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HOUSE RECORD

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Concord, N.H.

Wednesday, May 8, 2019

No. 15

HOUSE JOURNAL NO. 14 (Cont'd)

Thursday, May 2, 2019

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

HOUSE JOURNAL NO. 15

Wednesday, May 8, 2019

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord.

Loving God, as we celebrate this month of Mental Health Awareness, we give You thanks for the many people who are working to erase the stigma of mental illness, and to bring enlightenment, understanding, and acceptance to all. Each of us have encountered mental illness during our lifetime; whether it affected a friend, a colleague, a family member, or whether we have had a personal experience of mental illness, we know that there is no more shame in such suffering than from a cancer diagnosis, a chronic condition, or a broken bone. Thank You God, for those courageous people of all ages, backgrounds and life experiences, who have shared their stories openly and honestly. Thank You for the therapists, doctors, social workers, and researchers; for national and local organizations dedicated to promoting mental health; and for the family members, friends, and other supporters, who have accompanied them on their challenging journeys, helping them find balance, strength, acceptance, and the ability to embrace life in all its fullness. Give us all the courage to be open and honest about our own journeys. Inspire us to overcome our individual fears and prejudices, knowing that You love each one of us as Your own precious child. Help us to see ourselves, and each other, as You see us all, and to love one another as You love us. Amen.

Representative Gregory Hill, member from Northfield, led the Pledge of Allegiance.

The National Anthem was sung by the Winnisquam Chamber Singers, directed by Kirk Young. Choir members included: Haley Libby, Emily Martin, Abby Long, Joy Roberts, Megan Dubiel, Gabriella Castrillon, Isabeau Palmer, Kathryn Long, Shannon Goodwin, Mary Rogers, Madison Genier, Maria Costella, Winter Bardusk, Jessica Laraway, Natalee Germain, Olivia Mills, Hannah Max, Cassandra Caron, Megan Pyra, Gavin Martin, Michael Camerato, Kyla Viana, Patrick Goodwin, Hunter Bardusk, Douglas Jones, Derek DeSousa, Paul Laraway, Jericho Mason, Liam Stacey, Michael Olson, Matt Camerato and Zachary Wood.

LEAVES OF ABSENCE

Reps. Cote, Dolan, Gidge and Warner, the day, illness.

Reps. Bordenet, Chretien, Comtois, DiLorenzo, Feeney, L'Heureux, Lundgren, McBride, McKinney, McNally, Merchant, Morrison, O'Brien, O'Connor, Pantelakos, Rice, Rich, Rooney, Sanborn, Somero, Spillane, Treleaven and Wolf, the day, important business.

Reps. Gilman and Varney, the day, illness in the family.

INTRODUCTION OF GUESTS

Ella Barrett, student at Mascoma Valley Regional High School, Page for the day.

Alan Hoffman, Julian Icher, Dorothea Jensen, Julie and Sophia Morrow, guests of the Committee on Public Works and Highways. Dana Giampaolo, and Matthew Finch, guests of Rep. Hill. Maureen Strachan, and Maggie Ford, guests of Rep. Ebel. Steve and Kathy Jones, parents of Rep. Verville. Students from Saint Thomas Aquinas Elementary School, guests of Rep. Roy. Fourth-grade students from Greenfield Elementary School, guests of the Derry delegation.

INTRODUCTION OF SPECIAL GUESTS

The Speaker introduced David Alward, Canada's Consul General to New England.
The Consul General addressed the House.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 354, establishing a committee to investigate whether modification should be made to the time frame for determining permanency pursuant to RSA 169-C:24-b. (Amendment printed SJ 5/2/19)

Rep. Long moved that the House concur and spoke in favor.

Motion adopted.

HB 570, establishing a commission to study career pathways from full-time service year programs to post-secondary education and employment opportunities in support of New Hampshire's future workforce needs. (Amendment printed SJ 5/2/19)

Rep. Myler moved that the House concur and spoke in favor.

Motion adopted.

HB 663, relative to the definition of agriculture and existing agricultural uses. (Amendment printed SJ 4/25/19)

Rep. Gourgue moved that the House concur and spoke in favor.

Motion adopted.

HB 286-L, relative to free inspection of records under the right-to-know law. (Amendment printed SJ 5/2/19)

Rep. Marjorie Smith moved that the House concur and spoke in favor.

Motion adopted.

HB 353, establishing a committee to study whether non-attorney legal professionals could be licensed to engage in the limited practice of law in the family division of the circuit court while under the supervision of a licensed attorney. (Amendment printed SJ 5/2/19)

Rep. Marjorie Smith moved that the House concur and spoke in favor.

Motion adopted.

HB 457-FN, establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives. (Amendment printed SJ 5/2/19)

Reps. Wall and Wallner moved that the House concur.

Rep. Wall spoke in favor.

Motion adopted.

CONSENT CALENDAR

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

SB 77-FN, relative to costs of care for animals seized in cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases, removed by Rep. Rogers.

SB 163, relative to permits for operation of solid waste management facilities, removed by Rep. Pearl.

SB 197, relative to noncompete agreements for low-wage employees, removed by Rep. Sullivan.

SB 147, relative to adoption of the Uniform Fiduciary Access to Digital Assets Act. **OUGHT TO PASS.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. Currently, NH law does not give fiduciaries the authority to manage a person's digital property and electronic communications, such as email, photos, music, and documents. Ordinarily, when a person dies or is otherwise unable to manage their affairs, a fiduciary will have the legal authority to manage the person's property. Fiduciaries have a duty to act in that person's best interests. The Uniform Fiduciary Access to Digital Assets Act (UFADAA) has two purposes 1) to give fiduciaries legal authority to manage digital assets in the same way they manage tangible assets and financial accounts, and 2) to give custodians of digital assets legal authority to deal with the fiduciaries of their user's, while respecting the user's reasonable expectation of privacy. Forty-one states, including Vermont and Maine, have enacted the UFADAA, and it is endorsed by the AARP, Facebook, Google, the Center for Democracy and Technology, and the National Academy of Elder Law Attorneys. Vote 19-0.

SB 149, relative to voluntary application of the uniform prudent management of institutional funds act to certain charitable trusts. **OUGHT TO PASS.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. This bill amends the Uniform Prudent Management of Institutional Funds Act (UPMIFA) to provide expanded investment possibilities for charitable trusts. Under the UPMIFA total return investing and appropriation for expenditure is restricted to "institutions" (Charitable Trusts) defined by RSA 292-B:2, that are organized and operated exclusively for charitable purposes. This bill would provide the ability for a trustee of certain trusts, holding assets of greater than

\$1,000,000, to apply to the court for authorization to use the total return method of investing and expending assets. This method would allow the trustee(s) to combine the principal, realized and unrealized gains, and the income from permanently restricted assets into a single unit for investment purposes and appropriate, for expenditure from that single unit, a certain percentage annually ranging from zero to 7%. It is expected that this change in statute may benefit up to twelve NH trusts. The NH Attorney General's Office supports this bill. Vote 18-0.

Referred to the Committee on Judiciary.

SB 252-FN, relative to the detection and prevention of financial exploitation of vulnerable adults. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill permits broker-dealers and investment advisors to delay disbursements from accounts of eligible individuals when such broker-dealers and investment advisors, or other qualified individuals, reasonably believe that the requested disbursement may result in financial exploitation. This bill is a request of the Bureau of Securities Regulation. Vote 18-0.

Referred to the Committee on Health, Human Services and Elderly Affairs.

SB 206, excluding the cost of lobbying and political activity from the rates of public utilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Wayne Moynihan for Election Law. By creating a new section of NH RSA 378, the law addressing rates charged by public utilities, this bill incorporates into the statute the principle that the costs of lobbying and political activity must be excluded from the rates of public utilities. Excluding such costs from the rate setting process is already expected under the rules of the NH Public Utilities Commission, and by general accounting principles, but has not heretofore been set out in our statutes. Transparency is essential to the rate setting process and will be enhanced by the effect of this bill. The amendment that was adopted simply corrected a word in the title of the new section of law, and did not change the purpose or effect of the bill. Vote 18-0.

Amendment (1474h)

Amend RSA 378:30-e as inserted by section 1 of the bill by replacing it with the following:

378:30-e Exclusion of Lobbying and Political Activity Costs From Rates. The commission shall exclude the cost of lobbying and political activity from the rates of public utilities. For purposes of this section, "lobbying" is any activity requiring registration pursuant to RSA 15:1 and "political activity" is any activity conducted in support of a candidate committee, a political committee, or an inaugural committee, or in support of or opposition to a candidate for public office, regardless of whether such lobbying or political activity is undertaken directly or indirectly on behalf of a public utility.

Referred to the Committee on Science, Technology and Energy.

SB 49, relative to the state fire code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill as amended will adopt the 2015 edition of the National Fire Protection Association Fire Code, otherwise known as NFPA 1 as the New Hampshire Fire Code. It would also provide for an 18-month phase-in period for the "floor protection" of light-weight wood frame constructed floors in section 20. This phase-in period was agreed to with all major stake-holders. The current state fire code is the 2009 edition. Testimony to the committee revealed that the ten-year-old code is causing insurance rates to rise; there was also testimony that the newer code was more flexible in some areas and offered options not allowed in the older code. Vote 19-0.

Amendment (1734h)

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

2 State Fire Code; Ratification of Amendments; State Board of Fire Control. Pursuant to RSA 153:5, I, the general court hereby ratifies Exhibits RE: 19-01-15 and RE: 19-02-15 as amendments to the state fire code, adopted by the fire marshal and the state board of fire control on April 29, 2019, as provided in administrative rules SAF-C 6000.

AMENDED ANALYSIS

This bill updates the state fire code to include the 2015 edition of the Uniform Fire Code NFPA 1. The bill also ratifies certain amendments to the state fire code made by the fire marshal and the state board of fire control.

SB 96, establishing a film production incentive fund in the state film office. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sallie Fellows for Executive Departments and Administration. This bill establishes a mechanism for the state to accept grants, gifts and donations to be used to encourage digital media production and foster local talent within the state. Revenue for this purpose will be from outside sources, not from the state budget. The Department of Business and Economic Affairs will adopt rules for accepting and expending funds. Vote 18-0.

Amendment (1571h)

Amend RSA 12-O:11-b as inserted by section 1 of the bill by replacing it with the following:
12-O:11-b Film Production Incentive Fund.

I. There is hereby established the film production incentive fund. The fund shall be administered by the state film office for the purpose of promoting the film industry and film production in the state of New Hampshire. The state film office may expend the funds to provide incentives for film and digital media to come to New Hampshire and to encourage the use of local talent both in front of and behind the camera. The commissioner is authorized to accept grants, gifts, and donations for deposit in the fund. The moneys in the fund shall be nonlapsing.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration and use of the film production incentive fund, including the process for accepting and expending funds donated for specific uses.

Referred to the Committee on Ways and Means.

SB 110, relative to the investigations by the state fire marshal. **OUGHT TO PASS.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill authorizes the State Fire Marshal to obtain information from the insurance company when investigating a fire loss, building collapse, or incident involving the release of carbon monoxide other than from a motor vehicle. The bill clarifies and specifies terms and conditions of the availability and protection of confidential information provided by insurance companies to the State Fire Marshal and other fire and law enforcement officials in furtherance of investigations and determination of facts. Vote 19-0.

Referred to the Committee on Commerce and Consumer Affairs.

SB 207, relative to rules adopted by the department of environmental services pursuant to the 2014 report of the coastal risks and hazards commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, grants the Department of Transportation and other agencies that build state-funded facilities, relief from incorporating the latest version of the report issued by the Coastal Risks and Hazards Commission if it is updated after the project in question has started final design. It also repeals the session law that required use of the report "as updated," rather than maintaining version control of which report applied to which project. Vote 19-0.

Amendment (1602h)

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

1 Coastal and great bay Region Reports; Incorporation. Amend RSA 483-B:22 to read as follows:
483-B:22 Coastal and Great Bay Region Reports.

I. The commissioner of the department of environmental services shall convene representatives of the department of transportation, the division of homeland security and emergency management, the office of strategic initiatives, and other agencies as he or she deems appropriate, at least every 5 years, commencing July 1, 2019 to supervise an updating of storm surge, sea-level rise, precipitation, and other relevant projections recommended in the coastal risks and hazards commission 2014 report "Sea-Level Rise, Storm Surges, and Extreme Precipitation in Coastal New Hampshire: Analysis of Past and Projected Trends." This report shall be distributed to all state agencies, municipalities in the coastal and Great Bay region, the governor, the speaker of the house of representatives, the president of the senate and the chairs of the house and senate committees with jurisdiction over issues related to such projections.

II. *New Hampshire state agencies involved in planning, siting, and design of state-funded structures and facilities, public works projects, and transportation projects, as well as land acquisition and management, and other environmental activities in the coastal and Great Bay regions of New Hampshire, shall reference the Coastal Risks and Hazards Commission report, "Sea-level Rise, Storm Surges, and Extreme Precipitation in Coastal New Hampshire: Analysis of Past and Projected Trends," for guidance on all potentially affected activities. Agencies shall develop, as possible and appropriate, uniform standards of guidance, in conformity with the report. Efforts designed with a previous report identified in paragraph I shall not be required by the department to adapt their designs to accommodate the findings of an updated report but may do so as practicable.*

III. *The department shall maintain a link to all versions of the report on its web page.*

2 Repeal. 195:1, 2016, relative to the coastal and Great Bay region audit and agency projects, is repealed.

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

AMENDED ANALYSIS

This bill requires state agencies to reference the 2014 report of the coastal risks and hazards commission when planning, siting, and designing certain projects.

This bill also repeals the audit of laws governing coastal regions to enable authorities to take appropriate actions.

SB 210, relative to emergency medical and trauma services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. This bill, with the amendment, defines ‘telecommunicator’ and ‘local dispatcher’ and adds them to the list of public safety personnel covered by the critical incident intervention and management provisions in RSA 153-A:17-a. This will allow them to serve on a critical incident stress management team or a peer support team and have the same confidentiality as the other members already on the teams. Vote 19-0.

Amendment (1376h)

Amend the bill by replacing section 1 with the following:

1 Emergency Medical and Trauma Services; Critical Incident Intervention and Management. Amend RSA 153-A:17-a, I(f) to read as follows:

(f)(I) “Critical incident stress management team member” or “team member” means an emergency services provider, including any law enforcement officer, sheriff or deputy sheriff, state police officer, civilian law enforcement employee, firefighter, civilian fire department employee, [and] emergency medical personnel, **telecommunicators, and local dispatchers** specially trained to provide critical incident stress management and crisis intervention services as a member of an organized and registered team.

