglected, but for which there is insufficient evidence to establish by a preponderance of the evidence that the child was abused or neglected.

3 Presumption of Harm. Amend RSA 169-C:12-f to read as follows:

169-C:12-f Rebuttable Presumption of Harm.

There shall be a rebuttable presumption that a child’s ~~[health]~~ **emotional, physical, psychological, or mental well-being** has suffered or is likely to suffer serious impairment by exposure to any of the following conduct:

I. Evidence of a parent’s, guardian’s, or custodian’s substance misuse ~~[that is adversely affecting a child’s care or supervision, when that parent, guardian, or custodian is not actively engaged in treatment]~~ **or sale, manufacturing, or trafficking of legal or illegal substances, shall create a rebuttable presumption**

that the child's physical, emotional, or psychological well-being has suffered or is very likely to suffer serious impairment. The presumption may be rebutted by evidence of the parent's compliance with treatment for such use or dependence.

II. Evidence of a parent's, guardian's, or custodian's impaired driving or operating of a motor vehicle while a child is in the vehicle; or

III. Evidence of a parent's, guardian's, or custodian's exposure of a child to:

[(a) Physical violence directed at a sibling, the other parent, or another person living in the home; or

(b) Psychological maltreatment directed at the child, a sibling, the other parent, or another person living in the home.] ***physical violence, verbal abuse, or psychological maltreatment directed at the child, a sibling, the other parent or significant other, or another person living in the home.***

IV. The rebuttable presumption of harm established in paragraph III shall not apply to victims of domestic violence who are subject to an abuse or neglect ***investigation or*** petition filed pursuant to this chapter as a result of an incident or incidents in which that parent, guardian, or caregiver was the victim.

V. Evidence of serious injury, broken bones, or unexplained injury to any non-ambulatory child, or frequent illnesses that are not being adequately addressed or controlled.

4 School Boards; Studies; Abuse. Amend RSA 189:10, II to read as follows:

II. The school board shall ensure that health education, physical education to include the importance of exercise, and wellness are taught to pupils as part of the curriculum, specifically to include physiology, hygiene, health and interpersonal relationships, physical education, and wellness, as they relate to the effects of alcohol and other drugs, prevention of sexual violence, child abuse as established in the definition of [~~"abused child"~~] ***"abuse"*** under RSA 169-C:3, II, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system.

5 Genital Mutilation; Abuse. Amend RSA 632-A:10-d, IV to read as follows:

IV. Any child subjected to conduct prohibited by paragraph I, but which is not justified pursuant to paragraph III, shall be considered [~~an abused child~~] ***to have suffered abuse*** pursuant to RSA 169-C:3, II.

6 Repeal. RSA 169-C:3, XXV-a, relative to the definition of psychological maltreatment, is repealed.

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

The question being adoption of the majority committee amendment.

MOTION TO LAY ON THE TABLE

Rep. Mark Pearson moved that **HB 553-FN**, relative to the definition of abuse and neglect and conditions triggering a rebuttable presumption of harm in abuse and neglect cases, be laid on the table.

On a division vote, with 342 members having voted in the affirmative, and 1 in the negative, the motion was adopted.

REGULAR CALENDAR - PART II CONT'D

HB 316-FN, relative to reimbursement for ground ambulance services. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Julie Miles for the Majority of Commerce and Consumer Affairs. This bill addresses the ongoing crisis in emergency medical services by standardizing ambulance reimbursement rates, prohibiting balance billing, and creating a commission to explore an all-payer model. These measures aim to ensure fair and sustainable funding for ambulance providers across New Hampshire. This is a necessary step to stabilize and protect ambulance services statewide. The committee recommends passing the bill. It is time to take the first step in fixing this crisis before another community loses its lifeline. For over 20 years, ambulance services have struggled to stay in business, and municipalities have faced increasing challenges in maintaining emergency medical services. Now, the situation is reaching a breaking point. Berlin's ambulance service will shut down on April 1st, and Exeter ALS announced closure with just 10 days' notice, leaving communities without critical emergency care. Without immediate action, more closures may follow. Vote 15-1.

Rep. Manoj Chourasia for the Minority of Commerce and Consumer Affairs. Ambulance services and the New Hampshire Association of Fire Chiefs have expressed that the funding mechanism is inadequate, and they would prefer that the House pass HB 725, which sets the rate at 325% of the Medicare rate. Since this bill prohibits balance billing and will not meet the needs for current ambulance costs as desired by them, municipalities will have to make up for that loss from taxpayers' dollars which could result in local property taxes increase or lower levels of ambulance services. This will compound a huge challenge which the state is already having regarding provision of ambulance services.

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

Reps. Stringham and Chourasia spoke against.

Rep. Hunt spoke in favor.

On a division vote, with 250 members having voted in the affirmative, and 85 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

Reps. Girard, de Vries and Sargent recused themselves and did not participate in the vote.

HB 191-FN, providing criminal and civil penalties for the recruitment, harboring, or transporting of a pregnant, unemancipated minor in order to obtain an abortion without parental permission. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety committee found this bill ought to pass with amendment. This bill, as amended, makes it unlawful for any adult to transport a minor for any surgical procedure without the written consent of the parent or guardian. The bill limits the requirement to actual surgical procedures. In recent years there have been stories of minors being transported by adults within and without the state for medical procedures without their parents knowledge and consent. Whether it be an abortion, gender reassignment, or plastic surgery, parents and guardians must be involved in these important decisions. Surgery performed without their knowledge can end tragically. The minor's caregivers know what medications they take and what allergies a child may have. Furthermore, they must know what to look out for in the hours and days after a surgical procedure. Secretly performed surgeries can result in postoperative infection and other complications going unnoticed, leading to death. Also important, is a parent's absolute right to decide what is best for their children. The bill requires notarized permission. Surgical procedures where a parent requires someone else to transport their child would be extremely rare and scheduled months in advance. Notaries are numerous in our society and their services are extremely inexpensive. There even now exists the ability to have documents notarized online for \$25. The majority believes this is a very small price to pay to ensure the safety of children and to preserve the rights of parents to decide what is best for their children. Vote 9-7.

Rep. Alissandra Murray for the Minority of Criminal Justice and Public Safety. This bill, as introduced, was hugely problematic and completely untenable. During executive session, the promise to constituents to not touch abortion laws was the primary driver in amending the bill. Though the amendment removes the word "abortion," it is unclear whether the bill, as amended, would still impact teenagers seeking abortion care, as none of the terms are defined. As amended, the bill creates a new crime of transportation of a minor for a surgical procedure, making it a class A misdemeanor if a person transports a minor for such procedures, even in the case of an emergency. To avoid charges, an adult would need to have written permission in the form of a notarized document authorizing them to drive the teenager to their appointment. This applies even to other family members. Another concern is there is no clear mechanism for enforcement, which means state troopers could be required to stand outside hospitals to question teenagers entering for any reason. Instead of simply finding this bill inexpedient to legislate, as it should have been, the majority of the committee adopted an amendment that now creates an unprecedented government intervention and overreach in a parent's ability to simply parent.

Majority Amendment (0756h)

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

AN ACT providing criminal and civil penalties for the transporting of an unemancipated minor in order to obtain a surgical procedure without parental permission.

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

1 New Section; Criminal Code; Illegal Transporting of a Minor for a Surgical Procedure. Amend RSA 633 by inserting after section 4 the following new section:

633:4-a Illegal Transporting of a Minor for a Surgical Procedure.

I. A person is guilty of a class A misdemeanor if such person intentionally transports a unemancipated minor within this state for the purpose of obtaining a surgical procedure for the minor without the express written consent of the minor's parent or guardian.

II. A person shall be guilty of a class B felony if the person is convicted of violating this section and has previously been convicted of 2 or more offenses under paragraph I.

III. For the purpose of this section, an unemancipated minor shall mean any minor child under 18 years of age who is not married or has not by court order otherwise been freed from the care, custody, and control of his or her parents.

IV. This section does not apply to:

- (a) The parents or legal guardian of the unemancipated minor;
- (b) A person who has obtained the written, notarized consent of the unemancipated minor's parent or legal guardian;
- (c) A common carrier transporting passengers in the course and scope of their business; or
- (d) An ambulance driver or operator and any corresponding emergency medical services personnel acting within the course and scope of their duties.

V. It shall not be a defense to a prosecution under this section that the unemancipated minor consented to the actions prohibited by paragraph I.

2 New Chapter; Private Right of Action for Transporting a Minor for a Surgical Procedure Contrary to Law. Amend RSA by inserting after chapter 507-H the following new chapter:

CHAPTER 507-I
PRIVATE RIGHT OF ACTION FOR TRANSPORTING A MINOR
FOR A SURGICAL PROCEDURE CONTRARY TO LAW

507-I:1 Liability; Who May Bring Suit.

- I. A person who violates RSA 633:4-a, I, may be held liable in a civil action.
- II. The civil action may be brought on behalf of the minor child by:
 - (a) The parent or guardian of the minor child; or
 - (b) The minor, after reaching 18 years of age, and within 7 years of reaching 18 years of age.

507-I:2 Damages. In a civil action arising from a violation of this chapter, the plaintiff may recover from the person who violated this chapter:

- I. Economic damages;
- II. Noneconomic damages, including damages for pain and suffering;
- III. Punitive damages; and
- IV. Reasonable attorney's fees and court costs.

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

AMENDED ANALYSIS

This bill provides criminal penalties for transporting an unemancipated minor without parental consent for the purpose of obtaining a surgical procedure. This bill further authorizes a civil suit in certain circumstances following a violation of the criminal prohibition.

The question being adoption of the majority committee amendment.

MOTION TO LAY ON THE TABLE

Rep. Nicholas Germana moved that **HB 191-FN**, providing criminal and civil penalties for the transporting of an unemancipated minor in order to obtain a surgical procedure without parental permission, be laid on the table.

On a division vote, with 162 members having voted in the affirmative, and 172 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. McFarlane offered floor amendment (1311h).

Floor Amendment (1311h)

Amend the bill by replacing section 633:4-a, IV(c)-(d) with the following:

- (c) A common carrier transporting passengers in the course and scope of their business;
- (d) An ambulance driver or operator and any corresponding emergency medical services personnel acting within the course and scope of their duties; or
- (e) Any person who, in good faith, provides emergency assistance, including transport.

The question being adoption of floor amendment (1311h).

Rep. McFarlane spoke in favor.

Rep. Rhodes spoke against.

On a division vote, with 57 members having voted in the affirmative, and 286 in the negative, floor amendment (1311h) failed.

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

Rep. Newell spoke against.

Rep. Rhodes spoke in favor.

On a division vote, with 180 members having voted in the affirmative, and 164 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

HB 380-FN, relative to penalties for criminal violations of the therapeutic use of cannabis. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer Rhodes for the Majority of Criminal Justice and Public Safety. If passed, this legislation will amend the penalty for the unauthorized sale of cannabis by a qualifying patient or designated care giver. In an era of dangerous additives being incorporated into everything from cannabis to carfentanil it is important that a therapeutic cannabis user does not need to be concerned of these additives. The State of New Hampshire goes to great lengths to regulate the therapeutic cannabis program to ensure that the substance is free of any unwanted substances. While cannabis is no longer criminalized in New Hampshire, the state has made it clear it does not want to legalize it. These penalties for the selling of therapeutic cannabis were put into place to deter a participant from any form of selling the substance. We heard that nobody that uses it sells it, therefore this penalty is not needed. The majority felt if this is the case, leaving the statute as written is acceptable. Vote 9-6.

Rep. Linda Harriott-Gathright for the Minority of Criminal Justice and Public Safety. This bill seeks to remove an outdated and unnecessary penalty specifically for therapeutic cannabis patients in the event that they sell cannabis to an individual who is not a therapeutic cannabis patient or caregiver. It is important to note that the penalties for any citizen who is convicted of selling cannabis, therapeutic or otherwise, range from three years and/or a \$25,000 fine to 20 years and/or a \$300,000 fine. The way the current statute is written, a therapeutic cannabis patient would be subject to these penalties plus an enhanced penalty of 7 additional years and/or \$300,000 fine. These additional penalties were instituted in 2013 as the therapeutic cannabis program was created, in order to alleviate concerns about the potential for abuse. In the 12 years since, we have not seen any evidence to indicate that this is happening. In fact, there is far less potential for illegal therapeutic cannabis sales now, given both the higher purchase cost of therapeutic cannabis and the fact that cannabis has been legalized, both medically and recreationally, in every one of our neighboring states. Article 18 of the Bill of Rights in the New Hampshire State Constitution requires that, "All penalties ought to be proportioned to the nature of the offense." Therefore, the minority believes that this additional enhanced penalty constitutes an unfair and disproportionate discrepancy for people who already stand to be severely penalized.

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

Rep. Rhodes spoke in favor.

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

YEAS 143 - NAYS 200

YEAS - 143

BELKNAP

Bean, Harry
Harvey-Bolia, Juliet

Bogert, Steven
Terry, Paul

Dumais, Russell
Toner, Travis

Freeman, Lisa

CARROLL

Avellani, Lino
MacDonald, John
Taylor, Brian

Belcher, Mike
Smith, Jonathan

Cordelli, Glenn
Pernel, Katy

Hamblen, Joseph
Brown, Richard

CHESHIRE

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

COOS

Davis, Arnold
Valerino, Brian

Korzen, Lori

Morency, Pete

Tierney, James

GRAFTON

Bjelobrck, Marie Louise
Sellers, John

Franz, Linda

Ladd, Rick

Louis, Darrell

HILLSBOROUGH

Ammon, Keith
Chourasia, Manoj
Dupont, Pierre
Gorski, Ted
Labrie, Brian
Miles, Julie
Panek, Sandra
Post, Lisa
Sheehan, Vanessa

Boyd, Bill
Cole, Brian
Flanagan, Jack
Gould, Linda
Lascelles, Richard
Mooney, Maureen
Paquette, Kathleen
Reinfurt, Sherri
Suiter, John

Barbour, Liz
Creighton, James
Griffin, Gerald
Kenny, Catherine
Murphy, Mary
Morton, Jonathan
Pauer, Diane
Schneller, John
Ulery, Jordan

Boehm, Ralph
Daniels, Gary
Gagne, Larry
Kesselring, Steven
Mazur, Lisa
Notter, Jeanine
Peeples, Raymond
Seidel, Sheila
Wherry, Robert

MERRIMACK

Andrus, Louise
Devoid, Ricky
Newsom, James
See, Alvin

Aures, Cyril
Hill, Gregory
Pitaro, Matthew
Wood, Clayton

Aylward, Deborah
Mehegan, Peter
Plante, Raymond

Cambrils, Jose
Moffett, Michael
Boyd, Stephen

ROCKINGHAM

Ball, Lorie
Mannion, Dennis
Drago, Mike
Guzofski, James
Miner, Laurence
Lynn, Bob

Bennett, Cindy
Thomas, Douglas
Edwards, Jess
Harb, Robert
Walsh, Lilli
Pearson, Mark

Bernardy, JD
DeSimone, Debra
Foote, Charles
Katsakiores, Phyllis
Litchfield, Melissa
Markell, Jay

Bryer, Scott
DeVito, Sayra
Guthrie, Joseph
Khan, Aboul
Love, David
McDonnell, Valerie

McGrath, Linda
Nadeau, Brian
Porcelli, Susan
Summers, James
Tripp, Richard
Weyler, Kenneth

McMahon, Charles
Osborne, Jason
Potucek, John
Sweeney, Joe
Tudor, Paul
Wilson, Vicki

Melvin, Charles
Brown, Pam
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael

Milz, David
Perez, Kristine
Pearson, Stephen
Dolan, Tom
MacDonald, Wayne

STRAFFORD

Burnham, Claudine
Turcotte, Len

DeLemus, Susan
Walker, David

DeRoy, Susan

Potenza, Kelley

SULLIVAN

Drye, Margaret
Aron, Judy

Girard, Dale
Aron, Michael

Grant, George
Rollins, Skip

Hemingway, Wayne

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BELKNAP

Aldrich, Glen
St. Clair, Charlie

Comtois, Barbara

Nagel, David

Ploszaj, Tom

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Faulkner, Barry
Germana, Nicholas
Weber, Lucy

Berch, Paul
Gruber, James
Newell, Jodi

Harvey, Cathryn
Jacobs, Samantha
O'Rorke, Terri

Fox, Dru
Jones, Philip
Parshall, Lucius

COOS

King, Seth

GRAFTON

Almy, Susan
Bolton, Bill
Hakken-Phillips, Mary
McFarlane, Donald
Stavis, Laurel

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

Beaulier, Calvin
Fellows, Sallie
Lovett, Peter
Rockmore, Ellen
Sykes, George

Berezhny, Lex
Fracht, David
Lucas, Janet
Spahr, Terry

HILLSBOROUGH

Murray, Aissandra
Berry, Ross
Colcombe, Riché
Dargie, Paul
Erf, Keith
Giasson, Henry
Hartnett, Tim
Juris, Louis
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Ohm, Bill
Raymond, Heather
Newman, Sue
Sirois, Shane
Staub, Kathy
Tenczar, Jeffrey
Veilleux, Daniel
Wilhelm, Matthew

Alexander, Joe
Booras, Efstathia
Cornell, Patricia
Drew, Matt
Davis, Fred
Grill, Jessica
Hegner, Karen
Kluger, Lee Ann
Leishman, Peter
Murray, Megan
McLean, Mark
Petrigno, Peter
Rombeau, Catherine
Salvi, Santosh
Slottje, Jeremy
Swanson, Dale
Mannion, Tim
Dolan, William

Beauchemin, Paige
Bouchard, Donald
Kelley, Diane
Dumont, Dillon
Foss, Lily
Grund, Stephanie
Herbert, Christopher
Kofalt, Jim
Lloyd, Christal
MacKenzie, Mark
Murphy, Nancy
Preece, David
Rung, Rosemarie
Scully, Kevin
Sofikitis, Catherine
Telerski, Laura
Mannion, Tom
Thomas, Wendy

Bergeron, Dan
Budathoki, Suraj
Darby, Will
Elberger, Susan
Georges, Mary
Harriott-Gathright, Linda
Jack, Martin
Foxy, Loren
Long, Patrick
Manohar, Sanjeev
Noble, Kristin
Newman, Ray
Ryan, Linda
Seibert, Christine
Spier, Carry
Tellez, Trinidad
Vail, Suzanne
Wheeler, Jonah

MERRIMACK

Bricchi, Tracy
McGuire, Dan
Gibbs, Merrill
Hall, Muriel
Polozov, Yury
Schultz, Kris
Thibault, James

McGuire, Carol
Kelly, Eileen
Hicks, Matthew
MacKay, James
Roesener, James
Seaworth, Brian
Wallner, Mary Jane

Caplan, Tony
Ebel, Karen
Lane, Connie
Morse, Bryan
Sargent, Gregory
Snodgrass, Jim
Woods, Gary

Colby, Eleana
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Edgar, Michael

de Vries, Erica
Grote, Jaci

Donnelly, Tanya
Murray, Kate

Dunn, Ron
Knab, Allison

Kuttab, Katelyn
Malloy, Dennis
Popovici-Muller, Daniel
Scherr, Buzz
Spillane, James
Ward, Gerald

Layon, Erica
Manos, Zoe
Raynolds, Ned
Simpson, Alexis
Turer, Eric
Weinstein, Toni

Cahill, Michael
Meuse, David
Read, Ellen
Sorensen, Carrie
Vallone, Mark

Maggiore, Jim
Muns, Chris
Sabourin dit Choinière, Matt
Soti, Julius
Vandecasteele, Susan

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Howard, Heath
Johnson, Erik
Levesque, Cassandra
Southworth, Thomas

Bay, Luz
Smith, Geoffrey
Harrington, Michael
Kaczynski, Thomas
Smith, Marjorie
Pearson, Wayne

Bixby, Peter
Gilmore, Gary
Horrigan, Timothy
LaMontagne, Jessica
Miller, Seth
Wade, Alice

Burton, Wayne
Granger, Michael
Howland, Allan
Larochelle, John
Schmidt, Peter
Wall, Janet

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Spillsbury, Walter

and the majority committee report failed.

Rep. Harriott-Gathright moved the minority committee report of Ought to Pass and offered minority committee amendment (0130h).

Minority Amendment (0130h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 5 and 6, respectively:

2 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, I(h) to read as follows:

(h) A statement signed by the applicant, pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter and acknowledging that his or her diversion of cannabis is punishable ~~[as a class B felony and]~~ **by** revocation of his or her registry identification card, in addition to other penalties for the illegal sale of cannabis, **established in RSA 318-B.**

3 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, II(f) to read as follows:

(f) A signed statement from the applicant agreeing to act as the designated caregiver for the qualifying patient named in the application and pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter and acknowledging that the diversion of cannabis is punishable ~~[as a class B felony and]~~ **by** revocation of one's registry identification card, in addition to other penalties for the illegal sale of cannabis **established in RSA 318-B.**

4 Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, XVI(a) to read as follows:

XVI.(a) All cannabis dispensed by an alternative treatment center shall include a label specifying the commercial strain name of the cannabis, the weight of the cannabis, and any other information the department requires to appear on the label. The label shall also specify that the cannabis is for therapeutic use and that diversion ~~[is a class B felony requiring]~~ **may result in** revocation of one's registry identification card, **in addition to other penalties for illegal sale of cannabis established in RSA 318-B.** An alternative treatment center may list the commercial strain names of the cannabis available to be dispensed on its public Internet website.

The question being adoption of the minority committee amendment.

On a division vote, with 185 members having voted in the affirmative, and 157 in the negative, the minority committee amendment was adopted.

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

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

HB 638-FN, allowing an older prisoner serving a sentence of life without parole to be eligible for parole upon meeting certain criteria. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority, after hearing testimony, came to the conclusion that this bill should be found inexpedient to legislate. The people of New Hampshire, through their elected representatives, recently abolished the death penalty. They did so with the knowledge and comfort of knowing that the murderers who otherwise would be sentenced to death, will spend the rest of their natural lives in jail. Now, less than a decade later some would like to weaken that and use this bill to nullify that sentence. The minority told us that the families of the murdered victims would have the opportunity to testify at any parole hearing authorized by this bill. The majority does not think that forcing victims to relive the worst day of their lives for the benefit of the person who caused it is an opportunity, the majority would call it torture. Vote 9-7.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. According to the Department of Corrections, at the end of 2024 there were a total of 95 people in our state prison system serving life sentences without parole. Under this bill, approximately 15 would qualify to become eligible for a parole hearing

provided they are age 60 or older, have served at least 18 years of their sentence, and haven't committed a major conduct violation in the last 10 years. A parole hearing is not a get out of jail free card. It is simply an opportunity for an incarcerated person to acknowledge responsibility for the harm they have caused and to make the case that they have rehabilitated, have a plan for what they will do if released, and no longer present a threat to society. While it is more than fair for society and survivors to demand retribution and severe punishment for a crime as devastating as first-degree murder, we should not abandon the idea that rehabilitation isn't possible or desirable. During the public hearing, we heard several examples that not only cited how some of these inmates changed their own lives, but also how they have inspired other inmates to change. One is a Vietnam vet convicted of first-degree murder which may have been prompted by post traumatic stress disorder (PTSD), which was just being identified as a psychiatric problem in the early 1980s at the time of his conviction. We heard testimony that after turning himself in voluntarily, he refused an offer of a sentence of 18 years to life, under which he would have been eligible for parole, because he wanted to be punished to the most severe extent possible for his crime. Since his imprisonment, he has obtained degrees, counseled other inmates, and has been a model prisoner. Prisons are a particularly hazardous place to grow old. Our jail system is largely unprepared to handle the medical, social, physical, and mental health needs for elderly people in prison. What this bill would do is provide us with an opportunity to show that our corrections system works, and that rehabilitation is possible, while simply providing access to a mechanism, a parole hearing, that is already an option for the vast majority of New Hampshire prison inmates.