(2) In this subparagraph:

(A) “**Telecommunicator**” means an employee of the department of safety, division of emergency services and communications who is responsible for receiving at the public safety answering point telephone calls made to E911 and transferring or relaying such calls to public or private safety agencies.

(B) “**Local dispatcher**” means a person who determines the location, status, and assistance required by callers and walk-in customers for public safety services and dispatches the appropriate police, fire, ambulance, or other units to provide needed emergency services at the state, city, town, or private emergency services level.

AMENDED ANALYSIS

This bill makes certain reference changes and adds definitions of “telecommunicators” and “local dispatchers” to the law governing emergency medical and trauma services.

SB 257-FN, prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. This bill, as amended, prohibits foams containing perfluoroalkyl substances (PFAS chemicals) for use in fighting fires. It also requires firefighting personal protective equipment manufacturers to notify purchasers if their products contain PFAS chemicals. The amended version makes exemptions for those communities which have chemical plants and refineries, while accommodating federal regulations for airports, and also requires the Department of Environmental Services to conduct a study for the safe collection of legacy firefighting foams containing PFOA and PFOS. All of these chemicals, once discharged at a fire scene, have a negative environmental impact and jeopardize the public health. Vote 19-0.

Amendment (1547h)

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

1 New Sections; Certain Chemicals Prohibited in Firefighting Foam. Amend RSA 154 by inserting after section 8-a the following new sections:

154:8-b Certain Chemicals Prohibited in Firefighting Foam.

I. In this section,

(a) “Chemical plant” means chemical plants, refineries, and re-refineries

(b) “Class B firefighting foam” means foam designed for flammable liquid fires.

(c) “Department” means the department of environmental services.

(d) “Legacy foams” mean firefighting foams manufactured prior to January 1, 2004, containing perfluorooctanesulfonic acid and/or perfluorooctanoic acid-related long chain PFAS chemicals.

(e) “Manufacturer” includes any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic manufacturer or distributor of firefighting agents or firefighting equipment. For the purposes of this section, “importer” means the owner of the product.

(f) “Municipalities” means any county, city, town, fire district, regional fire district, or other special purpose district that provides firefighting services.

(g) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS chemicals” means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(h) “Testing” includes calibration testing, conformance testing, and fixed system testing.

II. Beginning on January 1, 2020, no person, local government, or state agency shall discharge or otherwise use for training or testing purposes class B firefighting foam to which PFAS chemicals have been

intentionally added. However, the testing of class B firefighting foam to which PFAS chemicals have been intentionally added may occur if the department has evaluated the testing facility for containment, treatment, and disposal measures to prevent uncontrolled release of foam to the environment.

III. Beginning January 1, 2020, a manufacturer of class B firefighting foam shall not knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added. However:

(a) The restrictions in this paragraph shall not apply to any sale or use of class B firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to the requirements of 14 C.F.R. section 139.317, as that section existed as of January 1, 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use of alternative firefighting agents that do not contain PFAS chemicals, the department may adopt rules for the sale and uses of firefighting foam that are addressed by the federal regulation that restrict the use of firefighting foam that contains PFAS chemicals.

(b) The restrictions under this paragraph shall not apply to any sale or distribution of class B firefighting foam to which PFAS chemicals have been intentionally added for use at a chemical plant.

(c) The restrictions under this paragraph shall not apply to any sale or distribution of class B firefighting foam to which PFAS chemicals have been intentionally added for use at a storage or distribution facility, tank farm, or terminal for flammable liquids.

IV. The manufacturer that produces, sells, or distributes a class B firefighting foam to which PFAS chemicals have been intentionally added following the effective date of this section shall recall the product and reimburse the retailer or any other purchaser for the product.

V. A manufacturer of class B firefighting foam in violation of paragraph III shall be subject to an administrative fine not to exceed \$5,000 for each violation in the case of a first offense. Manufacturers or persons that are repeat violators shall be subject to an administrative fine not to exceed \$10,000 for each repeat offense.

VI. A manufacturer of class B firefighting foam restricted under paragraph III shall notify, in writing, persons that sell the manufacturer's products in this state about the provisions of this chapter no less than one year after the effective date of the restrictions.

VII. The department shall assist other state agencies, fire protection districts, and other municipalities in avoiding purchasing or using firefighting agents containing PFAS chemicals, as required under paragraph III.

VIII. The department shall survey municipalities throughout the state on the quantitative stock of legacy foams and determine the cost of instituting a take-back program for the purpose of safe and contained disposal. The development and processing of the survey shall be subject to rules adopted by the commissioner of the department of environmental services pursuant to RSA 541-A. On or before December 1, 2020, the department shall submit a report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library. Beginning on July 1, 2021, the department shall institute a take-back program of legacy foams for the purpose of safe and contained disposal.

IX. Fire departments which use remaining class B firefighting foam to which PFAS chemicals have been intentionally added shall be immune from civil or criminal damages only if such foam is discharged in an emergency situation.

X. Nothing in this section shall be construed to create a new civil or criminal right of action against a fire department if class B firefighting foam to which PFAS chemicals have been added has been discharged either unintentionally or in an emergency situation.

XI. Any time a class B firefighting foam to which PFAS chemicals have been intentionally added is discharged, the municipality making such discharge shall notify the department of environmental services within 48 hours of such discharge.

154:8-c Firefighting Personal Protective Equipment.

I. In this section,

(a) "Department" means the department of safety.

(b) "Firefighting personal protective equipment" means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, hoods, and respiratory equipment.

(c) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, joint venture, importer, or domestic manufacturer or distributor of firefighting agents or firefighting equipment. For the purposes of this section, "importer" means the owner of the product.

(d) "Municipalities" means any county, city, town, fire district, regional fire district, or other special purpose district that provides firefighting services.

(e) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

II. Beginning January 1, 2020, a manufacturer or other person that sells firefighting personal protective equipment to any person, municipality, or state agency shall provide written notice to the purchaser at the

time of sale if the firefighting personal protective equipment contains PFAS chemicals. The written notice shall include a statement that the firefighting personnel protective equipment contains PFAS chemicals. All notices shall be included in all personnel files of all employees using the firefighting personal protective equipment which contain PFAS chemicals

III. The manufacturer or person selling firefighting personal protective equipment and the purchaser of the equipment shall retain the notice in procurement files for at least 3 years from the date of the transaction. Upon the request of the department, a person, manufacturer, or purchaser shall furnish the notice, or written copies, and associated sales documentation to the department within 60 days.

IV. The department shall assist other state agencies, fire protection districts, and other municipalities to give priority and preference to the purchase of firefighting personal protective equipment that does not contain PFAS chemicals.

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

SB 273-FN, establishing a committee to study the regulation of nursing assistants by the board of nursing and criminal history record checks for nurses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill is primarily directed at studying why New Hampshire regulates nursing assistants differently than nearly every other state in the nation, namely by licensing them, whereas nearly all other states do not. The ED&A Committee agrees unanimously that we need to find out whether we're doing the right thing. The amendment updates some provisions in the Nurse Practice Act. Vote 19-0.

Amendment (1423h)

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

AN ACT relative to the board of nursing and establishing a committee to study the regulation of nursing assistants by the board of nursing and criminal history record checks for nurses.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-6 to read as 4-9, respectively:

1 Fees; Charges. Amend RSA 326-B:8, I to read as follows:

I. The board shall charge fees for the issuance, renewal, and reinstatement of all licenses, specialty licenses, and *specialty* certificates authorized by this chapter. ~~[The board shall recover at least 125 percent of its direct expenses through licensee fees, fines, and administrative charges.]~~

2 Advanced Practice Registered Nurses. Amend RSA 326-B:11, I to read as follows:

I. Advanced practice registered nursing ~~[by nurse practitioners]~~ shall consist of a combination of knowledge and skills acquired in basic nursing education. The APRN scope of practice, with or without compensation or personal profit, shall be limited to:

(a) Performing acts of advanced assessment, diagnosing, prescribing, selecting, administering, and providing therapeutic measures and treatment regimes;

(b) Obtaining consultation, planning, and implementing collaborative management, referral, or transferring the care of the client as appropriate; and

(c) Providing such functions ~~[common to a nurse practitioner]~~ for which the APRN is educationally and experientially prepared and which are consistent with standards established by a national credentialing or certification body recognized by the National Council of State Boards of Nursing and approved by the board in the appropriate APRN role and specialty.

3 Obligations; Change of Name or Address. Amend RSA 326-B:30, III to read as follows:

III. Each licensee shall notify the board of a change of name or address ~~[within 10 days]~~.

AMENDED ANALYSIS

This bill makes changes to the regulation of nurses concerning fees for specialty certificates, references to advanced practice registered nurses, and changes of address requirements. The bill also establishes a committee to study the regulation of nursing assistants by the board of nursing and criminal history record checks for nurses.

SB 169, relative to recovery of expenditures from the drinking water and groundwater trust fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Lovejoy for Finance. This bill as amended would require that Drinking Water and Groundwater Trust Fund expenditures that are recovered from parties liable for hazardous waste water contamination, net of any reimbursement to the appropriate state agency for costs incurred to obtain such recoveries, be deposited to the Trust Fund, and that damages awarded for drinking water or groundwater pollution be deposited to the Trust Fund. The bill also grants authority for the Trust Fund Advisory Commission to recover costs from liable third parties. Vote 22-0.

Amendment (1614h)

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

1 Hazardous Waste Clean Up; Civil Actions; Cost Recovery. Amend RSA 147-B:10, III(a) to read as follows:

(a) The attorney general may institute an action before the superior court for the county in which the facility is located against any person liable pursuant to paragraph I of this section to recover all costs incurred by the state. Costs recovered under this section shall be deposited into the fund *net of any legal expenses incurred by the department of justice to recover such costs, and net of any expenses incurred by the drinking water and groundwater trust fund established in RSA 6-D:1, which shall be reimbursed to the drinking water and groundwater trust fund.*

2 New Section; Deposits to Drinking Water and Groundwater Trust Fund. Amend RSA 485-F by inserting after section 5 the following new section:

485-F:6 Deposits to Drinking Water and Groundwater Trust Fund. Any money received by the state related to the contamination of drinking water or groundwater, other than fees, fines, penalties, oil or hazardous waste cost recovery, or any other money already allocated to a specified fund, shall be deposited into the drinking water and groundwater trust fund net of any reimbursement to the appropriate state agency for the costs it incurred to obtain such recovery. This paragraph shall not be construed to limit any damages otherwise awarded in a related private cause of action.

3 New Paragraph; Recovered Costs; Deposited in Drinking Water and Groundwater Trust Fund. Amend RSA 485-F:3 by inserting after paragraph II the following new paragraph:

III. Costs paid from the drinking water and groundwater trust fund for the action described in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be deposited to the drinking water and groundwater trust fund pursuant to RSA 147-B:10, III(b). In addition, upon payment from the trust fund for any costs for which a third party would otherwise be liable, the right to recover payment from such third party shall be assumed by the drinking water and groundwater advisory commission to the extent of payment made from the trust fund. Any money so recovered shall be repaid to the trust fund net of any reimbursement to the appropriate state agency for the costs it incurred to obtain such a recovery. No party shall receive multiple compensation for the same injury, and any such compensation shall be repaid to the trust fund.

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

SB 254-FN-A, appropriating funds to the department of environmental services for the purpose of funding eligible wastewater projects under the state aid grant program. **INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for Finance. This bill appropriates funds to the Department of Environmental Services for funding of eligible wastewater projects under the state aid grant program. The funding for the projects to be funded these biennia were adopted in the House budget and a duplicate house bill is retained, thus there is no need for SB 254-FN-A. Vote 21-1.

SB 160, relative to swimming and non-motorized boating at public boat access areas. **INEXPEDIENT TO LEGISLATE.**

Rep. James Bosman for Fish and Game and Marine Resources. Current Fish and Game Department administrative rules prohibit swimming at all department controlled public access areas. Limited parking, department staff shortages, safety concerns, and the risk of losing federal grant monies make changing the rules to allow swimming untenable. Vote 15-2.

SB 201, requiring the department of transportation and the fish and game department to develop a plan for the construction of a ramp, dock, and parking at Great Bay Waters at Hilton Park in Dover. **INEXPEDIENT TO LEGISLATE.**

Rep. Roger Dontonville for Fish and Game and Marine Resources. The majority of the committee feels there are a number of issues that remain unresolved with the bill. The Hilton Park is referred to as an orphan state park. This creates the problem as to which department should undertake this project. Another question posed was if the Hilton family donated this land, should there be a cost affixed to the transfer and purchase to the Department of Fish and Game. With these questions left unanswered, the committee cannot support the bill. Vote 15-2.

SB 80, relative to applicants to the board of mental health practice from other states, membership on the board of mental health practice, and insurance credentialing of out-of-state mental health practitioners and psychologists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. The committee recommends this bill as amended, which removes the interim licensure provisions from the bill and replaces them, with changes intended to speed up the licensure process for all applicants, to the rule-making allowed the Board of Mental Health. These changes shorten the time to act on applications, shorten the reasonable time for acting on a completed application, require the board to review completed applications received 10 days prior to their meetings, and allow for FBI background checks rather than multiple state background checks for applicants that have practiced in multiple states. Several committee members, through their involvement in hospital re-credentialing over the last several decades, are aware of individuals leaving other jurisdictions to escape the consequences of malpractice, including individuals who have violated boundaries, including those who

have sexually abused those who have been entrusted to their care. Such would not necessarily be immediately evident to the cursory review possible before issuing an interim license. Also, the Centers for Medicare and Medicaid Services (CMS) issued a report in June 2015 about medical identity theft, including the appropriation or misuse of a provider's unique medical identifying information to obtain or bill public or private payers for fraudulent medical goods or services. According to CMS, the latest Federal Trade Commission (FTC) data shows that more than 3,300 physician and patient cases of medical identity theft were reported in 2014. Our strong preference is to avoid these risks and make interim licenses unnecessary by speeding up the licensing process. The bill as amended adds two members to the Board of Mental Health Practice, which will improve its ability to attain a quorum and to implement fast track licensure. The bill as amended adds mental health practitioners and psychologists to RSA 420-J:8-c which mandates insurers reimburse providers waiting for credentialing when such a provider participates in an on-call rotation or if they were previously credentialed by the carrier in another jurisdiction. Vote 22-0.

Amendment (1631h)

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

AN ACT relative to membership on the board of mental health practice, applications for licensure by mental health practitioners, and insurance credentialing of out-of-state mental health practitioners and psychologists.

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

1 Board of Mental Health Practice; New Members. Amend RSA 330-A:3, I to read as follows:

I. There shall be a board of mental health practice composed of the following members: one licensed pastoral psychotherapist, one licensed clinical social worker, one licensed marriage and family therapist, one licensed clinical mental health counselor, ***one member from a community mental health center, one member from a community health center***, and 3 public members. The members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's representative and no individual public member shall serve as chairperson for more than 2 years consecutively.

2 Board of Mental Health Practice; Quorum. Amend RSA 330-A:9, I to read as follows:

I. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. ~~Four~~ ***Five*** members shall constitute a quorum.

3 Mental Health Practice; Rulemaking. Amend RSA 330-A:10, I to read as follows:

I. The application procedure for any license issued under this chapter. ***License application procedure, including applications from other states under rules in paragraph I-a, shall include the following:***

(a) The board shall either request additional information or documentation within 15 days or act on an application for licensure as a mental health practitioner within 30 days of receipt.

(b) Rules defining reasonable time for acting on a completed application for licensure as a mental health practitioner shall not exceed 30 days.

(c) The board shall review complete applications received at least 10 days prior to a regularly scheduled meeting at its next regularly scheduled meeting.

(d) The board shall allow the applicant to submit a single criminal history records check conducted by another state through by the Federal Bureau of Investigation instead of submitting multiple individual state criminal offender information when an applicant has practiced in multiple states.

4 Mental Health Practice; Applicants From Other States. Amend RSA 330-A:26, II to read as follows:

II. An applicant whose state licensure meets the requirements in paragraph I shall be ~~deemed able~~ ***permitted*** to practice in this state not more than ~~[60]~~ ***30*** days after the application is received by the board, pending final approval or denial ***of the license*** for other reason by the board. The board shall adopt rules under RSA ~~[541-A]~~ ***330-A:10, I and I-a*** to ensure the timely review and approval of applications under this section.

5 Managed Care Law; Credentialing Verification; Mental Practitioners and Psychologists. Amend RSA 420-J:8-c to read as follows:

420-J:8-c Reimbursement for Providers Waiting for Health Carrier Credentialing Verification.

I. Pursuant to RSA 420-J:4, I, health carriers issuing health benefit plans subject to this chapter shall pay claims for covered services rendered to covered persons by a health care provider who, at the time of submission of a clean and complete credentialing application, has a valid license from the respective state licensing board and has been credentialed by the hospital, if appropriate. The claim for covered services rendered by the provider applicant shall be paid at the same contracted rate as the credentialed provider:

~~[F:]~~ ***(a)*** When covering on-call for another health care provider who is credentialed by the carrier and billed using the name of the credentialed provider; or

~~[H:]~~ ***(b)*** Who, at the time of application, is credentialed by the health carrier in another state or is in the health carrier's New Hampshire network based on employment with a particular health care entity.

II. For purposes of RSA 420-J:4 and this section, a health care provider having a valid license shall include all:

(a) Mental health practitioners licensed under RSA 330-A and applicants for mental health practice licensure from other states who are permitted to practice in this state pursuant to RSA 330-A:26, II.

(b) Psychologists licensed under RSA 329-B and psychologists licensed in another jurisdiction issued a temporary license to practice under RSA 329-B:20, III.

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

AMENDED ANALYSIS

This bill adds 2 members to the board of mental health practice and requires the board of mental health practice to adopt rules for the timely action on license applications by qualified applicants. The bill also clarifies the procedure for insurance credentialing of out-of-state mental health practitioners and psychologists applying for state licensure.

Referred to the Committee on Executive Departments and Administration.

SB 128, relative to the court accreditation commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Griffin for Judiciary. This bill changes the membership of the court accreditation commission. The bill replaces the positions for a district court judge and a probate court judge with a circuit court judge position. This change is consistent with the legislatively approved judicial branch restructure to circuit courts. The amendment simply corrects a math issue in commission membership. Vote 19-0.

Amendment (1568h)

Amend RSA 490:5-a as inserted by section 1 of the bill by replacing it with the following:

490:5-a New Hampshire Court Accreditation Commission. There is hereby established the New Hampshire court accreditation commission consisting of ~~[13]~~ **12** members as follows: one shall be appointed by the governor, one shall be a member of the house appointed by the speaker, one shall be a member of the senate appointed by the senate president, one shall be the commissioner of administrative services or designee, one shall be the commissioner of safety or designee, one shall be the director of security for the administrative office of the courts, one shall be a county sheriff appointed by the president of the New Hampshire Sheriffs' Association, and ~~[6]~~ **5** shall be appointed by the supreme court. Of the ~~[6]~~ **5** members appointed by the supreme court, one shall be a justice of the supreme court or a designee of the supreme court, one shall be a justice of the superior court, one shall be a justice of ~~[a probate court, one shall be a justice of a district court]~~ **the circuit court**, one shall be a lawyer of experience in the trial of cases at all court levels, and one shall be a layman. The supreme court shall designate one of the members as chairman.

SB 148, relative to notification to public employees regarding their right to join or not join a union. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Sullivan for Labor, Industrial and Rehabilitative Services. The committee agrees that this bill allows new public sector employees to be informed of their right to join or not join their union. It further requires that they be informed of the cost of dues in writing. The bill also provides certain rights to the exclusive representative such as meeting with the newly hired employee and the use of the employers' buildings for relevant meetings. The bill also protects the privacy of public sector employees. Vote 19-0.

Amendment (1770h)

Amend the bill by replacing section 1 with the following:

1 New Section; Public Employee Labor Relations; Notification of Rights Regarding Union Membership. Amend RSA 273-A by inserting after section 11 the following new section:

273-A:11-a Notification of Rights Regarding Union Membership.

I. A public employer shall provide to an employee organization access to members of the bargaining unit that the employee organization exclusively represents. Access shall include the following:

(a) The right to meet with affected employees on the premises of the public employer during the work day to investigate and discuss grievances and workplace-related complaints.

(b) The right to conduct worksite meetings during lunch and other work breaks, and before and after the workday, on the employer's premises to discuss workplace issues, collective bargaining negotiations, the administration of collective bargaining agreements, and other matters related to the duties of an exclusive representative.

(c) The right to meet with newly-hired employees, without charge to the pay or leave time of the employees, for 60 minutes, not later than 10 calendar days after the employee's first day of employment, during new employee orientations or, if the employer does not conduct new employee orientations, at individual or group meetings. At this initial meeting, the employee organization shall inform the employee of his or her right to accept or decline union membership and his or her rights under the current collective bargaining agreement. The employee shall also be provided with a written statement stating "union dues for the position for which you have been hired are estimated to be \$_____ per pay period."

(d) Meetings for any other purpose shall be by mutual agreement between the employee organization and the employer.

II. The home address, personal email address, and home or mobile telephone number of an employee of a public agency or public body, as those terms are defined in RSA 91-A:1-a, which maintains records identifying its employees shall not be public, except that such information may be disclosed to an employee organization whose written purpose is to represent public employees in collective bargaining, or as otherwise required by law, or as is necessary in the performance of the employee's duties. The home address, personal email address, and home or mobile telephone number of a family member of such employee contained in a record in the custody of a public agency or public body which maintains records identifying its employees shall not be public and may only be disclosed as required by law.

(a) Notwithstanding RSA 91-A, emails and other communications between employee organizations and their members shall be private records and shall be prohibited from disclosure, provided that, subject to an order or ruling by the board, such emails and other communications may be included in board proceedings or board records.

(b) The exclusive representative shall be allowed to use government buildings and other facilities that are owned or leased by government entities to conduct meetings consistent with the purposes established in this section; provided that the use does not interfere with governmental operations. An exclusive representative conducting a meeting in a government building or other government facility pursuant to this paragraph may be charged for maintenance, security, and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

(c) Nothing in this paragraph shall be construed to diminish the obligations of an employer to comply with a collective bargaining agreement that provides greater access and orientation rights than the rights established by law.

(d) In this paragraph, "exclusive representative" means the employee organization certified by the board as the exclusive representative of the bargaining unit.

AMENDED ANALYSIS

This bill:

I. Requires an employee organization to provide written notice to any person hired for employment with the state or any of its political subdivisions regarding the employee's right to decide whether to join or not to join a union and the estimated cost per pay period to the employee.

II. Requires a public employer to provide to an employee organization access to certain personal information of employees which the organization represents.

III. Permits the inclusion of certain emails and other communications between an employee organization and its members in the proceedings and records of the public employee labor relations board.

SB 249-FN, including the legislature as a public employer under the public employee labor relations act. **INEXPEDIENT TO LEGISLATE.**

Rep. John Graham for Legislative Administration. Since the committee previously retained HB 363, which deals with the same subject matter, it was felt that the retention of this bill was not needed. Vote 12-0.

SB 38, naming a bridge in Tamworth in honor of David Bowles. **OUGHT TO PASS.**

Rep. Sue Newman for Public Works and Highways. A bridge in Tamworth is being named in honor of David Bowles. Mr. Bowles had been the resident engineer with the New Hampshire Department of Transportation for 38 years. More recently, Mr. Bowles had been a member of the Tamworth Fire Department and had been a founding member of the Tamworth Rescue Department and Ossipee Valley Mutual Aid Association. Vote 16-0.

SB 132, naming a lake in Meredith as Lake Wicwas. **OUGHT TO PASS.**

Rep. Michael Abbott for Public Works and Highways. This bill simply clarifies the spelling of a lake in Meredith which will eliminate confusion particularly in regard to GPS devices. Vote 16-0.

SB 240-FN, relative to reciprocal toll collection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Ebel for Public Works and Highways. This bill creates a framework for the Department of Transportation, coordinating with the Department of Safety, to work with other states to effectuate reciprocal agreements for the enforcement and collection of tolls and administrative fees. The committee recognized that such agreements will facilitate better toll collection for our state and in the region. As amended, the bill provides that software-related costs to implement the reciprocal toll collection enforcement agreements will be reimbursed by the turnpike fund. Vote 14-0.

Amendment (1705h)

Amend RSA 237:16-c, IV and V as inserted by section 7 of the bill by replacing them with the following:

IV. The commissioner may enter into discussions with other state jurisdictions to create reciprocal agreements for the enforcement and collection of tolls and administrative fees due ~~under the E-Z Pass system~~. The departments of transportation and safety may release driver's and owner's information to other jurisdictions for the purpose of enforcement or collection of tolls and may take such other action as is necessary to effectuate the reciprocal **toll collection** enforcement agreements.

V. For effective toll collection enforcement, the department of transportation and the department of safety may accept a request from another state to deny registration renewal privileges for a vehicle registration plate in accordance with RSA 263:56-f for unpaid tolls incurred in the other state, provided that the other state represents that the request is in keeping with criteria for denial of registration renewal privileges as set forth in the states' respective reciprocal toll collection enforcement agreement. Any costs incurred for the implementation of software to effectuate reciprocal toll collection enforcement agreements shall be reimbursed from the turnpike fund.

Amend RSA 263:56-f, I as inserted by section 8 of the bill by replacing it with the following:

I. Upon receiving a report from the commissioner of the department of transportation or designee, ***or another state having a reciprocal toll collection enforcement agreement***, that the owner of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, ***or a reciprocal toll collection enforcement agreement in accordance with RSA 237:16-c***, the director shall notify the owner in writing by first class mail that the owner's motor vehicle registration renewal privileges may be suspended on the date which is 30 days from the date of notification unless the toll and any administrative fees assessed by the department of transportation are paid. The director shall also notify the owner that he or she may request an administrative hearing before the suspension takes effect. ***The hearing shall be limited in scope and shall not constitute an appeal of the fees or fines related to the unpaid tolls, which can only be determined by the department of transportation.*** A request for a hearing shall be in writing. A request for a hearing received by the division more than 30 days from the date the notice is issued shall be denied as untimely.

SB 24, relative to New Hampshire's regional greenhouse gas initiative program. **OUGHT TO PASS.**

Rep. Chris Balch for Science, Technology and Energy. This bill amends NH's Regional Greenhouse Gas Initiative (RGGI) program to be consistent with the regional program as outlined in the amended Model Rule dated December 19, 2017. This bill is a request of the Department of Environmental Services. The bill renews NH's continued participation in RGGI. Vote 20-0.

SB 144, requiring the lottery commission to notify the department of education about revenue. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for Ways and Means. This bill is a legislative proposal to clarify the process for determining each year, based on a report by the Lottery Commission to the Department of Education (DOE), to what extent, if any, kindergarten grants funded by Keno must be prorated due to the insufficiency of Keno revenues to provide full funding of the grants. At hearing, the committee received a commitment from the Lottery Commission to provide monthly the necessary Keno revenue information to the DOE. Accordingly, the proposed legislative change is not needed. Vote 19-0.

SB 189-FN, relative to the insurance premium tax. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. This bill was requested by the Insurance Department. The bill proposes that the premium tax levied on non-admitted insurance with multiple risks and when New Hampshire is the home state to be a flat premium tax. This changes current law which calculates the tax levied based upon the portion of the premium allocated to other states or territories on the basis of the taxes and fees applicable to the properties, risks, or expenses located or to be performed outside the state. These types of policies make up a very small portion of the total policies issued in New Hampshire. The amount of time and effort required currently to assess this tax is excessive given the amount of tax revenue that is generated. This bill simply imposes a flat tax of either 3 or 4 percent, depending upon the type of policy. This new methodology will increase the efficiency of this process. The revenue impact, although slightly positive, is truly negligible since this change was on average designed to be a break-even on tax revenue generation. Vote 19-0.

SB 245-FN, relative to fees for simulcast racing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fred Doucette for Ways and Means. Current law requires a town that hosts a simulcast facility to collect a minimum daily pari-mutuel fee of \$300. This bill gives the town the option to collect a lower fee if they so choose. There are only two towns legally permitted to provide simulcast wagering, and the second site, Belmont, wishes to resume it. The amendment allows the municipality the option of a lower fee structure. Vote 19-0.

Amendment (1642h)

Amend RSA 284:23, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Each person, association, or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located for each day of racing, whether such day includes live racing only, simulcast racing only, or a combination thereof, the fees assessed in subparagraphs (a) and (b) below ***or, in the alternative, the board of selectmen in a town may vote to allow the fee to be assessed at a rate of \$10 for each \$10,000 or portion thereof***, based upon the aggregate pari-mutuel pools conducted, made, or sold by such person, association, or corporation on each such day. This rate is provided if said person, association, or corporation has a license to conduct races or race meets for more than 10 days during the year for which the license is issued. If said person, association, or corporation has a license to conduct races or race meets for 10 days or less, the per diem fee shall be determined by the lottery commission.