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

Reps. Meuse and William Dolan spoke against.

Rep. Rhodes spoke in favor.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 214 - NAYS 127

YEAS - 214

BELKNAP

Aldrich, Glen
Freeman, Lisa
St. Clair, Charlie

Bean, Harry
Harvey-Bolia, Juliet
Terry, Paul

Bogert, Steven
Nagel, David
Toner, Travis

Dumais, Russell
Ploszaj, Tom

CARROLL

Avellani, Lino
MacDonald, John
Taylor, Brian

Belcher, Mike
Smith, Jonathan

Cordelli, Glenn
Peternel, Katy

Hamblen, Joseph
Brown, Richard

CHESHIRE

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

COOS

Davis, Arnold
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

Ouellet, Mike

GRAFTON

Beaulier, Calvin
Sullivan, Jared
Sellers, John

Berezhny, Lex
Ladd, Rick
Spahr, Terry

Bjelobrk, Marie Louise
Louis, Darrell
Stringham, Jerry

Franz, Linda
McFarlane, Donald

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Creighton, James
Drew, Matt
Flanagan, Jack
Gorski, Ted
Kesselring, Steven
Leishman, Peter
Miles, Julie
Noble, Kristin
Paquette, Kathleen
Post, Lisa
Schneller, John
Sirois, Shane
Tenczar, Jeffrey
Wheeler, Jonah

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Dumont, Dillon
Griffin, Gerald
Gould, Linda
Kofalt, Jim
Murphy, Mary
Mooney, Maureen
Notter, Jeanine
Pauer, Diane
Raymond, Heather
Scully, Kevin
Slottje, Jeremy
Mannion, Tim
Wherry, Robert

Boyd, Bill
Colcombe, Riché
Daniels, Gary
Dupont, Pierre
Gagne, Larry
Hartnett, Tim
Labrie, Brian
Mazur, Lisa
Morton, Jonathan
Ohm, Bill
Peeples, Raymond
Reinfurt, Sherri
Seidel, Sheila
Staub, Kathy
Mannion, Tom

Barbour, Liz
Cole, Brian
Darby, Will
Erf, Keith
Giasson, Henry
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Murphy, Nancy
Panek, Sandra
Petrigno, Peter
Rung, Rosemarie
Sheehan, Vanessa
Suiter, John
Ulery, Jordan

MERRIMACK

Andrus, Louise
 Cambrils, Jose
 Hicks, Matthew
 Morse, Bryan
 Polozov, Yury
 See, Alvin
 Wood, Clayton

Aures, Cyril
 Colby, Eleana
 Hill, Gregory
 Payeur, Stephanie
 Boyd, Stephen
 Soucy, Timothy

Aylward, Deborah
 McGuire, Dan
 Mehegan, Peter
 Pitaro, Matthew
 Schamberg, Thomas
 Walsh, Thomas

McGuire, Carol
 Devoid, Ricky
 Moffett, Michael
 Plante, Raymond
 Seaworth, Brian
 Thibault, James

ROCKINGHAM

Ball, Lorie
 Mannion, Dennis
 DeVito, Sayra
 Edwards, Jess
 Harb, Robert
 Walsh, Lilli
 Lynn, Bob
 Markell, Jay
 Melvin, Charles
 Brown, Pam
 Potucek, John
 Soti, Julius
 Sytek, John
 Vose, Michael

Bennett, Cindy
 Thomas, Douglas
 Donnelly, Tanya
 Foote, Charles
 Khan, Aboul
 Layon, Erica
 Pearson, Mark
 McDonnell, Valerie
 Milz, David
 Perez, Kristine
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Dolan, Tom
 MacDonald, Wayne

Bernardy, JD
 de Vries, Erica
 Drago, Mike
 Guthrie, Joseph
 Kuttub, Katelyn
 Litchfield, Melissa
 Maggiore, Jim
 McGrath, Linda
 Nadeau, Brian
 Popovici-Muller, Daniel
 Pearson, Stephen
 Summers, James
 Tudor, Paul
 Weyler, Kenneth

Bryer, Scott
 DeSimone, Debra
 Dunn, Ron
 Guzowski, James
 Miner, Laurence
 Love, David
 Malloy, Dennis
 McMahon, Charles
 Osborne, Jason
 Porcelli, Susan
 Sabourin dit Choinière, Matt
 Sweeney, Joe
 Vallone, Mark
 Wilson, Vicki

STRAFFORD

Bailey, Glenn
 Farrington, Samuel
 Johnson, Erik
 Schmidt, Peter

Burnham, Claudine
 Granger, Michael
 Kaczynski, Thomas
 Southworth, Thomas

DeLemus, Susan
 Harrington, Michael
 Miller, Seth
 Turcotte, Len

DeRoy, Susan
 Howland, Allan
 Potenza, Kelley
 Walker, David

SULLIVAN

Drye, Margaret
 Aron, Judy
 Spilsbury, Walter

Girard, Dale
 Aron, Michael

Grant, George
 Rollins, Skip

Hemingway, Wayne
 Smith, Steven

**NAYS - 127
BELKNAP**

Comtois, Barbara

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
 Faulkner, Barry
 Newell, Jodi

Berch, Paul
 Jacobs, Samantha
 O'Rorke, Terri

Harvey, Cathryn
 Jones, Philip
 Parshall, Lucius

Fox, Dru
 Germana, Nicholas
 Weber, Lucy

GRAFTON

Almy, Susan
 Fellows, Sallie
 Lucas, Janet
 Sykes, George

Baldwin, Heather
 Fracht, David
 Oppel, Thomas

Bolton, Bill
 Hakken-Phillips, Mary
 Rockmore, Ellen

Cormen, Thomas
 Lovett, Peter
 Stavis, Laurel

HILLSBOROUGH

Murray, Alissandra
 Bouchard, Donald
 Dargie, Paul
 Georges, Mary
 Hegner, Karen
 Kluger, Lee Ann
 Long, Patrick
 Manohar, Sanjeev
 Rombeau, Catherine
 Seibert, Christine
 Telerski, Laura
 Dolan, William

Beauchemin, Paige
 Budathoki, Suraj
 Elberger, Susan
 Grill, Jessica
 Herbert, Christopher
 Foxx, Loren
 Howard, Molly
 McGhee, Kat
 Ryan, Linda
 Sofikitis, Catherine
 Tellez, Trinidad
 Thomas, Wendy

Bergeron, Dan
 Chourasia, Manoj
 Davis, Fred
 Grund, Stephanie
 Jack, Martin
 LeClerc, Daniel
 Murray, Megan
 Preece, David
 Newman, Sue
 Spier, Carry
 Vail, Suzanne
 Wilhelm, Matthew

Booras, Efstathia
 Cornell, Patricia
 Foss, Lily
 Harriott-Gathright, Linda
 Juris, Louis
 Lloyd, Christal
 MacKenzie, Mark
 Newman, Ray
 Salvi, Santosh
 Swanson, Dale
 Veilleux, Daniel

MERRIMACK

Bricchi, Tracy
 Gallager, Eric

Caplan, Tony
 Gibbs, Merryl

Kelly, Eileen
 Lane, Connie

Ebel, Karen
 Luneau, David

Hall, Muriel
Sargent, Gregory
Woods, Gary

MacKay, James
Schultz, Kris

Newsom, James
Snodgrass, Jim

Roesener, James
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Knab, Allison
Muns, Chris
Sorensen, Carrie

Edgar, Michael
Cahill, Michael
Raynolds, Ned
Turer, Eric

Grote, Jaci
Manos, Zoe
Read, Ellen
Ward, Gerald

Murray, Kate
Meuse, David
Scherr, Buzz
Weinstein, Toni

STRAFFORD

Bay, Luz
Gilmore, Gary
Larochele, John
Wade, Alice

Bixby, Peter
Howard, Heath
Levesque, Cassandra
Wall, Janet

Burton, Wayne
Horrigan, Timothy
Smith, Marjorie

Smith, Geoffrey
LaMontagne, Jessica
Pearson, Wayne

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

and the majority committee report was adopted.

HB 549-FN, relative to the use of education freedom account funds in religious schools and institutions of higher education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick Ladd for the Majority of Education Funding. This bill is contrary to a number of U.S. Supreme Court decisions. In *Espinoza v. Montana Department of Revenue*, the court held that the U.S. Constitution does not allow states to discriminate against religious parents or schools if policymakers choose to enact a private educational choice to empower parents to choose the educational environment best suited to their own children. As clearly stated in the *Espinoza* decision, the U.S. constitution “condemns discrimination against schools and the families whose children attend them.” For decades, opponents of educational choice have also employed Blaine Amendments, New Hampshire included, as a blunt weapon to impede and invalidate educational choice programs. Using the Blaine Amendment as an obstacle to education freedom accounts (EFA) is now largely a dead letter. To further squash Blaine Amendments, the Supreme Court ruled in *Carson v. Makin* allowing parents to pick the school that works best for their children. Further, the Chief Justice, in writing for the court’s majority, held that such an amendment “violates the Free Exercise Clause of the First Amendment,” when it prohibits parents from choosing religious educational options in a school choice program. This ruling means that clauses in state constitutions that prohibit direct or indirect aid to religious or sectarian schools or institutions conflict with the Free Exercise Clause of the U.S. Constitution, and as the U.S. Supreme Court said, these discriminatory clauses “cannot stand.” School choice programs cannot exclude religious schools; the inclusion of religious schools is both constitutional and required. Lastly, this bill should simply not move forward because some EFA Program beneficiaries have directed their (not state) dollars to religious organizations? By doing so, the state would be discriminating against those choosing religious school options tailored to best fit student learning needs. Vote 10-8.

Rep. Hope Damon for the Minority of Education Funding. This bill seeks to prohibit the use of taxpayer-raised Education Freedom Account or EFA funds at a religious school or for a religious education or training. This legislation is a prohibition already in Part First, Article 6 of the New Hampshire Constitution which states that “no person shall ever be compelled to pay towards the support of the schools of any sect or denomination.” We know from testimony, data reports, newspaper reports, and the foundational documents of many EFA-funded religious schools, that our New Hampshire Part First, Article 6 constitutional provision is not honored in New Hampshire’s EFA program. Many large and small religious schools are in fact recipients of significant sums of taxpayer-funded EFAs. The education provided to students at those schools is, in fact, significantly guided by profoundly sectarian precepts. For example, testimony on behalf of a small New Hampshire-based Christian academy revealed that 2/3 of the academy’s 61 students are funded partly by EFAs. The Academy’s bylaws require “as a regular part of the curriculum” that “each student will be taught Christian doctrine ... based on the Bible, as the textbook authority for such instruction and learning.” Another school, also with a large proportion of EFA-supported students, asserts that “the Genesis account of creation is to be accepted literally and not allegorically or figuratively that man’s creation was not a matter of evolution or evolutionary change of species, or a development through interminable periods of time from lower to higher forms; and that all animal and plant life were made directly by God in six literal, twenty-four hour periods.” Thus, students in those schools are not receiving objective, science-based education. It has been asserted in the Education Funding Committee proceedings that US Supreme Court rulings, particularly the 2022 decision, *Carson v. Makin*, relating to Maine’s voucher law, have effectively neutered or cancelled out the language prohibiting direct or indirect taxpayer funding of sectarian schools that is in the New Hampshire Constitution. The fact is, the New Hampshire Part First, Article 6 provision has not been effectively challenged in court. There is now another federal case, *Crosspoint Church v. Makin*, also arising from Maine that is based on a newly

surfaced statutory restriction, which suggests a different argument. The US District Court for the State of Maine ruled in 2024 against the religious school and in full support of Maine's statutory anti-discrimination provisions. The case is now on appeal to the 1st Circuit Court of Appeals.

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

MOTION TO INDEFINITELY POSTPONE

Rep. Ladd moved that **HB 549-FN**, relative to the use of education freedom account funds in religious schools and institutions of higher education, be Indefinitely Postponed.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 186 - NAYS 156

YEAS - 186

BELKNAP

Aldrich, Glen
Freeman, Lisa
Terry, Paul

Bean, Harry
Harvey-Bolia, Juliet
Toner, Travis

Bogert, Steven
Nagel, David

Comtois, Barbara
Ploszaj, Tom

CARROLL

Avellani, Lino
MacDonald, John
Taylor, Brian

Belcher, Mike
Smith, Jonathan

Cordelli, Glenn
Peternel, Katy

Hamblen, Joseph
Brown, Richard

CHESHIRE

Murphy, Denis
Nalevanko, Rich

Hunt, John
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

COOS

Davis, Arnold
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

Ouellet, Mike

GRAFTON

Beaulier, Calvin
Ladd, Rick

Berezhny, Lex
Louis, Darrell

Bjelobrk, Marie Louise
McFarlane, Donald

Franz, Linda
Sellers, John

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Creighton, James
Dumont, Dillon
Griffin, Gerald
Gould, Linda
Kofalt, Jim
Mazur, Lisa
Morton, Jonathan
Panek, Sandra
Post, Lisa
Seidel, Sheila
Suiter, John
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Dupont, Pierre
Gagne, Larry
Herbert, Christopher
Labrie, Brian
McLean, Mark
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

Boyd, Bill
Colcombe, Riché
Daniels, Gary
Erf, Keith
Giasson, Henry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, Tim

Barbour, Liz
Cole, Brian
Drew, Matt
Flanagan, Jack
Gorski, Ted
Kesselring, Steven
Murphy, Mary
Mooney, Maureen
Ohm, Bill
Peebles, Raymond
Scully, Kevin
Slottje, Jeremy
Mannion, Tom

MERRIMACK

Andrus, Louise
Cambrils, Jose
Mehegan, Peter
Plante, Raymond
See, Alvin

Aures, Cyril
McGuire, Dan
Moffett, Michael
Polozov, Yury
Walsh, Thomas

Aylward, Deborah
Devoid, Ricky
Morse, Bryan
Boyd, Stephen
Thibault, James

McGuire, Carol
Hill, Gregory
Pitaro, Matthew
Seaworth, Brian
Wood, Clayton

ROCKINGHAM

Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Foote, Charles
Kuttab, Katelyn
Litchfield, Melissa
McDonnell, Valerie
Milz, David
Perez, Kristine
Prudhomme-O'Brien, Katherine

Bennett, Cindy
Thomas, Douglas
Drago, Mike
Guzofski, James
Miner, Laurence
Love, David
McGrath, Linda
Nadeau, Brian
Popovici-Muller, Daniel
Pearson, Stephen

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Harb, Robert
Walsh, Lilli
Lynn, Bob
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Sabourin dit Choinière, Matt

Bryer, Scott
DeVito, Sayra
Edwards, Jess
Khan, Aboul
Layon, Erica
Pearson, Mark
Melvin, Charles
Brown, Pam
Potucek, John
Soti, Julius

Spillane, James
Dolan, Tom
MacDonald, Wayne

Summers, James
Tudor, Paul
Weyler, Kenneth

Sweeney, Joe
Vandecasteele, Susan
Wilson, Vicki

Sytek, John
Vose, Michael

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Potenza, Kelley

Burnham, Claudine
Granger, Michael
Turcotte, Len

DeLemus, Susan
Harrington, Michael
Walker, David

DeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Aron, Michael

Grant, George
Rollins, Skip

Hemingway, Wayne
Smith, Steven

Aron, Judy
Spilsbury, Walter

NAYS - 156 BELKNAP

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Faulkner, Barry
Newell, Jodi

Berch, Paul
Jacobs, Samantha
O'Rorke, Terri

Harvey, Cathryn
Jones, Philip
Parshall, Lucius

Fox, Dru
Germana, Nicholas
Weber, Lucy

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Spahr, Terry

Baldwin, Heather
Fracht, David
Lucas, Janet
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Oppel, Thomas
Stringham, Jerry

Cormen, Thomas
Sullivan, Jared
Rockmore, Ellen
Sykes, George

HILLSBOROUGH

Murray, Alissandra
Bouchard, Donald
Darby, Will
Foss, Lily
Harriott-Gathright, Linda
Juris, Louis
Leishman, Peter
Murray, Megan
Murphy, Nancy
Raymond, Heather
Newman, Sue
Spier, Carry
Tellez, Trinidad
Thomas, Wendy

Beauchemin, Paige
Budathoki, Suraj
Dargie, Paul
Georges, Mary
Hartnett, Tim
Kluger, Lee Ann
Lloyd, Christal
MacKenzie, Mark
Petrigno, Peter
Rombeau, Catherine
Salvi, Santosh
Staub, Kathy
Vail, Suzanne
Wheeler, Jonah

Bergeron, Dan
Chourasia, Manoj
Elberger, Susan
Grill, Jessica
Hegner, Karen
Foxy, Loren
Long, Patrick
Manohar, Sanjeev
Preece, David
Rung, Rosemarie
Seibert, Christine
Swanson, Dale
Veilleux, Daniel
Wilhelm, Matthew

Booras, Efstathia
Cornell, Patricia
Davis, Fred
Grund, Stephanie
Jack, Martin
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Newman, Ray
Ryan, Linda
Sofikitis, Catherine
Tellerski, Laura
Dolan, William

MERRIMACK

Bricchi, Tracy
Ebel, Karen
Lane, Connie
Newsom, James
Schamberg, Thomas
Wallner, Mary Jane

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schultz, Kris
Woods, Gary

Colby, Eleana
Gibbs, Merryl
Hall, Muriel
Roesener, James
Snodgrass, Jim

Kelly, Eileen
Hicks, Matthew
MacKay, James
Sargent, Gregory
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Guthrie, Joseph
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
Manos, Zoe
Raynolds, Ned
Sorensen, Carrie
Weinstein, Toni

Grote, Jaci
Cahill, Michael
Markell, Jay
Read, Ellen
Turer, Eric

STRAFFORD

Bay, Luz
Gilmore, Gary
Johnson, Erik
Smith, Marjorie
Pearson, Wayne

Bixby, Peter
Howard, Heath
LaMontagne, Jessica
Miller, Seth
Wade, Alice

Burton, Wayne
Horrigan, Timothy
Larochelle, John
Schmidt, Peter
Wall, Janet

Smith, Geoffrey
Howland, Allan
Levesque, Cassandra
Southworth, Thomas

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Girard, Dale

and the motion was adopted.

REGULAR CALENDAR - PART II CONT'D

HB 50, relative to teaching discrimination in public schools and discrimination in public workplaces. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the Majority of Education Policy and Administration. This amended version of the bill enhances our anti-discrimination statutes. The state is defending these laws in the courts and these enhancements are intended to address a lower court's criticism. These statutes are termed the "Prohibition on Teaching Discrimination" statutes and include provisions such as prohibiting instruction that one's age, sex, race, physical disability, etc. is inherently superior to people of another age, sex, race, physical disability. The bill specifies that any violation of the section by an educator must be "intentional or knowing." It also reinforces that nothing in the law prohibits discussion by educators of historical existence of ideas and subjects as part of a larger course of academic instruction. It also states specifically that the intent of the section is to equally protect all New Hampshire citizens from discrimination, regardless of race. Vote 10-8.

Rep. Megan Murray for the Minority of Education Policy and Administration. The minority of the committee supports the Ought to Pass motion of the introduced bill which seeks to repeal a 2021 law that has since been ruled by a federal court as unconstitutional. This bill's repeal reinstates the ability for teachers to teach the honest, and accurate, and the sometimes-painful truth in our history without fear for their jobs. The introduced bill would repeal the law that violates the 14th and 1st Amendments, putting educators and districts in untenable legal positions. Any other amendment introduced to this bill would continue to perpetuate that the unconstitutional law which has not been repealed despite the court's ruling. Simply put, this bill seeks to comply with the federal court ruling and repeals an unconstitutional law which currently places a chilling effect on teachers fearing retribution for simply teaching accurate historical truths and topics.

Majority Amendment (1029h)

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

AN ACT relative to intentional or knowing violation of the prohibition on teaching discrimination.

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

1 Education; Pupils; Discrimination in Public Schools; Prohibition on Teaching Discrimination. RSA 193:40, II-V is repealed and reenacted to read as follows:

II. Nothing in this section shall be construed to prohibit discussion by educators, or others as part of a larger course of academic instruction, the historical existence of ideas and subjects identified in this section.

III. Prohibitions in this section apply only to teaching, instruction, and inculcation targeting members of any racial group, including but not limited to, white people or people of European descent, black people or people of Sub-Saharan African descent, Hispanic or Latino.

IV. Intentional or knowing violation of this section by an educator shall be considered a violation of the educator code of conduct, which shall justify investigation and, potentially, disciplinary sanction by the state board of education.

V. Any person claiming to be aggrieved by an intentional or knowing violation of this section, including the attorney general, may initiate a civil action against a school or school district in superior court for legal or equitable relief, or with the commission for human rights as provided in RSA 354-A:34.

VI. Discrimination shall not be justified by special considerations for any racial group. The intent of this section is to equally protect all New Hampshire citizens from discrimination, regardless of race.

VII. For the purposes of this section, "educator" means a professional employee of any school district whose position requires certification by the state board pursuant to RSA 189:39. Administrators, specialists, and teachers are included within the definition of this term.

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

AMENDED ANALYSIS

This bill:

I. Allows a person aggrieved by the intentional or knowing violation of the prohibition on teaching discrimination to initiate civil action against the offending school or district.

II. Deems the intentional or knowing violation of the prohibition by an educator a violation of the educator code of conduct.

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. McFarlane offered floor amendment (1315h).

Floor Amendment (1315h)

Amend RSA 190:40, II as inserted by section 1 of the bill by replacing it with the following:

II. Nothing in this section shall be construed to prohibit discussion by educators, or others as part of a larger course of academic instruction, of the historical existence of ideas and subjects identified in this section. Additionally, nothing in this section shall be construed to prohibit the objective discussion of scientifically supported information and concepts regarding differences among groups defined by age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin.

The question being adoption of floor amendment (1315h).

Rep. McFarlane spoke in favor.

On a division vote, with 174 members having voted in the affirmative, and 166 in the negative, floor amendment (1315h) was adopted.

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

Rep. Noble spoke in favor.