(a) Each Weekday including Saturday Pari-mutuel pool Fee Under \$300,000 \$300 per day \$300,000 or more \$350 per day.

(b) Each Sunday Pari-mutuel pool Fee Under \$350,000 \$400 per day \$350,000 but under \$500,000 \$800 per day \$500,000 or more \$1,200 per day.

REGULAR CALENDAR - PART I

MOTION TO SPECIAL ORDER

Rep. Cloutier moved that **SB 217**, marking the Lafayette Trail in New Hampshire, be made a Special Order as the first order of business.

Motion adopted.

SPECIAL ORDER

SB 217, marking the Lafayette Trail in New Hampshire. **OUGHT TO PASS.**

Rep. Jim Fedolfi for Public Works and Highways. This bill would designate a number of highways throughout our state as part of the Lafayette Trail, and allow suitable markers bearing the Lafayette Trail logo as used by the American Friends of Lafayette to be installed at various points along the trail. The markers would commemorate the New Hampshire leg of Gen. Marquis de Lafayette's Farewell Tour of the United States in 1824-25. Gen. Lafayette was a French citizen, who fought on behalf of the American side in the Revolutionary War, and is also an honorary American citizen. The markers would not be paid for by the state, but their design would have to be approved by the Department of Transportation. Vote 14-0.

Rep. Cloutier spoke in favor.

Committee report adopted and ordered to third reading.

REGULAR CALENDAR - PART I CONT'D

SB 14-FN, relative to child welfare. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Francesca Diggs for Children and Family Law. This bill does four things: 1) Allows the Department of Health and Human Services to establish one or more case management entities as part of the system of care for children's mental health. 2) Requires the department to establish a family support clearinghouse and system of care advisory committee. 3) Expands home and community-based behavioral health services for children to include mobile crisis response and stabilization service. 4) Requires health service providers to comply with evidence-based practice requirements for purposes of children's behavioral health services and resource centers. Vote 16-0.

Amendment (1685h)

Amend RSA 135-F:9 as inserted by section 4 of the bill by replacing it with the following:

135-F:9 System of Care Advisory Committee. The department of education and the department of health and human services shall create a system of care advisory committee to improve the well-being of children and families; promote coordination across state agencies; identify cost-savings, opportunities to increase efficiency, and improvements to the service array and service delivery system and effectiveness; and assist and advise the commissioners of the department of education and the department of health and human services on the system of care principles and values and implementation of RSA 135-F. The committee shall include youth and families with relevant experience and members of child-serving public and private agencies, including experts in education, community-based and facility-based behavioral health services, and effective administration of private and public educational and health services. The committee shall meet at least 6 times per year and at such other times as the chairperson deems necessary.

Amend RSA 167:3-1, III as inserted by section 5 of this act by inserting after subparagraph (c) the following new subparagraph:

(d) Development and procurement of the mobile crises and stabilization services required under this section shall begin on the effective date of this section; implementation shall occur upon completion of the procurement process and approval by the governor and council.

Amend RSA 170-G:4-b, I as inserted by section 16 of the bill by replacing it with the following:

I. On or before July 1, 2020, at least 10 percent of state funds received by the department for children's behavioral health services, whether or not they are subject to this chapter, shall be expended for evidence-based practices. Beginning July 1, 2022, the percentage of state funds expended for evidence-based practices shall be at least 25 percent; and beginning July 1, 2025, the percentage expended for evidence-based practices shall be at least 50 percent.

Amend section 19 of the bill by inserting after paragraph II the following and renumbering the original paragraph III to read as paragraph IV:

III. Section 5 of this act shall take effect upon its passage.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 246-FN, relative to licensing of child daycare, residential care, and child-placing agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. This bill brings state registry and criminal records check requirements for residential child care agencies and child day care providers into compliance with federal regulations. This bill creates a child care licensing fund which receives its funding from moneys collected for the background check requirements and expended for associative administration. Vote 15-1.

Amendment (1746h)

Amend RSA 170-E:7, IV-d as inserted by section 1 of the bill by replacing it with the following:

IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall be \$50 and the card shall be valid for 5 years from the date of issuance, ***or a prorated amount of \$10 per year from the most recently completed criminal background check.*** A replacement card may be requested for a \$15 fee. Committee amendment adopted.

Committee report adopted and referred to the Committee on Ways and Means.

SB 115, establishing a commission to study the business environment for mental health providers in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. Ensuring that services are available for those who need treatment for mental health or substance abuse disorders in a full-employment environment has been a challenge for mental health providers. This bill creates a commission to study the business issues that affect these providers, including low reimbursement rates and difficulty attracting qualified staff members. The committee amended the bill to add other stake holders and to expand the focus of the commission to consider all provider types in their work. Vote 12-7.

Amendment (1545h)

Amend RSA 330-A:26-a, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new paragraphs:

(i) One member of the public representing patients of mental health providers in New Hampshire, appointed by the National Alliance on Mental Illness New Hampshire chapter.

(j) One member of the public representing large mental health practices, appointed by the National Association of Social Workers New Hampshire chapter.

(k) A psychologist appointed by the New Hampshire Psychological Association's Behavioral Healthcare Advocacy Committee.

Amend the introductory paragraph of RSA 330-A:26-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall identify ways to improve the ability of mental health practices to thrive in the state of New Hampshire. The study shall include an examination of:

Amend RSA 330-A:26-a, IV(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Commercial insurance and Medicaid rates and mental health parity.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Health, Human Services and Elderly Affairs.

SB 134-FN, relative to the administration of the meals and rooms tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill makes few changes in the Meals and Rooms Tax law. Instead, it incorporates into statute the rules that the Department of Revenue Administration has created to guide the businesses responsible for paying the tax. This should make it easier for anyone looking for the details of the law and will eliminate the cyclical renewal of rules. The amendment made a small clarification relative to meals sold by nonprofit organizations. Much discussion took place in the committee around the specifics of takeout food taxation - the snack tax - which is somewhat difficult to navigate. The committee agreed that improvements would also be complicated and deferred that work for future legislation. Vote 18-2.

Amendment (1709h)

Amend RSA 78-A:6-c, VII as inserted by section 7 of the bill by replacing it with the following:

VII. Meals prepared and sold by a nonprofit organization other than an educational institution, in furtherance of any of the purposes for which it was organized; with the net proceeds of the meals to be used exclusively for the purposes of the organization. However, if the nonprofit organization is required to have a license issued by the liquor commission, other than licenses issued pursuant to RSA 178:22, V(l) for 3 or fewer days per year, the meals are taxable meals;

Committee amendment adopted.

Committee report adopted and referred to the Committee on Ways and Means.

SB 193-FN, prohibiting the sale of certain furniture and carpeting with flame retardant chemicals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs. This bill came to us with strong bipartisan support because clarifying our laws regarding flame retardant chemicals in upholstered furnishings is important to all of our constituents as well as our firefighters. Though our firefighters have good protective equipment it still doesn't provide 100% protection against the harmful effects of flame-retardant chemicals in residential fires. As well, when these chemicals burn they create noxious smoke making it harder for residents to exit. The committee heard that these chemicals no longer are needed, as once thought, to slow the ignition of a fire. As well, it was reported that the day-to-day release of fumes from these chemicals, called off-gassing, in furnishings using them can be harmful to all of us. The amendment clarifies that the prohibition on sales of certain items treated with flame retardant chemicals does not apply to mattresses and removes references to carpeting. The bipartisan majority of the committee agrees with our firefighters that it is time to prevent further use of such chemicals. Vote 14-6.

Rep. Mark Warden for the Minority of Commerce and Consumer Affairs. The minority believes that this bill overreaches and is largely unenforceable. Most testimony focused on potential dangers to firefighters from burning furniture containing flame retardants, but no scientific research was provided to show that these chemicals cause cancer or other harmful effects any more than the hundreds of other chemicals that can be inhaled during house fires. There was also concern expressed about potential harmful off-gassing that could harm children, but if the flame retardants are truly a proven hazard, then the bill's gaping loophole exemption for mattresses and for school and hospital furniture is a travesty. The bill's new regulations would be prohibitively costly and impractical to enforce against New Hampshire retailers, not to mention on furniture shipped directly from online or catalog sales from other states. Since California regulations dictate the vast majority of what major manufacturers are doing already to comply with that large market, this unneeded bill is simply feel-good legislation that will have almost zero effect.

Majority Amendment (1741h)

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

1 New Chapter; Sale of Furniture with Flame Retardant Chemicals. Amend RSA by inserting after chapter 359-P the following new chapter:

CHAPTER 359-Q
SALE OF FURNITURE
WITH FLAME RETARDANT CHEMICALS

359-Q:1 Definitions. In this chapter:

I. "Flame-retardant chemical" means a chemical or chemical compound for which a functional use is to resist or inhibit the spread of fire. "Flame-retardant chemical" includes, but is not limited to, halogenated, phosphorus-based, nitrogen-based and nanoscale flame retardants and any chemical or chemical compound for which "flame retardant" appears on the substance safety data sheet required under 29 C.F.R. section 1910.1200(g).

II. "Mattress" has the same definition as in 16 C.F.R. section 1632.1.

III. "Upholstered furniture" means residential furniture intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials.

359-Q:2 Prohibition.

I. No person shall import for sale or ship to a customer in this state, nor shall any person manufacture for sale in this state, upholstered furniture containing in its fabric or other covering or in its cushioning materials more than 0.1 percent of a flame-retardant chemical or more than 0.1 percent of a mixture that includes flame-retardant chemicals.

II. No person shall sell, offer to sell, or distribute for promotional purposes, upholstered furniture if in receipt of the notice sent by a manufacturer in accordance with RSA 359-Q:3, II.

359-Q:3 Certificate of Compliance. In addition to any other remedies and procedures authorized by this chapter, the attorney general may request that a manufacturer of upholstered furniture distributed for sale in this state provide the attorney general with a certificate of compliance with this chapter. Within 30 days of receipt of request for a certificate of compliance, the manufacturer shall:

I. Provide the attorney general with a certificate declaring that its product complies with the requirements of this chapter; or

II. Notify retailers who sell in this state a product of the manufacturer that does not comply with this chapter that sale of the product is prohibited in New Hampshire. The manufacturer shall submit to the attorney general the names and addresses of those notified.

359-Q:4 Retailer Indemnification. If a retailer takes delivery of upholstered furniture from a manufacturer that is subsequently found to contain one or more flame-retardant chemicals, the retailer is entitled to a full refund, including shipping and other related costs, from the manufacturer.

359-Q:5 Violations; Consumer Protections. Any violation of the provisions of this chapter is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy, or power set forth in RSA 358-A, including those set forth in RSA 358-A:4, may be used to enforce the provisions of this chapter.

359-Q:6 Confidentiality. Information submitted to the department of justice pursuant to this chapter may be designated as confidential by the submitting party and not subject to disclosure under RSA 91-A, except during an enforcement action brought forward by the attorney general.

359-Q:7 Exemptions.

I. The prohibition in RSA 359-Q:2 shall not apply to the following upholstered furniture products containing flame-retardant chemicals:

(a) Used upholstered furniture, including antique upholstered furniture.

(b) Upholstered furniture purchased for public use in public facilities, including, but not limited to, schools, jails, and hospitals, that is required by the state or by local fire codes to meet specific flammability standards which cannot reasonably be met without the use of flame retardants.

(c) New upholstered furniture otherwise subject to the prohibition in RSA 359-Q:2 that is sold, offered for sale, or distributed for promotional purposes in the state by a retailer or wholesaler on or after January 1, 2021 and that was imported into the state or otherwise purchased or acquired by the retailer or wholesaler for sale or distribution in the state prior to January 1, 2021.

(d) New upholstered furniture otherwise subject to the prohibition in RSA 359-Q:2 that is manufactured prior to January 1, 2020.

(e) Upholstered furniture which includes electronic or electric components.

(f) Mattresses.

II. Products that meet the following requirements shall be deemed in compliance with this chapter:

(a) Upholstered furniture bearing a label or accompanied by a certificate indicating compliance with California BPC section 19101, as amended.

(b) Upholstered furniture bearing a label, as prescribed by California BPC section 19094 (2014), indicating that the product's upholstery materials "contain NO added flame retardant chemicals."

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

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Hunt requested a roll call; sufficiently seconded.