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

YEAS 183 - NAYS 157**YEAS - 183****BELKNAP**

Aldrich, Glen
Dumais, Russell
Terry, Paul

Bean, Harry
Freeman, Lisa
Toner, Travis

Bogert, Steven
Harvey-Bolia, Juliet

Comtois, Barbara
Ploszaj, Tom

CARROLL

Avellani, Lino
MacDonald, John
Taylor, Brian

Belcher, Mike
Smith, Jonathan

Cordelli, Glenn
Peternel, Katy

Hamblen, Joseph
Brown, Richard

CHESHIRE

Murphy, Denis
Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

Nalevanko, Rich

COOS

Davis, Arnold
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

Ouellet, Mike

GRAFTON

Beaulier, Calvin
Ladd, Rick

Berezhny, Lex
Louis, Darrell

Bjelobrk, Marie Louise
McFarlane, Donald

Franz, Linda
Sellers, John

HILLSBOROUGH

Alexander, Joe
Berry, Ross
Creighton, James
Dumont, Dillon
Griffin, Gerald
Gould, Linda
Labrie, Brian
McLean, Mark
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Dupont, Pierre
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, Tim

Boyd, Bill
Colcombe, Riché
Daniels, Gary
Erf, Keith
Giasson, Henry
Kesselring, Steven
Murphy, Mary
Mooney, Maureen
Ohm, Bill
Peeples, Raymond
Scully, Kevin
Slottje, Jeremy
Mannion, Tom

Barbour, Liz
Cole, Brian
Drew, Matt
Flanagan, Jack
Gorski, Ted
Kofalt, Jim
Mazur, Lisa
Morton, Jonathan
Panek, Sandra
Post, Lisa
Seidel, Sheila
Suiter, John
Ulery, Jordan

MERRIMACK

Andrus, Louise
Cambriis, Jose
Mehegan, Peter
Polozov, Yury
Walsh, Thomas

Aures, Cyril
McGuire, Dan
Moffett, Michael
Boyd, Stephen
Thibault, James

Aylward, Deborah
Devoid, Ricky
Morse, Bryan
Seaworth, Brian
Wood, Clayton

McGuire, Carol
Hill, Gregory
Plante, Raymond
See, Alvin

ROCKINGHAM

Ball, Lorie
Mannion, Dennis

Bennett, Cindy
Thomas, Douglas

Bernardy, JD
DeSimone, Debra

Bryer, Scott
DeVito, Sayra

Donnelly, Tanya
Foote, Charles
Kuttab, Katelyn
Litchfield, Melissa
McDonnell, Valerie
Milz, David
Perez, Kristine
Prudhomme-O'Brien, Katherine
Spillane, James
Dolan, Tom
MacDonald, Wayne

Drago, Mike
Guzofski, James
Miner, Laurence
Love, David
McGrath, Linda
Nadeau, Brian
Popovici-Muller, Daniel
Pearson, Stephen
Summers, James
Tudor, Paul
Weyler, Kenneth

Dunn, Ron
Harb, Robert
Walsh, Lilli
Lynn, Bob
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Sabourin dit Choinière, Matt
Sweeney, Joe
Vandecasteele, Susan
Wilson, Vicki

Edwards, Jess
Khan, Aboul
Layon, Erica
Pearson, Mark
Melvin, Charles
Brown, Pam
Potucek, John
Soti, Julius
Sytek, John
Vose, Michael

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Potenza, Kelley

Burnham, Claudine
Granger, Michael
Turcotte, Len

DeLemus, Susan
Harrington, Michael
Walker, David

DeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Aron, Michael

Grant, George
Rollins, Skip

Hemingway, Wayne
Smith, Steven

Aron, Judy
Spilsbury, Walter

NAYS - 157 BELKNAP

Nagel, David

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Faulkner, Barry
O'Rourke, Terri

Berch, Paul
Jacobs, Samantha
Parshall, Lucius

Harvey, Cathryn
Germana, Nicholas
Weber, Lucy

Fox, Dru
Newell, Jodi

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Spahr, Terry

Baldwin, Heather
Fracht, David
Lucas, Janet
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Oppel, Thomas
Stringham, Jerry

Cormen, Thomas
Sullivan, Jared
Rockmore, Ellen
Sykes, George

HILLSBOROUGH

Murray, Alissandra
Bouchard, Donald
Darby, Will
Foss, Lily
Harriott-Gathright, Linda
Jack, Martin
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Newman, Ray
Ryan, Linda
Sofikitis, Catherine
Telerski, Laura
Dolan, William

Beauchemin, Paige
Budathoki, Suraj
Dargie, Paul
Georges, Mary
Hartnett, Tim
Juris, Louis
Leishman, Peter
Murray, Megan
Murphy, Nancy
Raymond, Heather
Newman, Sue
Spier, Carry
Tellez, Trinidad
Thomas, Wendy

Bergeron, Dan
Chourasia, Manoj
Elberger, Susan
Grill, Jessica
Hegner, Karen
Kluger, Lee Ann
Lloyd, Christal
MacKenzie, Mark
Petrigno, Peter
Rombeau, Catherine
Salvi, Santosh
Staub, Kathy
Vail, Suzanne
Wheeler, Jonah

Booras, Efstathia
Cornell, Patricia
Davis, Fred
Grund, Stephanie
Herbert, Christopher
Foxy, Loren
Long, Patrick
Manohar, Sanjeev
Preece, David
Rung, Rosemarie
Seibert, Christine
Swanson, Dale
Veilleux, Daniel
Wilhelm, Matthew

MERRIMACK

Bricchi, Tracy
Ebel, Karen
Lane, Connie
Newsom, James
Schamberg, Thomas
Wallner, Mary Jane

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schultz, Kris
Woods, Gary

Colby, Eleana
Gibbs, Merryl
Hall, Muriel
Roesener, James
Snodgrass, Jim

Kelly, Eileen
Hicks, Matthew
MacKay, James
Sargent, Gregory
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Guthrie, Joseph
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
Manos, Zoe
Raynolds, Ned
Sorensen, Carrie
Weinstein, Toni

Grote, Jaci
Cahill, Michael
Markell, Jay
Read, Ellen
Turer, Eric

STRAFFORD

Bay, Luz
 Gilmore, Gary
 Johnson, Erik
 Smith, Marjorie
 Pearson, Wayne

Bixby, Peter
 Howard, Heath
 LaMontagne, Jessica
 Miller, Seth
 Wade, Alice

Burton, Wayne
 Horrigan, Timothy
 Larochelle, John
 Schmidt, Peter
 Wall, Janet

Smith, Geoffrey
 Howland, Allan
 Levesque, Cassandra
 Southworth, Thomas

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

Girard, Dale

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

MOTION TO PRINT DEBATE

Rep. Wilhelm moved that the debate on **HB 50**, relative to intentional or knowing violation of the prohibition on teaching discrimination, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 50

Speaker Packard: Rep. McFarlane offers floor amendment (1315h), and it is in your seat pockets. He is recognized to speak to his amendment.

Representative McFarlane: Mister Speaker, if I know I have discussed this amendment with the sponsors and they are in favor of this amendment and so is the HRA, would I please vote yea on (1315h)?

Speaker Packard: The motion before us is the McFarlane floor amendment (1315h). A division has been requested. Members take your seats. The motion before us is the McFarlane floor amendment (1315h). This is a division vote. The Chair recognizes Rep. Megan Murray for a parliamentary inquiry.

Representative Megan Murray: Thank you, Mister Speaker. If I know that this amendment opens the bill up to further vaguery and potentially further litigation regarding some questions around the 14th and 1st amendments, would I now press no on the motion to adopt the floor amendment?

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

Representative McFarlane: Thank you, Mister Speaker. Mister Speaker, if I know that the statutes as written, which this bill is going to improve, do not allow for us to recognize group differences and teach group differences such as the ones that caused us to vote yea on HB 148 the other day, would I vote in favor of this amendment?

Speaker Packard: The motion before us is the McFarlane floor amendment (1315h). 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. 174 voting Yea; 166 voting Nay, the amendment is adopted. Now we are on to Ought to Pass with Amendment. The Chair recognizes Rep. Megan Murray.

Representative Megan Murray: Thank you, Mister Speaker. Honorable colleagues, I rise in opposition to any amendment today to HB 50. As history reminds us all, the federal court has already ruled on policy enacted into law on this topic and found it to be unconstitutional violating the 14th and 1st amendments. Additionally, learning communities and educators need to be free to teach honest representations of historical facts and truths. The originally introduced intent of HB 50 was to repeal the unconstitutional law. Any other suggestion by amendment infuses vague language for consideration and perhaps opens the state to further litigation, understandable confusion about allowable topics to teach and sows uncertainty in a teacher's ability to have complex discussions without fear for their jobs or credentials being on the line. I urge the body to vote no on ought to pass as amended so that a more appropriate motion may be made. Mister Speaker, I ask for a roll call.

Speaker Packard: The Chair recognizes Rep. Noble.

Representative Noble: Thank you, Mister Speaker. Last year a federal judge struck down the states law banning the teaching of discrimination in public schools concluding it was unconstitutionally vague and denied educators their right to due process. The state has appealed that decision and will soon be arguing the case in the first circuit court of appeals. This bill, as amended, enhances that law titled the prohibition on teaching discrimination by specifying that a violation of this section by an educator must be intentional or knowing and specifically states that the intent of this section is to equally protect all New Hampshire citizens from discrimination. It reinforces that nothing in the law prohibits discussion by educators of historical existence of ideas and subjects as part of a larger course of academic instruction. These changes are intended to address the lower court's criticism. Over the last couple of years, we have had many hours of testimony on bills seeking to repeal this law. In all that time, no one was able to answer the question what was being taught before that that can no longer be taught because of this law? However, in this recent hearing, it was mentioned that teachers would not be able to discuss today's white supremacist or today's neo nazis. Well, good because who are today's white supremacists and today's neo nazis? In our current political climate, depending on who you ask, you're probably going to get a different answer. We shouldn't be taking students down

that divisive road. When this was originally signed into law, the DOJ issued detailed FAQs. They basically say that this doesn't prevent the teaching of history or discussing current events and just because a subject may be uncomfortable for some, does not mean a violation of the law has occurred. But do not teach that a person or a group is inherently oppressive, superior, inferior, racists or sexists. Teach and treat all equally and without discrimination. Please vote yes. Thank you.

Speaker Packard: Rep. Megan Murray 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 report of ought to pass as amended on HB 50. This is a roll call vote. The Chair recognizes Rep. Cornell for a parliamentary inquiry.

Representative Cornell: Thank you, Mister Speaker. Mister Speaker, if I know that allowing civil actions and state board sanctions against educators for perceived violations of this extremely vague law banning discussions could create a climate of fear and limits students' exposure to different perspectives. If I know that this objective allegation can be made by any person claiming to be aggrieved, not only relatives or guardians, but perhaps a neighbor or someone in another district. If I know that this only applies to public schools and if I know that these civil lawsuits can lead to unnecessary litigation, draining financial resources, would I then press the red button against this OTP motion?

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

Representative Nadeau: Thank you, Mister Speaker. Mister Speaker, if I know that teaching discrimination is divisive and that is why we put anti discrimination provisions into law that is now challenged in the courts. If I know this bill supports the state position in the courts. If I know any action against an educator for violations of current law, must be intentional and knowing. And if I know this bill's intention is to protect all New Hampshire citizens from discrimination, I would now press the green button.

Speaker Packard: The motion before us the majority committee report of ought to pass as amended. 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. 183 voting Yea; 157 voting Nay, the committee report is adopted.

REGULAR CALENDAR - PART II CONT'D

HB 292, establishing a commission to study school administrative unit consolidation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul Terry for the Majority of Education Policy and Administration. This bill creates a commission of 15 members to study the issue of school administrative unit (SAU) consolidation. There are 107 SAUs in the State of New Hampshire, more than doubling (53 to 107) since the 1980s. Currently, spending per pupil for SAU administration, excluding school principals, is ranked second most costly in the United States. Both have occurred during a period when student enrollment has been trending lower and lower. This bill would establish a study commission with the charge of soliciting views of stakeholders and researching the landscape of SAUs in other states as part of a broad and comprehensive exploration of ways in which by consolidation of existing SAUs, other than those within counties whose populations exceed 100,000 (i.e., Hillsborough, Merrimack, Rockingham, and Strafford); and, those for the cities of Nashua and Manchester; certain economies and efficiencies might be achievable with respect especially to the current structure and rising costs of administration, as well as providing savings in the provision of shared services and purchase of materials. The commission is to report its findings and recommendations before November 1, 2026 with respect to SAU consolidation plans that its members believe will provide for a variety of desirable outcomes, including the strengthening of student learning experiences. Vote 10-8.