YEAS 221 - NAYS 132

YEAS - 221 BELKNAP

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas	Burroughs, Anita	Butler, Edward	DesMarais, Edith
Kanzler, Harrison	Knirk, Jerry	Ticehurst, Susan	Woodcock, Stephen

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Eaton, Daniel
Faulkner, Barry	Fenton, Donovan	Gomarlo, Jennie	Harvey, Cathryn
Ley, Douglas	Mann, John	Meador, David	Morrill, David
Parkhurst, Henry	Schapiro, Joe	Swinburne, Sandy	Tatro, Bruce
Thompson, Craig	Von Plinsky, Sparky	Pearson, William	Weber, Lucy

COOS

Hatch, William	Moynihan, Wayne	Noel, Henry	Tucker, Edith
Thomas, Yvonne			

GRAFTON

Adjutant, Joshua	Almy, Susan	Campion, Polly	Diggs, Francesca
Dontonville, Roger	Egan, Timothy	Ford, Susan	French, Elaine
Josephson, Timothy	Maes, Kevin	Massimilla, Linda	Mulligan, Mary Jane
Muscatel, Garrett	Nordgren, Sharon	Osborne, Richard	Ruprecht, Dennis
Stavis, Laurel	Stringham, Jerry	Smith, Suzanne	Sykes, George
Weston, Joyce			

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Balch, Chris	Baroody, Benjamin
Beaulieu, Jane	Bernet, Jennifer	Bordy, William	Bosman, James
Bouchard, Donald	Cleaver, Skip	Cohen, Bruce	Connors, Erika
Cornell, Patricia	Dargie, Paul	Desjardin, Kathy	DiSilvestro, Linda

Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Schmidt, Janice
 Klee, Patricia
 Murray, Megan
 Mombourquette, Donna
 Nutting-Wong, Allison
 Piedra, Israel
 Newman, Ray
 Newman, Sue
 St. John, Michelle
 Telerski, Laura
 Vann, Ivy
 Woodbury, David

Espitia, Manny
 Griffith, Willis
 Heath, Mary
 Jack, Martin
 Klein-Knight, Nicole
 Mangipudi, Latha
 Mullen, Sue
 Pedersen, Michael
 Porter, Marjorie
 Radhakrishnan, Julie
 Shaw, Barbara
 Stack, Kathryn
 Toomey, Dan
 Thomas, Wendy

Davis, Fred
 Hall, Brett
 Herbert, Christopher
 Jeudy, Jean
 Komi, Richard
 Martin, Joelle
 Murphy, Nancy
 Petrigno, Peter
 Proulx, Mark
 Riel, Cole
 Snow, Kendall
 Stevens, Deb
 Vail, Suzanne
 Wilhelm, Matthew

Freitas, Mary
 Hamer, Heidi
 Indruk, Greg
 King, Mark
 Langley, Diane
 McGhee, Kat
 Nutter-Upham, Frances
 Pickering, Daniel
 Query, Joshua
 Rung, Rosemarie
 Sofikitis, Catherine
 Smith, Timothy
 Van Houten, Constance
 Williams, Kermit

MERRIMACK

Bartlett, Christy
 Ellison, Arthur
 Karrick, David
 Moffett, Howard
 Rodd, Beth
 Schuett, Dianne
 Wallner, Mary Jane
 Woods, Gary

Carson, Clyde
 Fox, Samantha
 Lane, Connie
 Myler, Mel
 Rogers, Katherine
 Schultz, Kristina
 Walz, Mary Beth

Doherty, David
 Fulweiler, Joyce
 Luneau, David
 Pimentel, Roderick
 Saunderson, George
 Soucy, Timothy
 Wazir, Safiya

Ebel, Karen
 Horn, Werner
 MacKay, James
 Richards, Beth
 Schamberg, Thomas
 Turcotte, Alan
 Wells, Kenneth

ROCKINGHAM

Acton, Dennis
 Bunker, Lisa
 Coursin, David
 Eisner, Mary
 Le, Tamara
 Pearson, Mark
 McConnell, Liz
 Read, Ellen
 Ward, Gerald

Altschiller, Debra
 Bushway, Patricia
 Cushing, Robert Renny
 Grossman, Gaby
 Loughman, Tom
 Maggiore, Jim
 Meuse, David
 Pearson, Stephen

Barnes, Arthur
 Cahill, Michael
 Doucette, Fred
 Grote, Jaci
 Love, David
 Malloy, Dennis
 Milz, David
 Somssich, Peter

Berrien, Skip
 Cali-Pitts, Jacqueline
 Edgar, Michael
 Murray, Kate
 Lovejoy, Patricia
 McBeath, Rebecca
 Prudhomme-O'Brien, Katherine
 Vallone, Mark

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Gourgue, Amanda
 Keans, Sandra
 Opderbecke, Linn
 Southworth, Thomas
 Wall, Janet

Cannon, Gerri
 Fargo, Kristina
 Grassie, Chuck
 Kenney, Cam
 Schmidt, Peter
 Spang, Judith

Chase, Wendy
 Fontneau, Timothy
 Higgins, Peg
 Levesque, Cassandra
 Salloway, Jeffrey
 Towne, Matthew

Conley, Casey
 Frost, Sherry
 Horrigan, Timothy
 Smith, Marjorie
 Sandler, Catt
 Vincent, Kenneth

SULLIVAN

Cloutier, John
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 132

BELKNAP

Bean, Harry
 Mackie, Jonathan
 Tilton, Franklin

Fields, Dennis
 Plumer, John
 Viens, Harry

Howard, Raymond
 Spanos, Peter

Jurius, Deanna
 Sylvia, Michael

CARROLL

Comeau, Ed
 Marsh, William

Cordelli, Glenn
 Nelson, Bill

Crawford, Karel

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
 Belanger, James

Alexander, Joe
 Boehm, Ralph

Griffin, Barbara
 Burns, Charles

Barry, Richard
 Burt, John

Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Trento, Michael

Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Warden, Mark

Fedolfi, Jim
Graham, John
Hopper, Gary
McLean, Mark
Plett, Fred
Lekas, Tony
Whittemore, James

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Forsythe, Robert
Marple, Richard
Testerman, Dave

Hill, Gregory
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Green, Dennis
Osborne, Jason
Khan, Aboul
McMahon, Charles
Piemonte, Tony
Sytek, John
Wallace, Scott

Abrami, Patrick
Chirichiello, Brian
DeClercq, Edward
Elliott, Robert
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Melvin, Charles
Potucek, John
Torosian, Peter
Welch, David

Abramson, Max
Costable, Michael
Desilets, Joel
Fowler, William
Harb, Robert
Janvrin, Jason
Griffin, Mary
Owens, Becky
Pratt, Kevin
True, Chris
Weyler, Kenneth

Baldasaro, Al
Davis, Dan
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Major, Norman
Packard, Sherman
Roy, Terry
Verville, Kevin

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

SB 263, relative to anti-discrimination protection for students in public schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for the Majority of Education. This bill extends New Hampshire's civil rights statute to participation in activities and benefits offered by public schools, and prohibits exclusion on the basis of age, sex, gender identity, race, creed, color, marital status, familial status, disability, national origin, or any other classes protected under the state's civil rights act. The bill stems from the Governor's Advisory Council on Diversity and Inclusion. The amendment adds sections to the civil rights act to guarantee the right to an opportunity for public education without discrimination and the procedure to seek equitable relief through superior court. Vote 11-7.

Rep. Glenn Cordelli for the Minority of Education. We are all concerned with providing anti-discrimination protections for our students and this is important legislation. The problem is that this amended bill raises many critical issues that need restitution. It opens pathways for any person (not just student) who feels aggrieved to go to the Human Rights Commission or directly to the courts. We believe this will open every school to defending lawsuits - and the School Boards Association agrees. This also expands the role of the Human Rights Commission into education - are they prepared for that responsibility? There are implications for athletics as well with the addition of "gender identity" as a protected class. What will this mean for Title IX requirements? How will "discriminatory practice" be interpreted - there is no definition and this is just one instance of language issues. The placement of the bill language into our statutes also raises issues relating to public accommodations and conflicting statutes about private rights of action. The minority believes that civil rights in education is important and that we need to get it right, and not open our schools to unnecessary problems and expenses. An amendment was offered to make this a study committee but ended in a tie vote. It is being offered as a minority amendment. The study committee can take the time to look into all the many important issues. This is too important to just pass legislation for legislation sake. Let's resolve the issues to protect students and schools. Let's resolve the bill issues and get it right.

Majority Amendment (1690h)

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

1 New Subdivision; Discrimination in Public Schools. Amend RSA 193 by inserting after section 37 the following new subdivision:

Discrimination in Public Schools

193:38 Discrimination in Public Schools. No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of their age, sex, gender identity, sexual

orientation, race, color, marital status, familial status, disability, religion, or national origin, all as defined in RSA 354-A. Any person claiming to be aggrieved by a discriminatory practice prohibited under 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 New Hampshire commission for human rights, as provided in RSA 354-A:27-28.

193:39 Discrimination Prevention Policy Required. Each school district and chartered public school shall develop a policy that guides the development and implementation of a coordinated plan to prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, or any other classes protected under RSA 354-A.

2 New Subdivision; Opportunity for Public Education Without Discrimination a Civil Right. Amend RSA 354-A by inserting after section 26 the following new subdivision:

Opportunity for Public Education Without Discrimination a Civil Right

354-A:27 Opportunity for Public Education Without Discrimination a Civil Right. No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin, all as defined in this chapter.

354-A:28 Procedure on Public School Complaints.

I. Any person claiming to be aggrieved by a discriminatory practice prohibited under RSA 354-A:27 may initiate a civil action in superior court against a school or school district for legal or equitable relief, or file a complaint with the commission as provided in RSA 354-A:21. The attorney general may also initiate such a civil action in superior court or by complaint with the commission.

II. Any complaint filed with the commission pursuant to paragraph I shall comply with and be subject to the procedures outlined in this chapter, with the exception that such complaints may be removed to superior court at any time in compliance with RSA 508:4

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

Majority committee amendment adopted.

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

Rep. Cordelli offered minority committee amendment (1717h).

Minority Amendment (1717h)

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

AN ACT establishing a committee to study anti-discrimination protection for students in public schools.

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

1 Committee Established. There is established a committee to study ways to provide anti-discrimination protection for students in New Hampshire public schools in fulfillment of the provisions of the constitution of this state concerning civil rights.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee's study shall include, but not be limited to:

I. A review of RSA 354-A, the "Law Against Discrimination," by integrating education discrimination legislation as a student civil right provision in public schools.

II Defining unlawful discriminatory practices and the legal standard for education discriminatory practice in private right of action.

III. A review the powers of the state commission for human rights, including any powers relative to education and the effects of the removal of those responsibilities from the department of education.

IV. Identifying necessary or available resources the commission for human rights may require to review and adjudicate education discrimination actions in public schools.

V. A review of the Title IX implications of and the effects of discrimination legislation based on disability, sexual orientation, and gender identity on interscholastic athletic programs.

VI. The documentation of school district and New Hampshire Interscholastic Athletic Association policies on accommodation for transgender students in interscholastic athletic programs with consideration given to anti-discrimination practice exemptions for fair competition and safety protections pursuant to New Hampshire Interscholastic Athletic Association eligibility guidelines and procedures that govern student participation in public school interscholastic activities and athletics.

VII. The research of any pending or recent cases to the commission for human rights from any public or nonpublic school student or staff and the discrimination grounds and any pending or recent cases to the superior court.

VIII. The comparison including but not limited to costs, outcomes, and length of process for complainants seeking resolution of discrimination complaints through the commission for human rights and the superior court.

IX. The review proper statutory placement for any new anti-discrimination protection.

X. The review and consideration of anti-discrimination education protections and systems implemented in other states.

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. Four 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, 2020.

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

AMENDED ANALYSIS

This bill establishes a committee to study anti-discrimination protection for students in public schools. Reps. Cordelli and Ladd spoke in favor.

Rep. Tanner spoke against.

Rep. Cordelli requested a roll call; sufficiently seconded.

YEAS 146 - NAYS 207

YEAS - 146

BELKNAP

Bean, Harry
Mackie, Jonathan
Sylvia, Michael

Fields, Dennis
Plumer, John
Tilton, Franklin

Howard, Raymond
Spanos, Peter
Viens, Harry

Jurius, Deanna
St. Clair, Charlie

CARROLL

Avellani, Lino
Crawford, Karel

Buco, Thomas
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Hunt, John

Mann, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward
Migliore, Vincent Paul

Hennessey, Erin

Ladd, Rick

Massimilla, Linda

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Nunez, Hershel
Prout, Andrew
Lekas, Tony
Whittemore, James

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nutter-Upham, Frances
Ober, Russell
Trento, Michael

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Ulery, Jordan

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
Notter, Jeanine
Plett, Fred
Shaw, Barbara
Warden, Mark

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Yakubovich, Michael

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur

Abramson, Max
Bershtein, Alan

Acton, Dennis
Chirichiello, Brian

Baldasaro, Al
Costable, Michael

Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Welch, David

Thomas, Douglas
Doucette, Fred
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Weyler, Kenneth

DeClercq, Edward
Edwards, Jess
Green, Dennis
Hoelzel, Kathleen
Khan, Aboul
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin

Desilets, Joel
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Kolodziej, Walter
Major, Norman
Owens, Becky
Pratt, Kevin
Sytek, John
Wallace, Scott

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

STRAFFORD

SULLIVAN

NAYS - 207

BELKNAP

Huot, David

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Meador, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Thompson, Craig

CARROLL

CHESHIRE

COOS

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

GRAFTON

Abel, Richard
Diggs, Francesca
French, Elaine
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
Josephson, Timothy
Nordgren, Sharon
Stringham, Jerry

Almy, Susan
Egan, Timothy
Maes, Kevin
Osborne, Richard
Smith, Suzanne

Campion, Polly
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
McLean, Mark
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mombourquette, Donna
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Balch, Chris
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Martin, Joelle
Mullen, Sue
Petrigno, Peter
Proulx, Mark
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

Baroody, Benjamin
Bosman, James
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
McGhee, Kat
Murphy, Nancy
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie

Carson, Clyde
Fox, Samantha
Luneau, David

Doherty, David
Fulweiler, Joyce
MacKay, James

Ebel, Karen
Karrick, David
McWilliams, Rebecca

Moffett, Howard
 Rodd, Beth
 Schuett, Dianne
 Wallner, Mary Jane
 Woods, Gary

Myler, Mel
 Rogers, Katherine
 Schultz, Kristina
 Walz, Mary Beth

Pimentel, Roderick
 Saunderson, George
 Soucy, Timothy
 Wazir, Safiya

Richards, Beth
 Schamberg, Thomas
 Turcotte, Alan
 Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 Edgar, Michael
 Murray, Kate
 Maggiore, Jim
 Meuse, David

Berrien, Skip
 Cali-Pitts, Jacqueline
 Eisner, Mary
 Le, Tamara
 Malloy, Dennis
 Read, Ellen

Bunker, Lisa
 Coursin, David
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Somssich, Peter

Bushway, Patricia
 Cushing, Robert Renny
 Grote, Jaci
 Lovejoy, Patricia
 McConnell, Liz
 Ward, Gerald

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Gourgue, Amanda
 Keans, Sandra
 Opderbecke, Linn
 Southworth, Thomas
 Wall, Janet

Cannon, Gerri
 Fargo, Kristina
 Grassie, Chuck
 Kenney, Cam
 Schmidt, Peter
 Spang, Judith

Chase, Wendy
 Fontneau, Timothy
 Higgins, Peg
 Levesque, Cassandra
 Salloway, Jeffrey
 Towne, Matthew

Conley, Casey
 Frost, Sherry
 Horrigan, Timothy
 Smith, Marjorie
 Sandler, Catt
 Vincent, Kenneth

SULLIVAN

Cloutier, John
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

and floor amendment (1717h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
 Rep. Le spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 214 - NAYS 143

YEAS - 214

BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Burroughs, Anita
 Knirk, Jerry

Butler, Edward
 Ticehurst, Susan

DesMarais, Edith
 Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
 Faulkner, Barry
 Ley, Douglas
 Parkhurst, Henry
 Thompson, Craig

Ames, Richard
 Fenton, Donovan
 Mann, John
 Schapiro, Joe
 Von Plinsky, Sparky

Berch, Paul
 Gomarlo, Jennie
 Meader, David
 Swinburne, Sandy
 Pearson, William

Eaton, Daniel
 Harvey, Cathryn
 Morrill, David
 Tatro, Bruce
 Weber, Lucy

COOS

Hatch, William
 Tucker, Edith

Laflamme, Larry
 Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
 Diggs, Francesca
 Ford, Susan
 Massimilla, Linda
 Osborne, Richard
 Smith, Suzanne