Rep. Peggy Balboni for the Minority of Education Policy and Administration. The stated purpose of this bill is to create a commission to study the consolidation of school administrative units (SAUs), but the bill already prescribes the outcome of the commission's work: the development of a state-mandated plan to consolidate and reorganize all existing SAUs. This approach undermines local control. The commission's membership is heavily skewed toward elected officials and does not reflect the diverse range of educational stakeholders in our state. It includes no teachers, parents, building-level administrators, or charter school educators. Last year, the Governor signed legislation aimed at incentivizing SAU mergers, yet none have occurred. In fact, many smaller communities are seeking to withdraw from their SAUs to gain greater control over local priorities for their children's education. There is no widespread public demand for such a significant consolidation of SAUs. This bill represents yet another top-down effort to impose state political priorities on local communities.

Majority Amendment (1030h)

Amend the bill by replacing section 3 with the following:

3 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) Five members of the house of representatives, appointed by the speaker of the house of representatives;
- (b) One member of the senate, appointed by the president of the senate;

- (c) One member from the department of education, appointed by the commissioner of education;
- (d) Two superintendents, one from a single district and one from a co-op district, and both appointed by the New Hampshire School Administrators Association;
- (e) One member appointed by the School District Governance Association;
- (f) One member appointed by the NH School Boards Association;
- (g) One director of the New Hampshire Association of Special Education Administrators or designee;
- (h) One director of a career technical education center, appointed by the commissioner of education;
- (i) The chair of the state board of education, or designee; and
- (j) One member appointed by the New Hampshire Association of School Business Officers;

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall be administratively attached to the department of education. Staff support and technical assistance when requested by the chairperson shall be made available from the department. Amend paragraph III and IV as inserted by section 4 of the bill by replacing it with the following:

III. Identify implementation challenges for consolidating school administrative units into one per county, except for counties with populations exceeding 100,000 residents, and maintaining individual school administrative units for the cities of Nashua and Manchester, as well as establishing one local education agency (LEA) for the state;

IV. Review RSA 194-C:2 and assess the current processes and incentives for merging school administrative units to determine and recommend any necessary amendments;

The question being adoption of the majority committee amendment.

On a division vote, with 187 members having voted in the affirmative, and 155 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. Balboni spoke against.

Rep. Terry spoke in favor.

On a division vote, with 194 members having voted in the affirmative, and 148 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

HB 324-FN, relative to prohibiting obscene or harmful sexual materials in schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the Majority of Education Policy and Administration. It is our duty to protect minor children. This bill is about materials that are harmful to minor children in schools and the ability for parents to object to them. The bill is the result of work with the Attorney General and contains three key provisions. In the criminal statutes, education is currently exempt from our obscenity laws. The bill changes that so that higher education remains exempt, but K-12 (minor children) is no longer exempt. Our Attorney General feels that it would be only the most extreme case for a criminal case to be opened for K-12 education, but that option should be available in such a case. The bill also lays out a minimum district complaint process for parents who find materials they believe are harmful to minors. Complaints can proceed up to the New Hampshire State Board of Education per existing law. The final part of the bill is in the civil statutes. It specifies that the complaining parent, the Department of Education, or the Attorney General may file a complaint in civil court if a school has not adhered to the complaint process or that material complained of continues to be made available to a minor student in a manner contrary to a final determination of removal or restriction. It is our duty to help parents protect minor children from harmful materials. Vote 9-8.

Rep. Peggy Balboni for the Minority of Education Policy and Administration. This bill is another attempt to ban books from school libraries by restricting access to controversial materials. It dictates a prescriptive complaint process which allows the State Board of Education to make the final decision as to whether or not specific items must be removed. It contains vague and subjective language to determine what is "harmful to minors," expands criminal liability to K-12 educators, and allows school districts to be subject to civil lawsuits. This legislation is not needed and will intimidate educators from retaining certain items in their library collections. New Hampshire law already prevents the dissemination of harmful materials to minors. Moreover, schools have policies in place to explain how materials are chosen for their libraries, as well as procedures to address parental complaints regarding books and media. Certified school professionals review materials to ensure that students have wide access to a diverse collection of topics, typically sorted by reading level. Parents may have different opinions about what is offensive or age appropriate. They have the right to review any collection item and opt out their child from anything they find objectionable. But while parents can decide what materials their child can access; they do not have the right to determine which materials are available for other students. That is censorship. Every community is different. School library collections in Berlin may look different from those in Dover. Our local school boards are elected by the residents of their school districts and are responsible for developing policies to address the needs of their individual communities. They are, and should be, the final arbitrator for all school complaints regarding the appropriateness of library material, not the State Board of Education.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Damon offered floor amendment (1361h).

Floor Amendment (1361h)

Amend the bill by inserting after section 2 the following, and renumbering the original section 3 to read as 4:
3 New Paragraphs; Obscenity in Schools; Technical Assistance Advisory; Distribution. Amend RSA 186:11 by inserting after paragraph XXXVII the following new paragraphs:

XXXVIII. In consultation with the attorney general's office, draft and distribute to school districts an annual technical assistance advisory for the purpose of providing guidance to school districts on the implementation and execution of RSA 189:79 and RSA 189:80. The advisory shall include information relevant to school districts' obligations concerning the protection of students' rights under the First Amendment to the United States Constitution. Such advisory shall further include detailed guidance on the application of the criteria under RSA 189:79, II, noting that all listed criteria in that paragraph shall be met in order to find that the material constitutes material harmful to minors.

XXXIX. Require that school districts annually verify that school board members and school principals in the district have received, read, and understand the technical assistance advisory required in paragraph XXXVIII of this section.

AMENDED ANALYSIS

This bill prohibits material that is obscene or harmful to minors in schools, creates a procedure for removal and cause of action, and requires that school districts draft a technical advisory detailing criteria of materials harmful to minors in schools and annually verify that school boards and principals understand students' First Amendment rights and the application of the statutory criteria.

The question being adoption of floor amendment (1361h).

Rep. Damon spoke in favor.

Rep. Cordelli spoke against.

On a division vote, with 151 members having voted in the affirmative, and 185 in the negative, floor amendment (1361h) failed.

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

Rep. Nicholas Germana offered floor amendment (1377h).

Floor Amendment (1377h)

Amend RSA 189:81, II as inserted by section 2 of the bill by replacing it with the following:

II. Any petitioner, if successful, shall be awarded special or general damages of not less than \$1,000 for each violation, and costs and reasonable legal fees. Such damages, costs, and fees shall be in addition to equitable relief awarded. If the court determines that the action was brought in bad faith or with the purpose to harass or unduly burden school officials or administration, it may award costs and reasonable attorneys' fees to the defendant.

The question being adoption of floor amendment (1377h).

Rep. Nicholas Germana spoke in favor.

On a division vote, with 153 members having voted in the affirmative, and 186 in the negative, floor amendment (1377h) failed.

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

Rep. David Paige spoke against.

Rep. Cordelli spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 183 - NAYS 148

YEAS - 183

BELKNAP

Aldrich, Glen
Dumais, Russell
Terry, Paul

Bean, Harry
Freeman, Lisa
Toner, Travis

Bogert, Steven
Harvey-Bolia, Juliet

Comtois, Barbara
Ploszaj, Tom

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Avellani, Lino
MacDonald, John

Belcher, Mike
Smith, Jonathan

Cordelli, Glenn
Peternel, Katy

Hamblen, Joseph
Brown, Richard

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Qualey, James

Karasinski, Sly
Rhodes, Jennifer

Mattson, Rita
Thackston, Dick

Nalevanko, Rich

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King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

Ouellet, Mike

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Ladd, Rick

Berezhny, Lex
Louis, Darrell

Bjelobrk, Marie Louise
McFarlane, Donald

Franz, Linda
Sellers, John

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Drew, Matt
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Kofalt, Jim
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Panek, Sandra
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Ulery, Jordan

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Griffin, Gerald
Gould, Linda
Labrie, Brian
McLean, Mark
Noble, Kristin
Paquette, Kathleen
Reinfurt, Sherri
Sheehan, Vanessa
Tenczar, Jeffrey
Wherry, Robert

Boyd, Bill
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Kelley, Diane
Dupont, Pierre
Gagne, Larry
Kenny, Catherine
Lascelles, Richard
Miles, Julie
Notter, Jeanine
Pauer, Diane
Schneller, John
Sirois, Shane
Mannion, Tim

Barbour, Liz
Colcombe, Riché
Daniels, Gary
Erf, Keith
Giasson, Henry
Kesselring, Steven
Murphy, Mary
Mooney, Maureen
Ohm, Bill
Peeples, Raymond
Scully, Kevin
Slottje, Jeremy
Mannion, Tom

MERRIMACK

Andrus, Louise
Cambrils, Jose
Mehegan, Peter
Plante, Raymond
See, Alvin

Aures, Cyril
McGuire, Dan
Moffett, Michael
Polozov, Yury
Walsh, Thomas

Aylward, Deborah
Devoid, Ricky
Morse, Bryan
Boyd, Stephen
Thibault, James

McGuire, Carol
Hill, Gregory
Pitaro, Matthew
Seaworth, Brian
Wood, Clayton

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Ball, Lorie
Mannion, Dennis
Donnelly, Tanya
Foote, Charles
Kuttab, Katelyn
Litchfield, Melissa
Markell, Jay
Melvin, Charles
Brown, Pam
Potucek, John
Soti, Julius
Sytek, John
Vose, Michael

Bennett, Cindy
Thomas, Douglas
Drago, Mike
Guzofski, James
Miner, Laurence
Love, David
McDonnell, Valerie
Milz, David
Perez, Kristine
Prudhomme-O'Brien, Katherine
Spillane, James
Dolan, Tom
MacDonald, Wayne

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Harb, Robert
Walsh, Lilli
Lynn, Bob
McGrath, Linda
Nadeau, Brian
Popovici-Muller, Daniel
Pearson, Stephen
Summers, James
Tudor, Paul
Weyler, Kenneth

Bryer, Scott
DeVito, Sayra
Edwards, Jess
Khan, Aboul
Layon, Erica
Pearson, Mark
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Sabourin dit Choinière, Matt
Sweeney, Joe
Vandecasteele, Susan
Wilson, Vicki

STRAFFORD

Bailey, Glenn
Farrington, Samuel
Potenza, Kelley

Burnham, Claudine
Granger, Michael
Turcotte, Len

DeLemus, Susan
Harrington, Michael

DeRoy, Susan
Kaczynski, Thomas

SULLIVAN

Drye, Margaret
Rollins, Skip

Grant, George
Smith, Steven

Aron, Judy
Spilsbury, Walter

Aron, Michael

NAYS - 148**BELKNAP**

Nagel, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Taylor, Brian

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Ames, Dick
Faulkner, Barry
O'Rorke, Terri

Berch, Paul
Jacobs, Samantha
Parshall, Lucius

Harvey, Cathryn
Germana, Nicholas
Weber, Lucy

Fox, Dru
Newell, Jodi

GRAFTON

Almy, Susan
Fellows, Sallie
Lovett, Peter
Spahr, Terry

Baldwin, Heather
Fracht, David
Lucas, Janet
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Oppel, Thomas
Stringham, Jerry

Cormen, Thomas
Sullivan, Jared
Rockmore, Ellen
Sykes, George

HILLSBOROUGH

Murray, Aissandra
 Budathoki, Suraj
 Elberger, Susan
 Grill, Jessica
 Jack, Martin
 LeClerc, Daniel
 Howard, Molly
 Murphy, Nancy
 Raymond, Heather
 Newman, Sue
 Spier, Carry
 Tellez, Trinidad
 Thomas, Wendy

Beauchemin, Paige
 Cornell, Patricia
 Davis, Fred
 Grund, Stephanie
 Juris, Louis
 Leishman, Peter
 Murray, Megan
 Petrigno, Peter
 Rombeau, Catherine
 Salvi, Santosh
 Staub, Kathy
 Vail, Suzanne
 Wilhelm, Matthew

Bergeron, Dan
 Darby, Will
 Foss, Lily
 Harriott-Gathright, Linda
 Kluger, Lee Ann
 Lloyd, Christal
 MacKenzie, Mark
 Preece, David
 Rung, Rosemarie
 Seibert, Christine
 Swanson, Dale
 Veilleux, Daniel

Bouchard, Donald
 Dargie, Paul
 Georges, Mary
 Hartnett, Tim
 Foxx, Loren
 Long, Patrick
 McGhee, Kat
 Newman, Ray
 Ryan, Linda
 Sofikitis, Catherine
 Telerski, Laura
 Dolan, William

MERRIMACK

Bricchi, Tracy
 Ebel, Karen
 Lane, Connie
 Newsom, James
 Schamberg, Thomas
 Wallner, Mary Jane

Caplan, Tony
 Gallager, Eric
 Luneau, David
 Payeur, Stephanie
 Schultz, Kris
 Woods, Gary

Colby, Eleana
 Gibbs, Merryl
 Hall, Muriel
 Roesener, James
 Snodgrass, Jim

Kelly, Eileen
 Hicks, Matthew
 MacKay, James
 Sargent, Gregory
 Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
 Guthrie, Joseph
 Malloy, Dennis
 Raynolds, Ned
 Sorensen, Carrie
 Weinstein, Toni

de Vries, Erica
 Knab, Allison
 Manos, Zoe
 Read, Ellen
 Turer, Eric

Edgar, Michael
 Cahill, Michael
 Meuse, David
 Scherr, Buzz
 Vallone, Mark

Grote, Jaci
 Maggiore, Jim
 Muns, Chris
 Simpson, Alexis
 Ward, Gerald

STRAFFORD

Bay, Luz
 Howard, Heath
 LaMontagne, Jessica
 Miller, Seth
 Wade, Alice

Burton, Wayne
 Horrigan, Timothy
 Laroche, John
 Schmidt, Peter
 Wall, Janet

Smith, Geoffrey
 Howland, Allan
 Levesque, Cassandra
 Southworth, Thomas

Gilmore, Gary
 Johnson, Erik
 Smith, Marjorie
 Pearson, Wayne

SULLIVAN

Sullivan, Brian

Cloutier, John

Damon, Hope

and the majority committee report was adopted.

RESOLUTION

Rep. Osborne offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Thursday, March 27, 2025 at 9:00 a.m.
 Motion was adopted.

LATE SESSION**Third Reading and Final Passage**

HB 167-FN, prohibiting the sale of ski, boat, and board waxes that contain intentionally added per and polyfluorinated alkyl substances.

HB 276, establishing a liquor license where beverages, wine, and liquor can be sold without food.

HB 310, establishing a commission to study the creation of a regulatory framework for stable tokens, tokenized real-world assets, and blockchain-based trusts in New Hampshire.

HB 406-FN, relative to the formation of fraudulent businesses.

HB 437, providing specific curative measures for undischarged mortgages.

HB 507-FN, relative to the timeline for credentialing of mental health care providers.

HB 705, relative to health care cost transparency.

HB 146-FN, relative to the use of body-worn cameras.

HB 190-FN, relative to therapeutic cannabis possession limits.

HB 369-FN, relative to misdemeanor sexual assault prosecutions.

HB 416-FN, prohibiting the intentional disposal of yard waste into the surface waters of the state.

HB 445, establishing a study commission to examine the causes of and ways to alleviate the shortage of law enforcement officers in New Hampshire.

HB 473-FN, criminalizing multiple forms of exposing children to controlled substances and allowing law enforcement to take a child into protective custody for screening and testing in an instance of suspected or actual criminal exposure to controlled substances.

HB 482-FN, relative to the penalty for driving over 100 miles per hour.

HB 528-FN, amending the penalties for the possession and use of psilocybin for persons 18 years of age or older.

HB 597, establishing a designated behavioral health access point within the enhanced 911 system.

HB 602, requiring certain offenders to participate in a victim impact program.

HB 670-FN, adjusting the minimum fine for attacks by nuisance dogs.

HB 776-FN, relative to the crime of aggravated driving while intoxicated.

HB 354, relative to alternate certification pathways for career and technical education instructors.

HB 108, relative to bullying and cyberbullying across multiple school districts.

HB 754-FN, establishing automatic discovery in due process hearings for actions seeking to enforce special education rights.

HB 151, relative to the term for supervisors of the checklist.

HB 270, requiring the preservation of electronic ballot counting device memory chips.

HB 250, enabling local governing bodies to regulate the muzzling of dogs.

HB 505-FN, allowing the sale of freeze dried foods produced in homestead food operations.

HB 616-FN, relative to the confiscation of animals from persons suspected of or charged with abuse of animals and establishing a committee to study the animal cruelty statutes.

HB 707, requiring the department of environmental services to revise the rules for proposed new landfills.

HR 18, urging the New Hampshire congressional delegation to sponsor legislation relative to, and urging the United States Department of Agriculture (USDA) to adopt regulations, allowing for small scale and very small slaughter plants to use the Federal Meat Inspection Act's Custom Exempt meat processing inspection criteria with a third-party inspector present at slaughter, so that processed beef, pork, lamb, and chevron (goat meat) can be sold as individual cuts directly from the farm producer to the end consumer.

HB 192-FN, relative to recommendations of the joint committee on employee classification.

HB 210, establishing a commission to study the state flag and its history.

HB 214-FN, relative to the regulation of recreational therapists and respiratory care practitioners.

HB 271-FN, relative to initial license requirements for licensed social work associates.

HB 694-FN, requiring leases of land, buildings, or space by state agencies to be at fair market value.

HB 165-FN, relative to the maximum amount of disaster relief funding provided to municipalities after a natural disaster.

HB 70-FN, relative to the use of electronic medical records.

HB 455, relative to reports by the department of health and human services regarding Medicaid enhancement for children and pregnant women.

HB 701-FN, relative to a health care patient's right to try certain emergency health care treatment options.

HB 731-FN, relative to supportive housing options for individuals with developmental disabilities.

HB 296, relative to issuing building permits along private roads.

HB 410-FN, limiting local authority to adopt restrictions on the building and development of residential properties.

HB 457, relative to the occupancy of housing units.

HB 188-FN, relative to contempt of the general court.

HB 522-FN, relative to the expectation of privacy in personal information maintained by the state.

HB 633-FN, creating a legislative study committee to investigate the implementation of housing investment trusts in New Hampshire.

HB 118, repealing certain committees and commissions.

HB 331, relative to the secretary of state's procedures for enrolled bills.

HB 546-FN, relative to financial disclosures and the public reporting of those disclosures by the secretary of state.

HB 124, enabling a municipal forest committee or conservation commission to offer surplus money to the municipality for deposit in the municipal unreserved fund balance.

HB 168, relative to including municipal public works facilities as eligible capital facilities for the assessment of impact fees.

HB 228-L, relative to petitioned articles at annual or special town meetings.

HB 632, permitting health care providers affiliated with the Veterans Administration to certify medical accommodations on behalf of veterans residing in New Hampshire.

HB 467, defining "social districts" and enabling municipalities to create social districts.

HB 198-FN, relative to legalizing certain quantities of cannabis and establishing penalties for the smoking or vaping of cannabis in public.

HB 226-FN, relative to the use of drug checking equipment.

HB 90-FN, relative to the definition of part-time teachers.

HB 154, enabling voters to request to have their ballots hand-counted.

HB 481, relative to moving the state primary date.

HB 514-FN, allowing private persons to sue for violations of election laws.

HB 428-L, prohibiting municipal amendments to the state building code.

HB 606, relative to a patient's right to medically appropriate care for reproductive disorders.

HB 132-FN, relative to liability for familial support under RSA chapter 165, aid to assisted persons.

HB 195-FN, relative to the expectation of privacy in the collection and use of personal information.

HB 509-FN, relative to the contents of the attorney general's annual report detailing state forfeiture information for the preceding fiscal year.

HB 520, relative to authorizing hearing officers of the department of education to issue subpoenas.

HB 142, relative to Gold Star Mother's Day.

HB 138-L, relative to tax impact notation on warrant articles with multi-year tax impacts.

HCR 10, calling for the repeal of the Jones Act.

HB 461, relative to department of safety and department of motor vehicle training and testing materials.

HB 489, allowing volunteer emergency workers to use a rear facing blue light on their private vehicles when involved in emergency service.

HB 316-FN, relative to reimbursement for ground ambulance services.

HB 191-FN, providing criminal and civil penalties for the transporting of an unemancipated minor in order to obtain a surgical procedure without parental permission.

HB 380-FN, relative to penalties for criminal violations of the therapeutic use of cannabis.

HB 50, relative to intentional or knowing violation of the prohibition on teaching discrimination.

HB 292, establishing a commission to study school administrative unit consolidation.

HB 324-FN, relative to prohibiting obscene or harmful sexual materials in schools.

UNANIMOUS CONSENT

Rep. Foss requested Unanimous Consent of the House regarding HB 148 and addressed the House. Consent was withdrawn.

The question being shall the member be allowed to continue with Consent of the House.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 237 - NAYS 16

YEAS - 237

BELKNAP

Bean, Harry
Harvey-Bolia, Juliet

Bogert, Steven
Nagel, David

Comtois, Barbara
Ploszaj, Tom

Freeman, Lisa
St. Clair, Charlie

CARROLL

Avellani, Lino
Peternel, Katy

Cordelli, Glenn
Brown, Richard

Hamblen, Joseph
Taylor, Brian

Smith, Jonathan

CHESHIRE

Ames, Dick
Jacobs, Samantha
O'Rorke, Terri
Thackston, Dick

Berch, Paul
Mattson, Rita
Parshall, Lucius
Weber, Lucy

Fox, Dru
Germana, Nicholas
Qualey, James

Faulkner, Barry
Newell, Jodi
Rhodes, Jennifer

COOS

Davis, Arnold
King, Seth

Korzen, Lori
Tierney, James

Morency, Pete
Valerino, Brian

Ouellet, Mike

GRAFTON

Almy, Susan
Bjelobrk, Marie Louise
Franz, Linda
Lucas, Janet
Stavis, Laurel

Baldwin, Heather
Cormen, Thomas
Hakken-Phillips, Mary
McFarlane, Donald
Stringham, Jerry

Beaulier, Calvin
Fellows, Sallie
Sullivan, Jared
Oppel, Thomas

Berezhny, Lex
Fracht, David
Louis, Darrell
Rockmore, Ellen

HILLSBOROUGH

Murray, Alissandra
Barbour, Liz
Chourasia, Manoj
Daniels, Gary
Dumont, Dillon
Foss, Lily
Grund, Stephanie
Juris, Louis

Alexander, Joe
Beauchemin, Paige
Colcombe, Riché
Darby, Will
Dupont, Pierre
Georges, Mary
Harriott-Gathright, Linda
Kenny, Catherine

Ammon, Keith
Berry, Ross
Creighton, James
Dargie, Paul
Elberger, Susan
Giasson, Henry
Hartnett, Tim
Kesseling, Steven

Boyd, Bill
Budathoki, Suraj
Kelley, Diane
Drew, Matt
Flanagan, Jack
Grill, Jessica
Jack, Martin
Kluger, Lee Ann

Kofalt, Jim
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Murphy, Nancy
Peeples, Raymond
Newman, Ray
Newman, Sue
Sofikitis, Catherine
Tellez, Trinidad
Veilleux, Daniel
Wilhelm, Matthew

Foxx, Loren
Lloyd, Christal
MacKenzie, Mark
McLean, Mark
Noble, Kristin
Petrigno, Peter
Reinfurt, Sherri
Seibert, Christine
Staub, Kathy
Mannion, Tim
Thomas, Wendy

Labrie, Brian
Long, Patrick
Murphy, Mary
Mooney, Maureen
Notter, Jeanine
Post, Lisa
Rombeau, Catherine
Sirois, Shane
Swanson, Dale
Mannion, Tom
Wheeler, Jonah