Adjutant, Joshua
 Dontonville, Roger
 French, Elaine
 Mulligan, Mary Jane
 Ruprecht, Dennis
 Sykes, George

Almy, Susan
 Egan, Timothy
 Josephson, Timothy
 Muscatel, Garrett
 Stavis, Laurel
 Weston, Joyce

Campion, Polly
 Fellows, Sallie
 Maes, Kevin
 Nordgren, Sharon
 Stringham, Jerry

HILLSBOROUGH

Alexander, Joe
 Balch, Chris
 Bordy, William
 Cohen, Bruce
 Desjardin, Kathy
 Davis, Fred
 Hall, Brett
 Herbert, Christopher
 Jeudy, Jean

Bouldin, Amanda
 Baroody, Benjamin
 Bosman, James
 Connors, Erika
 DiSilvestro, Linda
 Freitas, Mary
 Hamer, Heidi
 Indruk, Greg
 King, Mark

Bouldin, Andrew
 Beaulieu, Jane
 Bouchard, Donald
 Cornell, Patricia
 Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Schmidt, Janice
 Klee, Patricia

Backus, Robert
 Bernet, Jennifer
 Cleaver, Skip
 Dargie, Paul
 Espitia, Manny
 Griffith, Willis
 Heath, Mary
 Jack, Martin
 Klein-Knight, Nicole

Komi, Richard
 Martin, Joelle
 Nutter-Upham, Frances
 Pickering, Daniel
 Newman, Ray
 Shaw, Barbara
 Stack, Kathryn
 Toomey, Dan
 Thomas, Wendy

Langley, Diane
 McGhee, Kat
 Nutting-Wong, Allison
 Piedra, Israel
 Riel, Cole
 Snow, Kendall
 Stevens, Deb
 Vail, Suzanne
 Wilhelm, Matthew

Murray, Megan
 Mullen, Sue
 Pedersen, Michael
 Porter, Marjorie
 Rung, Rosemarie
 Sofikitis, Catherine
 Smith, Timothy
 Van Houten, Constance
 Williams, Kermit

Mangipudi, Latha
 Murphy, Nancy
 Petrigno, Peter
 Query, Joshua
 Newman, Sue
 St. John, Michelle
 Telerski, Laura
 Vann, Ivy
 Woodbury, David

MERRIMACK

Bartlett, Christy
 Ellison, Arthur
 Lane, Connie
 Moffett, Howard
 Rodd, Beth
 Schuett, Dianne
 Wallner, Mary Jane
 Woods, Gary

Carson, Clyde
 Fox, Samantha
 Luneau, David
 Myler, Mel
 Rogers, Katherine
 Schultz, Kristina
 Walz, Mary Beth

Doherty, David
 Fulweiler, Joyce
 MacKay, James
 Pimentel, Roderick
 Saunderson, George
 Soucy, Timothy
 Wazir, Safiya

Ebel, Karen
 Karrick, David
 McWilliams, Rebecca
 Richards, Beth
 Schamberg, Thomas
 Turcotte, Alan
 Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 Edgar, Michael
 Murray, Kate
 Maggiore, Jim
 Meuse, David

Berrien, Skip
 Cali-Pitts, Jacqueline
 Eisner, Mary
 Le, Tamara
 Malloy, Dennis
 Read, Ellen

Bunker, Lisa
 Coursin, David
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Somssich, Peter

Bushway, Patricia
 Cushing, Robert Renny
 Grote, Jaci
 Lovejoy, Patricia
 McConnell, Liz
 Ward, Gerald

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Gourgue, Amanda
 Keans, Sandra
 Operbecke, Linn
 Southworth, Thomas
 Wall, Janet

Cannon, Gerri
 Fargo, Kristina
 Grassie, Chuck
 Kenney, Cam
 Schmidt, Peter
 Spang, Judith

Chase, Wendy
 Fontneau, Timothy
 Higgins, Peg
 Levesque, Cassandra
 Salloway, Jeffrey
 Towne, Matthew

Conley, Casey
 Frost, Sherry
 Horrigan, Timothy
 Smith, Marjorie
 Sandler, Catt
 Vincent, Kenneth

SULLIVAN

Cloutier, John
 Sullivan, Brian

Lucas, Gates
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 143

BELKNAP

Bean, Harry
 Mackie, Jonathan
 Tilton, Franklin

Fields, Dennis
 Plumer, John
 Viens, Harry

Howard, Raymond
 Spanos, Peter

Jurius, Deanna
 Sylvia, Michael

CARROLL

Avellani, Lino
 Crawford, Karel

Buco, Thomas
 MacDonald, John

Comeau, Ed
 Marsh, William

Cordelli, Glenn
 Nelson, Bill

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
 Boehm, Ralph
 Danielson, David
 Gagne, Larry
 Gunski, Michael
 Lascelles, Richard
 Notter, Jeanine
 Proulx, Mark
 Renzullo, Andrew
 Warden, Mark

Griffin, Barbara
 Burns, Charles
 Erf, Keith
 Gould, Linda
 Hinch, Richard
 Marzullo, JP
 Nunez, Hershel
 Prout, Andrew
 Lekas, Tony
 Whittemore, James

Barry, Richard
 Burt, John
 Fedolli, Jim
 Graham, John
 Hopper, Gary
 McLean, Mark
 Panasiti, Reed
 Ober, Russell
 Trento, Michael

Belanger, James
 Camarota, Linda
 Flanagan, Jack
 Greene, Bob
 Ober, Lynne
 Mombourquette, Donna
 Plett, Fred
 Radhakrishnan, Julie
 Ulery, Jordan

MERRIMACK

Allard, James
Klose, John
Pearl, Howard

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Yakubovich, Michael

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Welch, David

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Weyler, Kenneth

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Green, Dennis
Hoelzel, Kathleen
Khan, Aboul
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin
Yokela, Josh

Baldasaro, Al
Costable, Michael
Desilets, Joel
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Kolodziej, Walter
Major, Norman
Owens, Becky
Pratt, Kevin
Sytek, John
Wallace, Scott

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted and referred to the Committee on Judiciary.

SB 200, relative to wildlife corridors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Read for the Majority of Fish and Game and Marine Resources. It is a well understood principle of wildlife ecology that conserved areas are far more valuable when they are connected than separated. For example, 10,000 acres of conserved habitat in one connected parcel is infinitely superior to 10,000 acres in 1,000 separated parcels which may, in fact, be almost ineffective. Therefore, wildlife corridors are of primary concern in wildlife conservation and this bill merely seeks to recognize corridors as a public good, adding them as a consideration to other conservation topics that departments consider when managing development projects. As tourism of natural areas is NH's second largest industry, conserving our wildlife populations is a priority. Furthermore, while preeminent biologists provided copious data in support of this bill, no one spoke in opposition. Vote 14-4.

Rep. Ed Comeau for the Minority of Fish and Game and Marine Resources. This establishment of wildlife corridors originates from an international treaty known as the United Nations Biodiversity Treaty. This treaty was submitted to the US Senate in 1992 and was rejected due to its effects on private property. Many non-governmental organizations (NGOs) are still attempting to establish these interconnected corridors at the state and local levels. It is the opinion of the minority that this bill will have a negative effect on private property. The bill is adding more bureaucracy as transportation planners already have a mechanism in place to consider sensitive wild areas. Therefore, this legislation is not needed.

Majority Amendment (1529h)

Amend the bill by replacing section 9 with the following:

9 New Section; Administration of Transportation Laws; Wildlife Corridors and Habitat Strongholds. Amend RSA 228 by inserting after section 46-b the following new section:

228:46-c Wildlife Corridors and Habitat Strongholds. The department of transportation shall consider wildlife corridors and habitat strongholds as defined in RSA 207:1 in road mitigation projects and where feasible as determined by the department, including stream crossings, with expansion of capacity and redesign of culverts for potential changes in precipitation and stream flow. The department shall incorporate wildlife corridors that intersect transportation infrastructure into project planning and mitigation efforts to minimize the effect of roads on wildlife connectivity, as such information is available.

Majority committee amendment adopted.

Majority committee report adopted and referred to the Committee on Transportation.

SB 293-FN, relative to federally qualified health care centers and rural health centers reimbursement. **OUGHT TO PASS.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. This bill addresses an unintended consequence of the drafting of the Granite Advantage Health Care Program and the subsequent administrative rules. In current law, a Medicaid enrollee who is not in compliance with the 100 hours per month community engagement requirement will first be suspended before being terminated. Although they are suspended, they

remain Medicaid enrollees. Federally Qualified Health Centers (FQHCs) and Rural Health Centers (RHCs) are required by federal law to treat Medicaid enrollees but the federal law will not allow federal funds to be used to provide services to Medicaid beneficiaries who are on suspension. Additionally, the other federal grant funds to FQHCs and RHCs can only be used for uninsured patients, not for Medicaid enrollees. As a result, these health centers must provide services to suspended Medicaid enrollees but cannot be reimbursed by any federal source for the services provided. Since these health centers are operating on razor-thin margins and serve 18% of the state's Medicaid enrollees, the loss of reimbursement for providing services to Medicaid enrollees who are suspended for non-compliance with the community engagement requirement poses an existential threat to them. They need to be protected as they provide essential services to the state and communities. This bill ensures that the health centers will be reimbursed for the services they provide by the New Hampshire Department of Health and Human Services. Vote 16-4.

The question being adoption of the committee report of Ought to Pass.
Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 226 - NAYS 134

YEAS - 226

BELKNAP

Fields, Dennis

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
DesMarais, Edith
Ticehurst, Susan

Burroughs, Anita
Kanzler, Harrison
Woodcock, Stephen

Butler, Edward
Knirk, Jerry

Crawford, Karel
Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meader, David
Swinburne, Sandy
Pearson, William

Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Backus, Robert
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Balch, Chris
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeady, Jean
Komi, Richard
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Allard, James
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Bartlett, Christy
Ellison, Arthur

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Towne, Matthew

Conley, Casey
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

SULLIVAN

Cloutier, John
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

Oxenham, Lee

Stapleton, Walter

NAYS - 134

BELKNAP

Bean, Harry
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

Mackie, Jonathan
Tilton, Franklin

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

MacDonald, John

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Hunt, John

O'Day, John

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Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

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Ladd, Rick

Migliore, Vincent Paul

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Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Trento, Michael

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Ulery, Jordan

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
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Graham, John
Hopper, Gary
McLean, Mark
Plett, Fred
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Kotowski, Frank
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Marple, Richard
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McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Green, Dennis

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Harb, Robert

Baldasaro, Al
Costable, Michael
Desilets, Joel
Elliott, Robert
Hobson, Deborah

Osborne, Jason
Khan, Aboul
Pearson, Mark
Owens, Becky
Pratt, Kevin
Sytek, John
Wallace, Scott

Janigian, John
Kolodziej, Walter
Major, Norman
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Welch, David

Janvrin, Jason
Love, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Weyler, Kenneth

Katsakiores, Phyllis
Griffin, Mary
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin
Yokela, Josh

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Smith, Steven

Laware, Thomas

Lucas, Gates

and the committee report was adopted and referred to the Committee on Finance.

SB 2-FN, relative to funding for job training programs in the department of business and economic affairs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Timothy Soucy for the Majority of Labor, Industrial and Rehabilitative Services. The majority of the committee feels this legislation will help New Hampshire businesses attract workers. The legislation revises the job training programs offered by the department of business and economic affairs. This legislation creates a special fund, to be known as the training fund. It adds \$4 million dollars to the fund and expands training to unemployed workers and current workers as well. Vote 12-8.

Rep. Hershel Nunez for the Minority of Labor, Industrial and Rehabilitative Services. The minority of the committee recognizes that trusts are set up just for that. This body should not be introducing legislation to manipulate the governing trusts set up to fund these programs. This bill takes \$10 million dollars from the trust to fund a \$4 million-dollar program. It should have been introduced as an expenditure from the General Fund.

Majority Amendment (1523h)

Amend the bill by replacing section 3 with the following:

3 Unemployment Compensation; Contribution Rates. Amend RSA 282-A:87, IV(a) to read as follows:

IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I shall have its rate reduced by ~~[2/10]~~ **2/5** of one percent beginning in the ~~[second]~~ **fourth** quarter of ~~[2007]~~ **2019**. An administrative contribution equal to the amount of this reduction shall be paid by all such employers.

(2) Commencing ~~[July 1, 2007]~~ **January 1, 2020**, after deduction of all costs incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative contribution collected, not to exceed ~~[\$2,000,000]~~ **\$6,000,000** annually, shall be deposited each quarter in the fund established by RSA 282-A:138-a and shall be expended only as provided by and for the purposes provided in that section **and shall lapse to the unemployment trust fund account established in RSA 282-A:104, 1(b) if unspent or unencumbered at the end of the relevant program year**. The remaining quarterly administrative contribution collected shall be **divided so that the proportional share of the quarterly administrative contribution resulting from the increase over 2/10 of one percent shall be deposited in the unemployment compensation fund established in RSA 282-A:103 and the remaining amount** deposited in the fund established by RSA 282-A:140 and shall be expended only as provided by and for the purposes provided in that section, and not for any other purpose.

Majority committee amendment adopted.

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

Rep. Sullivan offered floor amendment (1842h).

Floor Amendment (1842h)

Amend the introductory paragraph in RSA 12-O:32, II as inserted by section 5 of the bill by replacing it with the following:

II. No more than \$500,000 annually, from sources other than the WorkReadyNH program, shall be provided to support programs offered as of January 1, 2019, and, in addition to programs offered as of January 1, 2019, funding shall be provided for:

Rep. Sullivan spoke in favor.

Floor amendment (1842h) adopted.

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

Rep. Flanagan spoke against.