Lascelles, Richard
Howard, Molly
Mazur, Lisa
Morton, Jonathan
Paquette, Kathleen
Preece, David
Ryan, Linda
Slottje, Jeremy
Telerski, Laura
Vail, Suzanne
Wherry, Robert

MERRIMACK

Andrus, Louise
Cambilis, Jose
Ebel, Karen
Luneau, David
Morse, Bryan
Roesener, James
See, Alvin
Wallner, Mary Jane

Aures, Cyril
Caplan, Tony
Gibbs, Merryl
Hall, Muriel
Newsom, James
Sargent, Gregory
Snodgrass, Jim
Wood, Clayton

Aylward, Deborah
Devoid, Ricky
Hicks, Matthew
Mehegan, Peter
Pitaro, Matthew
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Bricchi, Tracy
Kelly, Eileen
Lane, Connie
Moffett, Michael
Plante, Raymond
Schultz, Kris
Thibault, James

ROCKINGHAM

Balboni, Peggy
Bryer, Scott
DeSimone, Debra
Edwards, Jess
Murray, Kate
Layon, Erica
Manos, Zoe
Melvin, Charles
Brown, Pam
Raynolds, Ned
Sorensen, Carrie
Sytek, John
Ward, Gerald

Ball, Lorie
Mannion, Dennis
DeVito, Sayra
Foote, Charles
Khan, Aboul
Litchfield, Melissa
Markell, Jay
Milz, David
Popovici-Muller, Daniel
Read, Ellen
Spillane, James
Turer, Eric
Weinstein, Toni

Bennett, Cindy
Thomas, Douglas
Donnelly, Tanya
Grote, Jaci
Knab, Allison
Lynn, Bob
McDonnell, Valerie
Muns, Chris
Porcelli, Susan
Sabourin dit Choinière, Matt
Summers, James
Vose, Michael
Wilson, Vicki

Bernardy, JD
de Vries, Erica
Edgar, Michael
Guzowski, James
Walsh, Lilli
Malloy, Dennis
McGrath, Linda
Osborne, Jason
Prudhomme-O'Brien, Katherine
Scherr, Buzz
Sweeney, Joe
MacDonald, Wayne

STRAFFORD

Bay, Luz
DeRoy, Susan
Horrigan, Timothy
Smith, Marjorie
Wade, Alice

Burnham, Claudine
Gilmore, Gary
Johnson, Erik
Miller, Seth
Wall, Janet

Burton, Wayne
Granger, Michael
LaMontagne, Jessica
Schmidt, Peter

DeLemus, Susan
Howard, Heath
Larochelle, John
Pearson, Wayne

SULLIVAN

Sullivan, Brian
Aron, Michael

Cloutier, John
Spilsbury, Walter

Damon, Hope

Aron, Judy

NAYS - 16 CHESHIRE

Murphy, Denis

Karasinski, Sly

Nalevanko, Rich

GRAFTON

Sellers, John

HILLSBOROUGH

Bergeron, Dan
Schneller, John

Gorski, Ted
Seidel, Sheila

Miles, Julie

Pauer, Diane

MERRIMACK

Polozov, Yury

ROCKINGHAM

Soti, Julius

Dolan, Tom

Weyler, Kenneth

SULLIVAN

Drye, Margaret

Grant, George

and the member was allowed to continue.

MOTION TO PRINT REMARKS

Rep. Weber moved that the remarks made by Rep. Foss during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Representative Foss: Thank you. Mister Speaker, it's become fashionable in this Chamber to invoke concerns for the safety of women. Only in specific situations of course. Genuinely not when issues of healthcare or homelessness or bodily autotomy are being discussed, but when expedient, suddenly the safety of women, cisgender women, becomes paramount. Such an invocation has been made from both sides of the aisle. I am a cisgender woman. I rise today to respond, how dare you? How dare you pretend to know about my life, my fears, my safety? How dare you use my body as a cudgel against others? Disingenuous statements about protecting the safety of women have been used as tools of oppression for hundreds of years. How dare you use me as one of those tools? As a woman, a queer woman, a disabled woman, a woman who lives paycheck to paycheck and depends on social services. My existence is politicized against me every day. I will not sit silently and allow it to be politicized against others. Silence will not protect me. It will not protect any of us. Complicity will not protect us because this isn't about bathrooms. Just like it was never about traditional marriage or protecting women's health by keeping them from education and voting. The real threat to women's safety, all women's safety, are those who would sacrifice the human rights of others. I will tell you right now that I have never felt unsafe around a trans person, but I cannot feel safe around those who are so willing to participate in oppression. Now, I like to consider myself a student of history. Thank you, Mister Speaker and thank you, colleagues. I believe I was discussing how I like to consider myself a student of history. When we look to the past, those people who did participate in cultures of oppression, those who capitulated to bigotry, those who sought to further their career by allegedly finding nuance in hatred, their alliance with injustice doesn't add to their legacy. If you believe, as I do, that the arc of the moral universe is long, but it bends towards justice, those who are complicit in the suffering of others, will find themselves on the wrong side of the curve. I've been wanting to get involved in politics ever since I can remember. Not out of a desire for power, but from a belief that I can make my community better. I mapped out my life accordingly from my academic pursuits, a dual degree in politics and women's studies from a women's college that, by the way, accepts trans women, to my decision to leave law school in Philadelphia to return home to New Hampshire. Since I decided to run for this seat, I've planned out what kind of legislation is prudent to bring forward in my first term and how I can frame that legislation to win bipartisan support. Maybe expressing my anger the way I have today has compromised all my plans. Maybe my unwillingness to stay silent will result in some of my colleagues being unwilling to work with me. Maybe this is my premature Reynolds pamphlet. I don't care. I would rather be a one term legislator who suddenly has to figure out what to do with the rest of my life than build my career by stepping on people who are already being crushed. So, I stand here, not out of a desire for personal gain, but for my own self respect. I cannot consider myself a good legislator if I stay silent while others speak for me in order to endanger my constituents. The first of those constituents that I met outside of an official political context was actually right here in Concord. It was my fourth day of acting as a duly sworn state representative. I was on lunch break from a committee hearing and he recognized me. After he thanked me for my service, a sentiment I appreciate but still find odd, I asked him about his top concerns. He said trans rights and I said I would do my best. This isn't my best. I have more to do, but I'd like to think it is a start. Thank you.

UNANIMOUS CONSENT

Rep. Nagel requested Unanimous Consent of the House regarding neighbors and addressed the House.

MOTION TO PRINT REMARKS

Rep. Weber moved that the remarks made by Rep. Nagel during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Representative Nagel: Thank you, Mister Speaker. I also want to take a minute before I start to thank my mom because everything I'm about to tell you I learned from her, and she is the smartest person I have ever met. No offense, Mister Speaker. So, It's been an interesting couple of weeks for me. One of the lessons that I learned from my mom was that every time a door gets shut on you, another one opens. Yeah, something happened to me a couple of weeks ago where a door was shut, and I was king of angry. But then all of a sudden something really weird started happening and all these really neat doors started opening for me from surprising places. There was no cause and effect. It was just happening, and I started to wonder do I really belong here. I thought a lot about that, and I'd like to share some of the thoughts I've come up with over the last couple of weeks. Maybe it will help some of you because there has been an awful lot of discussion about that issue. I want to take you back about 43 years ago. I was about 22 years old, and I had a full head of hair, and I was a lot of something else, anyways. I was visiting my friend, Ellen, in New York City and Ellen and I have virtually

nothing in common. Ellen is a street smart, 4'11" 85-pound Jewish girl from Brooklyn. I was this very naïve kid from upstate New York who was very comfortable in the woods and very uncomfortable in cities. Ellen and I just happened to meet in college. I loved her then and I love her now. She is still one of my best friends. She always will be. But we were walking down a street in the city. I don't know if scared is the right word, but it kind of was. There was noise and smells and big buildings and all sorts of stuff. Then all of a sudden one of the things that I was really afraid of showed up right in front of me. It was a homeless man sitting on the side of the road or the sidewalk and I did something that I thought was really interesting. That sidewalk was not wide enough for me to try and find a way around this guy. I just kept moving way to the side, way to the side. Meanwhile, Ellen walks right up to this guy, puts some coins in his cup and that wasn't it. The next thing was the thing that stood for me forever and it's changed my life forever. She put her hands on his back. A lot of homeless people back then were schizophrenic, whatever. They had rough lives, and I just watched this guy's shoulders change. They came down. It was like somebody lifted all this weight off of him like somebody on this planet cares about me. Meanwhile, I'm over on this sidewalk way over here and thinking oh my gosh this is the story of the good Samaritan, and I've screwed up and I'm the villain and Ellen is the good guy. So, I finally realize that the one lesson my mom taught me to love others as you love yourself, I've totally flunked. It didn't mean I had to do something for this guy, but to walk to the other side and avoid any responsibility of even just a look, that was a problem. I made a vow that day that I would never, ever do that again to anybody and I've spent the last 40-some-odd years of my life trying to stand up for people that have been harmed and stigmatized and whatever and trying to live that law that's not just Christian, it's not just Judaic, it's not just Muslim. It's something that we all subscribe to, and it's been an unbelievable journey. It's taken me all over the country. I've worked with people who don't look anything like me, don't think anything like I do, and we get to sit down, and nothing matters except solving problems and coming together as two people or three people or five people or ten people to help everybody be better than we are. It's been amazingly wonderful and in the midst of all of that for some crazy reason I decided to run for office. When I did, I made four vows. The first vow was to my wife. I told my wife when we first met that I would agree with her 70% of the time and the rest of the time I would be respectful when I disagreed. I told folks here, and its on my website, I'm sorry but I can't agree with you more than I agree with my wife. I have to live with her, I don't live with you. That's a vow I've stood up with. The second vow that I made was for my patients who live in pain who have been harmed by actions of legislative bodies, executive bodies, regulatory enforcement agencies all over this country, harmed, killed, whatever. I decided when I came here, I was going to do whatever I could to protect them. The third vow I made was to stand up for a healthcare system that is spiraling out of control. Something that we really need to protect and save. The fourth vow was the most difficult for probably all of you and this is the reason why I'm not sure I belong here. I'm not going to ask you to answer that for me, that's something I have to do for myself. You need to know one thing about me. Psychologists told me when I was a kid, I was a why kid. I had no clue what that meant. What's a why kid? They said to me because you always need to know why and that was always true. I wouldn't do anything, follow anyone blindly. I needed to know why I'm doing it. Why am I wearing a tie? I have no idea; I don't wear ties. That's another why thing. I was always like that, but it served me really well because I've been creative, innovative and extremely successful in my life. I've gotten a lot of awards personally for doing that and its really great. The problem with that is I don't know where I belong. Do I belong over here? Do I belong over there? Do I belong here? When I ran for office, I did something people don't do. I was told you don't have a chance to win. Nobody knows you, which was garbage. Everybody in my town knows me. They said you don't know anybody. You don't have a chance. So, what I did is I made a bipartisan coalition. I brought people together to solve problems and I won in the last election, both the Democrat and the Republican vote which nobody ever does. That meant so much to me. The people really care that we were talking about ideas and messages. That's basically what I wanted to share with you. Joe Manchin said something incredibly inciteful after the last election. He said 51% of Americans feel abandoned by both parties. When I look here, I don't see that 51% here. Where are they and who stands up for them? I kind of thought when I ran it was my job to stand up for those people that don't have a voice here. I think its important they have a voice, and I would like to be that voice, but I'll tell you these opportunities I've been offered. They are really everything I've always dreamed of doing. One of my friends back here, sitting right back there looking down at his laptop or whatever, maybe his cell phone. He's not looking at me and I can't say his name because I will get in trouble. One of those opportunities happened this morning and we are going to make that opportunity happen. I guarantee you. So maybe this isn't the right place for me, but I want you to remember that people like me, and people like me out there are very important. Let's not forget them and I think that's all I have to say. 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 5:37 p.m.

RECESS