Rep. Sullivan spoke in favor and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 216 - NAYS 146**YEAS - 216
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLLBuco, Thomas
Kanzler, HarrisonBurroughs, Anita
Knirk, JerryButler, Edward
Ticehurst, SusanDesMarais, Edith
Woodcock, Stephen**CHESHIRE**Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, CraigAmes, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, SparkyBerch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, WilliamEaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy**COOS**Hatch, William
Tucker, EdithLaflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTONAbel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, SuzanneAdjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, GeorgeAlmy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, JoyceCampion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry**HILLSBOROUGH**Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, KermitBouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, DavidBackus, Robert
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, WendyBalch, Chris
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew**MERRIMACK**Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, GaryCarson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary BethDoherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, SafiyaEbel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth**ROCKINGHAM**Altschiller, Debra
Cahill, Michael
Edgar, Michael
Le, Tamara
Malloy, Dennis
Read, EllenBerrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Loughman, Tom
McBeath, Rebecca
Somssich, PeterBunker, Lisa
Coursin, David
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Vallone, MarkBushway, Patricia
Cushing, Robert Renny
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald**STRAFFORD**Bixby, Peter
Ellis, DonnaCannon, Gerri
Fargo, KristinaChase, Wendy
Fontneau, TimothyConley, Casey
Frost, Sherry

Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Towne, Matthew

Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

SULLIVAN

NAYS - 146

BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Lekas, Tony
Whittemore, James

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Trento, Michael

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinck, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Ulery, Jordan

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Warden, Mark

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Yakubovich, Michael

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Elliott, Robert
Grote, Jaci
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin
Yokela, Josh

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Gay, Betty
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Owens, Becky
Pratt, Kevin
Sytek, John
Wallace, Scott

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Green, Dennis
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Welch, David

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

and the majority committee report was adopted and referred to the Committee on Finance. Rep. Grote voted Nay and intended to vote Yea.

SB 59-FN, adding post traumatic stress disorder and acute stress disorder to the definition of “injury” for purposes of workers’ compensation and reestablishing the commission to study the incidence of post-traumatic stress disorder in first responders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Soucy for Labor, Industrial and Rehabilitative Services. Last session SB 553 (2018) established a commission to consider mental health workers’ compensation for emergency workers, which made several recommendations in a report issued on November 1, 2018. The commission report found that post-traumatic stress disorder (PTSD) and acute stress disorder (ASD) *“is of considerable concern in our first responders... [and] the cost of doing nothing is too high.”* While there are several peer support and employer-sponsored programs within the NH State Police, the fire service, and the private sector, the commission recommended several statutory updates to address an under-reported problem, which are in this bill. These included re-convening the commission for further study; redefining “emergency worker” under RSA 281-A:2, V-c.; and establishing presumptive PTSD and ASD workers’ compensation coverage for these emergency workers, as redefined in the original bill, effective on January 1, 2021. In addition, the bill clarifies the intent of SB 541 (2018), relative to presumptive workers’ compensation coverage for firefighters with occupational cancer under RSA 281-A:17, II, the definition of a tobacco-free lifestyle, and ensuring firefighters hired prior to January 1, 1997, receive presumptive coverage with a state-funded medical examination. Even though some members were concerned about the impact to workers’ compensation premiums, it was the view of the committee that this public policy was timely and needed. Vote 19-0.

Amendment (1676h)

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

AN ACT adding post traumatic stress disorder and acute stress disorder to the definition of “injury” for purposes of workers’ compensation, establishing the commission to study the incidence of post-traumatic stress disorder in first responders, and clarifying workers’ compensation for firefighter and heart, lung, or cancer disease.

Amend the bill by replacing sections 2-4 with the following:

2 Workers’ Compensation; Definitions. Amend RSA 281-A:2, XI to read as follows:

XI. “Injury” or “personal injury” as used in and covered by this chapter means accidental injury or death arising out of and in the course of employment, or any occupational disease or resulting death arising out of and in the course of employment, including disability due to radioactive properties or substances or exposure to ionizing radiation. “Injury” or “personal injury” shall not include diseases or death resulting from stress without physical manifestation, except that, if an employee meets the definition of an “emergency response/public safety worker” under RSA 281-A:2, V-c, the terms “injury” or “personal injury” shall also include acute stress disorder and post-traumatic stress disorder. “Injury” or “personal injury” shall not include a mental injury if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action, taken in good faith by an employer. No compensation shall be allowed to an employee for injury proximately caused by the employee’s willful intention to injure himself or injure another. Conditions of the aging process, including but not limited to heart and cardiovascular conditions, shall be compensable only if contributed to or aggravated or accelerated by the injury. Notwithstanding any law to the contrary, “injury” or “personal injury” shall not mean accidental injury, disease, or death resulting from participation in athletic/recreational activities, on or off premises, unless the employee reasonably expected, based on the employer’s instruction or policy, that such participation was a condition of employment or was required for promotion, increased compensation, or continued employment.

3 New Sections; Commission to Study the Incidence of Post-Traumatic Stress Disorder in First Responders and Whether Such Disorder Should be Covered Under Workers’ Compensation. Amend RSA 281-A by inserting after section 17-a the following new sections:

281-A:17-b Commission to Study the Incidence of Post-traumatic Stress Disorder in First Responders Established.

I.(a) There is established the commission to study the incidence of post-traumatic stress disorder in first responders and whether such disorder should be covered under workers’ compensation. The members of the commission shall be as follows:

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

(2) Three members of the house of representatives, one of whom shall be from the labor, industrial and rehabilitative services committee, one of whom shall be from the executive departments and administration committee, and one of whom shall be from the state-federal relations and veterans affairs committee, appointed by the speaker of the house of representatives.

(3) The labor commissioner, or designee.

(4) The commissioner of safety, or designee.

- (5) The insurance commissioner, or designee.
- (6) A representative of the New Hampshire Municipal Association, appointed by the association.
- (7) A representative of the New Hampshire Association of Counties, appointed by the association.
- (8) A representative of the National Alliance on Mental Illness New Hampshire, appointed by the alliance.
- (9) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.
- (10) One member appointed by the New Hampshire Association of Chiefs of Police.
- (11) One member appointed by the New Hampshire Police Association.
- (12) A representative of the Professional Firefighters of New Hampshire, appointed by that organization.

(13) A representative of the New Hampshire Association of Emergency Medical Technicians, appointed by the association.

(14) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.

(15) An attorney, appointed by the New Hampshire Association for Justice.

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

II.(a) The commission shall study:

- (1) The prevalence of post traumatic stress disorder (PTSD) among first responders.
 - (2) The prevalence of PTSD, or factors contributing to PTSD, among first responders at the time of hiring.
 - (3) The extent to which first responders' employment benefits provide health insurance coverage for treatment of PTSD.
 - (4) The degree to which employers who hire first responders are capable of reassigning affected workers to less stressful positions that would allow employees to continue working while receiving mental health treatment.
 - (5) The extent to which prior military service may contribute to the rate of PTSD among first responders.
 - (6) The difficulty first responders currently have establishing that a PTSD diagnosis is causally related to employment.
 - (7) The difficulty employers would have establishing that a pre-employment condition or experience caused PTSD, rather than a first responders' current employment.
 - (8) The cost that creating a rebuttal presumption that PTSD was caused uncured during service in the line of duty would impose on public employers, private employers, and taxpayers, and funding solutions to mitigate such cost.
 - (9) The causes of high suicide rates of emergency responders, including exposure to occupational stress and emotional trauma, medication, substance abuse, disciplinary action, interaction with criminal and civil court system, and any state policies that emergency responders believe increase stress or suicide risk.
 - (10) Other issues the commission deems relevant to its study.
- (b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

IV. On or before November 1, 2019, the commission shall submit an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library and shall submit a final report on or before November 1, 2020.

281-A:17-c Acute Stress Disorder and Post-Traumatic Stress Disorder; Presumption. Notwithstanding RSA 281-A:2, XI and XIII, RSA 218-A:16, and RSA 281-A:27, there shall be a prima facie presumption that acute stress disorder and post-traumatic stress disorder in an emergency responder, as defined in RSA 281-A:2, V-c are occupationally caused.

4 Membership Continued. To the extent possible, the membership of the commission to study the incidence of post-traumatic stress disorder in first responders and whether such disorder shall be covered under workers' compensation established in section 3 of this act shall remain the same as the commission established in the former RSA 281-A:17-a.

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

6 Workers' Compensation; Firefighter and Heart, Lung, or Cancer Disease. Amend RSA 281-A:17, II to read as follows:

II. Notwithstanding the provisions of RSA 281-A:2, XI and XIII, 16 and 27, there shall exist a prima facie presumption that cancer disease in a firefighter, whether a regular, call, volunteer, or retired member of a fire department, is occupationally ~~[related]~~ **caused**. In order to receive ~~[this]~~ occupational cancer ~~[disability benefit]~~ **workers' compensation**, the type of cancer involved must be a type which may be caused by exposure to heat, radiation, or a known carcinogen, as defined by the International Agency for Research on Cancer. However:

(a) A firefighter who has been a firefighter for 10 years shall have the benefit of this prima facie presumption as follows:

(1) If a fire department follows the medical examination as outlined by the National Fire Protection Association standard 1582, the firefighter shall provide this report as evidence that the firefighter was free of such disease at the beginning of his or her employment and shall guarantee that he or she has lived a tobacco free ~~[life]~~ **lifestyle**. The employer of a ~~[call or volunteer]~~ firefighter shall provide the required reasonable medical evidence to the **workers' compensation carrier and to the** firefighter to present as part of his or her claim.

(2) If the fire department does not follow the medical examination standard, the firefighter shall guarantee that he or she has lived a tobacco free ~~[life]~~ **lifestyle** and has been a firefighter for 10 years and shall be required to present after action reports filed after fire incidents which demonstrate exposure to the known carcinogens as part of the claim, but shall not have the benefit of the prima facie presumption.

(b) A retired firefighter who has been retired between 6 and 20 years who guarantees that he or she has lived a tobacco free ~~[life]~~ **lifestyle** and who is receiving a pension **subject to RSA 100-A**, shall be eligible for medical payments only under this section. If a new claim is being filed, the firefighter shall be responsible for filing applicable data and after action reports if no ~~[physical]~~ **medical examination** report can be provided. A retired firefighter who agrees to submit to any ~~[physical]~~ **medical** examination requested by the employing city, town, or precinct shall have the benefit of the prima facie presumption for a period of 20 years from the effective date of the firefighter's retirement, during which time the firefighter shall be eligible to have his or her medical expenses paid for this period.

(c) No active or retired firefighter shall receive the presumption benefit unless the employer voluntarily has in effect a policy that follows the fire standards and training commission curriculum requirement for best practices for use and cleaning of equipment.

(d) For active, regular firefighters whose employment began prior to January 1, 1997, a medical examination as outlined by the National Fire Protection Association standard 1582 may be reimbursed by the department of safety, division of fire standards and training and emergency medical services, and provided as evidence that the firefighter was free of such disease.

(e) For the purposes of this section, a person lives a "tobacco free lifestyle" if he or she has not, within the past 6 months, used any tobacco product, including cigarettes, cigars, chewing tobacco, snuff, or pipe tobacco 4 or more times in a week, except in the case of religious or ceremonial use of tobacco, such as by Alaska natives or Native Americans.

7 Effective Date.

I. Section 5 of this act shall take effect November 1, 2020.

II. RSA 281-A:17-c as inserted by section 3 of this act shall take effect January 1, 2021.

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

AMENDED ANALYSIS

This bill adds post-traumatic stress disorder and acute stress disorder to the definition of "injury" for purposes of workers' compensation. This bill establishes the commission to study the incidence of post-traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation. This bill also clarifies workers' compensation for firefighter and heart, lung or cancer disease.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 271-FN-L, relative to requiring prevailing wages on state-funded public works projects. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald Bouchard for the Majority of Labor, Industrial and Rehabilitative Services. This bill requires contractors to compete for projects in New Hampshire based on a set of criteria that insures the workforce to be the best trained, best equipped, and best managed. This bill takes wages out of the equation, organizing the competition around quality, productivity, and efficiency. When everyone plays on a level field, contractors seek to maximize their workers' output, and their own ability to manage work better than their competition. The result is a high-quality workforce as opposed to the cheapest, least trained workforce. Vote 12-8.

Rep. Jack Flanagan for the Minority of Labor, Industrial and Rehabilitative Services. This bill requires state and some municipal construction contracts to pay a wage known as the Davis-Bacon Wage or prevailing wage. These wages are calculated in Washington, D.C. using random wage information from state counties. The minority feels that this bill will raise the cost of all governmental construction contracts. It

was argued that this bill will reduce time to finish the job and make the job site more safe. It was agreed by the minority that contracts are currently well run and managed, and this bill will only have a negative effect on the taxpayers.

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

Rep. Mackie spoke against.

Rep. Bouchard spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 140

YEAS - 213 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Noel, Henry

Laflamme, Larry
Tucker, Edith

Merner, Troy

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Backus, Robert
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

Balch, Chris
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Baroody, Benjamin
Bosman, James
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Proulx, Mark
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael

Berrien, Skip
Coursin, David

Bunker, Lisa
Cushing, Robert Renny

Bushway, Patricia
Edgar, Michael

Eisner, Mary
Le, Tamara
Malloy, Dennis
Read, Ellen

Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

Chase, Wendy
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Towne, Matthew

Conley, Casey
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 140

BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Thomas, Yvonne

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Trento, Michael

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Ulery, Jordan

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinck, Richard
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Warden, Mark

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
McLean, Mark
Plett, Fred
Lekas, Tony
Whittemore, James

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Yakubovich, Michael

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Bershtein, Alan
Davis, Dan
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
Verville, Kevin
Yokela, Josh

Abrami, Patrick
Cali-Pitts, Jacqueline
Thomas, Douglas
Edwards, Jess
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Milz, David
Potucek, John
Sytek, John
Wallace, Scott

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Major, Norman
Owens, Becky
Pratt, Kevin
Torosian, Peter
Welch, David

Baldasaro, Al
Costable, Michael
Desilets, Joel
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

STRAFFORD

Harrington, Michael
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Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

and the majority committee report was adopted and ordered to third reading.
Rep. Abramson declared a conflict of interest and did not participate.

The House recessed at 11:50 a.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker Shurtleff in the Chair)

REGULAR CALENDAR - PART I CONT'D

SB 285-FN, establishing a coastal resilience and economic development program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan Treleaven for the Majority of Municipal and County Government. As the climate is changing and evolving, we must be proactive in addressing and preparing for future events by calling together many from the historic community, planning commissions, the legislature, land trusts, estuary regions, and the legal community to name a few. This is a bill that will serve the state and its coastal communities long, long into the future. Vote 15-3.

Rep. Tony Piemonte for the Minority of Municipal and County Government. The stated purpose of this bill is excellent and clearly needed, because we live on a restless planet that has dealt New Hampshire heavy blows in the past. The future is uncertain - this is why we have a rainy day fund. For regional and municipal planning issues, we have our regional planning commissions and their forward-looking staff, as well as town and city master plans. This bill duplicates work well underway through those mechanisms. The minority feels this bill is not ready for prime time, as shown by an extensive rewrite by amendment, and should be found Inexpedient to Legislate. Good idea, wrong tool.

Majority Amendment (1715h)

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

2 New Section; Climate Emergency Municipal Unification. Amend RSA 31 by inserting after section 9-c the following new section:

31:9-d Climate Emergency Municipality Unification.

I. As a result of sea-level rise, storm surge, and flooding from extreme precipitation events, or in anticipation of such events as projected by the Coastal Risk and Hazards Commission final report, "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation," and subsequent science and technical advisory panel reports under RSA 483-B:22, the legislative body of a municipality may declare a climate emergency and engage in planning for municipal cooperation and for municipal boundary adjustment or unification with one or more other municipalities. Municipal boundary adjustment or unification may include (a) the alteration of existing municipal boundaries or (b) the creation of a new municipality incorporating the existing boundaries of such municipalities and the creation of new, unified legislative and governing bodies. During this process a municipality may discontinue public roads pursuant to RSA 231:43 or RSA 231:45.

II. A proposal for municipal boundary adjustment or unification shall be presented in a bill to the general court after approval by a majority vote of each of the governing bodies of the municipalities affected. Approval of the boundary adjustment or unification by the general court and the respective municipalities shall follow the process for alteration of town lines under RSA 51:9. A legislative enactment authorizing the unification of 2 or more municipalities shall establish the form of government for the resulting municipality and a process for electing or appointing all necessary municipal officers if the unification is approved as provided in RSA 51:9.

3 New Section; Joint Municipal Development and Revitalization Districts. Amend RSA 162-K by inserting after section 15 the following new section:

162-K:16 Joint Municipal Development and Revitalization Districts. Municipalities may enter into an agreement under RSA 53-A to jointly establish a municipal development district that may include land within the several municipalities using the procedures in this chapter. Tax revenues and expenditures may be allocated as provided in the agreement.

4 New Subdivision; Coastal Resilience and Cultural and Historic Reserve Districts. Amend RSA 12-A by inserting after section 67 the following new subdivision:

Coastal Resilience and Cultural and Historic Reserve Districts

12-A:68 Coastal Resilience and Cultural and Historic Reserve Districts. Municipalities, regional planning commissions, the coastal resilience and cultural and historic reserve district commission, and state agencies may establish coastal resilience and cultural and historic reserve districts, which shall comprise lands suitable and eligible as a reserve of sufficient elevation and distance from tidal and riverine waters for historic proper-

ties and other historic and cultural resources, including historic burial grounds. The acquisition of land and the acquisition, removal, restoration, and placement of such resources by municipalities, the coastal resilience and cultural and historic reserve district commission, and state agencies may be funded by municipal funding, including bonding, private and non-profit donations, funding from the land and community heritage investment trust program established RSA 227-M:7, the conservation number plate fund established in RSA 261:97-b, and funding from the state and federal government. Such districts may be established as municipal or regional development districts under RSA 162-K. An existing local historic district, as defined in RSA 674:45-50, may, upon recommendation by a municipal governing body, be designated by the coastal resilience and cultural and historic reserve district commission as a coastal resilience and cultural and historic reserve district.

12-A:69 Coastal Resilience and Cultural and Historic Reserve District Fund. There is established a nonlapsing fund to be known as the coastal resilience and cultural and historic reserve district fund in the department of natural and cultural resources. The fund shall be used for assessing historic resource vulnerability, for implementing adaptation measures that protect endangered cultural and historic resources, for the acquisition of land and the acquisition, removal, restoration, and placement of historic properties and other historic and cultural resources including historic burial grounds in danger of flooding from tidal and riverine waters when other adaptation measures are insufficient. The fund shall be managed by the coastal resilience and cultural and historic reserve district commission established in RSA 12-A:70.

12-A:70 Commission Established.

I. The coastal resilience and cultural and historic reserve district commission is established. The members of the commission shall be as follows:

- (a) One representative of the Rockingham planning commission, selected by its director.
- (b) One representative of the Strafford regional planning commission, selected by its director.
- (c) One representative of each town or city that borders the tidal waters of the Great Bay Estuary or Atlantic Ocean, appointed by that town or city's governing body.
- (d) Two members of the senate, appointed by the president of the senate.
- (e) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (f) One representative of the New Hampshire Municipal Association, appointed by its executive director.
- (g) A representative of the division of historic resources, appointed by its director.
- (h) Three representatives of non-profits museums, historic properties, and historic associations in the seacoast and Great Bay Estuary regions, appointed by the governor.
- (i) A representative of Historic New England, appointed by its president.
- (j) A representative of the New Hampshire Old Graveyard Association, appointed by its president.
- (k) A representative of the Southeastern Land Trust, appointed by its president.
- (l) One representative of each local historic district in each municipality that borders the Great Bay or Atlantic Ocean, appointed by that district.

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) Identify suitable and eligible lands for coastal resilience and cultural and historic reserve districts.
- (b) Adopt rules, procedures, and agreements, in consultation with municipalities, regional planning commissions, and state agencies for the creation and management of the districts.
- (c) Solicit funding for and manage the coastal resilience and cultural and historic reserve district commission fund.
- (d) Develop policies on assessing the vulnerability of cultural and historic resources, the implementation of adaptation measures to improve resilience, and governing the acquisition and removal of properties to the district and the ongoing stewardship of such properties.
- (e) Develop cooperative agreements with municipalities, local historic districts, regional planning commissions, and others, in the establishment of any related municipal or regional development district incorporating the coastal resilience and cultural and historic reserve district commission.
- (f) Recommend any changes to state statutes, rules, and practices and, in consultation with municipalities, changes to local ordinances necessary for coastal resilience and cultural and historic reserve districts established.

IV. The terms of the elected members of the commission shall be coterminous with their terms in office; the terms of all other appointed members shall be 3 years. In the event of a vacancy, a new member shall be appointed for the unexpired term in the same manner as the original appointment.

V. The first meeting of the commission shall be called by the first-named senate member and shall be held within 90 days of the effective date of this section. The members of the commission shall elect a chairperson from among the members at the first meeting. Fifteen members of the commission shall constitute a quorum.

5 New Section; Regional Planning Commissions; Coastal Resilience Fund; Climate Resilience Cooperative Agreements. Amend RSA 36 by inserting after section 53 the following new section:

36:53-a Coastal Resilience Fund; Climate Resilience Cooperative Agreements.

I. The Strafford regional planning commission and the Rockingham planning commission either separately or jointly with participating municipalities may create climate resilience cooperative agreements forming an authority to plan for and address sea-level rise, storm surge, and flooding from extreme precipitation events or in anticipation of such events as projected by the Coastal risk and Hazards Commission final report "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation," and subsequent science and technical advisory panel reports under RSA 483-B:22.

II. Municipalities participating in a climate resilience cooperative agreement shall approve such agreement by a simple majority vote of the legislative body.

III. An authority formed by a climate resilience cooperative agreement may establish a coastal resilience fund, to be funded by contributions from participating parties or by bonds, to plan for and address current and future regional needs for projects such as, but not limited to, road projects, shared municipal facilities including wastewater treatment and wastewater systems, and other coastal mitigation and protection projects. If solid waste systems are proposed, such projects shall be governed by the provisions of RSA 53-B. If wastewater and waste treatment systems are proposed, such projects shall be governed by the provisions of RSA 485. For the purposes of the coastal resilience fund, the agreement may establish a common bonding authority under RSA 33.

IV. The climate resilience cooperative agreement shall establish a governing authority and process to oversee the coastal resilience fund.

(a) For an agreement formed by one regional planning commission, the governing authority shall be composed of the regional planning commission director, an elected official of a participating municipality selected by agreement of the governing bodies of the participating municipalities, and the chair of the county delegation for the county that has the largest number of municipalities in the regional planning commission's coverage area.

(b) For an agreement formed by both regional planning commissions, the governing authority shall be composed of both regional planning commission directors, an elected official of a participating municipality from both Rockingham and Strafford counties, each selected by agreement of the governing bodies of the participating municipalities in such county and the chairs of the Rockingham and Strafford county delegations.

V. The business affairs and actions of a climate resilience cooperative agreement authority shall be conducted and governed pursuant to the terms, conditions, and provisions of its agreement. The agreement shall include, but not be limited to, the following:

(a) A list of municipalities included in the coastal resilience and historic reserve district.

(b) Except as provided otherwise by law, the powers, duties, and authorities of the climate resilience cooperative agreement authority.

(c) Provisions for the sharing of planning, construction, operating, maintenance, and closing costs of any facilities.

(d) A description of proposed activities and projects.

(e) The terms by which other municipalities may be admitted to the agreement.

(f) The terms by which a municipality may withdraw from the agreement before or after debt has been incurred.

(g) The method by which the agreement may be amended including conditions under which an amendment may be approved by the governing or legislative bodies of member municipalities.

(h) The procedure for dissolution of the authority before or after debt has been incurred.

(i) Provisions for varied levels of participation by member municipalities in multiple projects, if available.

(j) The procedure for the preparation and adoption of the annual budget, including the apportionment of authority expenses and a schedule of payments and other procedures relative to governing the authority's fiscal affairs.

(k) The remedies and penalties which the climate resilience cooperative agreement authority may assert against a member which defaults in its obligations to the authority, if any.

(l) Procedures to receive and disburse funds for any climate resilience cooperative agreement authority purpose.

(m) Procedures to incur temporary debt in anticipation of revenue to be received.

(n) Procedures to assess member municipalities for expenses of the climate resilience cooperative agreement authority.

(o) Power to receive any grants or gifts for the purposes of the climate resilience cooperative agreement authority.

(p) Procedures to engage legal counsel, accountants, engineers, contractors, consultants, agents, and other advisors.

(q) Procedures for entering into contracts with any person consistent with the climate resilience cooperative agreement authority.

(r) Bylaws and regulations relative to project management.

(s) Procedures for establishing payments to the authority from participating municipalities.

(t) Procedures for funding the coastal resilience fund, including authorization of bonding or incurring any debt, by the participating municipalities.

VI. The one year limitation on regional planning commissions' debt obligations under RSA 36:49 shall not apply to the bonding authority under this section.

6 New Subdivision; Coastal Risk and Hazards Preparedness. Amend RSA 228 by inserting after section 115 the following new subdivision:

Coastal Risk and Hazards Preparedness

228:116 Coastal Risk and Hazards Preparedness. If abandonment of any state highway is considered because of sea-level rise, storm surge, and extreme precipitation events, or in anticipation of such events as projected by the Coastal Risk and Hazards Commission final report, "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation," and subsequent science and technical advisory panel reports under RSA 483-B:22, the department of transportation shall coordinate procedures with affected municipalities, the Rockingham planning commission, the Strafford regional planning commission, the department of business and economic affairs, and with business, real estate, tourism, and other affected economic interests. The process shall also consider mitigation policies and potential funding for owners of affected properties served by such roadways and projected impacts to the environment and natural and cultural resources. The final approval for such projects shall be through the general court, and any funding shall be included in the ten-year highway plan.

7 New Subparagraph; 10-Year Transportation Improvement Program. Amend RSA 240:3, VI by inserting after subparagraph (e) the following new subparagraph:

(f) For any project located in the coastal and Great Bay regions of the state, the project shall reference as guidance for all potentially affected activities in said regions the requirements regarding coastal resilience and economic development in RSA 483-B:22.

8 New Subparagraph; Coastal Resilience and Cultural and Historic Reserve District Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the coastal resilience and cultural and historic reserve district fund established in RSA 12-A:69.

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

Majority committee amendment adopted.

Majority committee report adopted and referred to the Committee on Public Works and Highways.

SB 185-FN-A, establishing a rail trail corridors advisory committee to assist the department of transportation in updating the state trails plan and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Edgar for Public Works and Highways. This bill, as amended, addresses the development and funding of the New Hampshire state rail trails plan by the Department of Transportation (DOT). This would require the DOT to develop a plan that will ensure the preservation and integrity of the rail corridors and provide direction for further development. The plan will determine how to engage towns, cities, and private rail trail organizations in this effort. A general fund appropriation of \$200,000 is provided to the DOT for the purpose of updating the New Hampshire state rail trails plan. Vote 18-1.

Amendment (1618h)

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

AN ACT relative to development of the New Hampshire state rail trails plan by the department of transportation and making an appropriation therefor.

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

1 Statement of Purpose. The state of New Hampshire owns 500 miles of rail corridors. Use of these trails for biking and non-motorized recreation provides valuable low-impact uses. This act requires the development of a plan for the state rail-trail system to ensure the preservation and integrity of these assets and to provide direction for future development. In addition to defining the role of the department of transportation in preservation of rail corridors, the plan will determine the best way to maximize the return on investment from, and leverage future investment in, the state's rail corridor assets. Additionally, this plan will determine how to engage towns, cities, and private rail-trail organizations in these efforts.

2 New Sections; New Hampshire State Rail Trails Plan; Advisory Committee. Amend RSA 21-L by inserting after section 12-b the following new sections:

21-L:12-c New Hampshire State Rail Trails Plan. The department of transportation shall update the 2005 state trails plan and document the best means to maintain and develop state-owned rail trail corridors. The updated plan shall be entitled the state rail trails plan and shall be completed on or before June 30, 2021. In developing the state rail trails plan, the department of transportation shall:

I. Update the 2005 rail corridor inventory through state records, statewide trail organizations, and regional planning commissions, including, by trail, the funding sources, and permitted uses.

II. Hire a qualified consulting firm to complete and disseminate the plan.

III. Include a statewide economic-impact analysis on the value of rail trails.

IV. Consider maintenance and cost of maintenance for rail trails, including state responsibility for the underlying structural integrity of abandoned rail corridors, while permitting trail organizations and towns to perform routine maintenance of trail surfaces and other amenities.

V. Establish a tier system for prioritizing state investments in rail trail projects, based on criteria such as geography, connectivity to other rail trails, proximity to population centers and natural attractions, and other criteria as deemed appropriate.

VI. Develop recommendations for a state funding mechanism to support rail trail projects and the management structure of such funds.

VII. Develop a template trail management agreement outlining responsibilities of state, local, and private organizations involved with management of state-owned trails.

VIII. Compile and maintain a list of trail organizations and the areas of the state each serves.

IX. Identify best practices for acquiring insurance for volunteer trail management groups.

X. Document state commitment and support for the development of rail trails for their transportation, recreation, tourism, and other economic value.

XI. Determine how to ensure the integrity of publicly owned rail trail corridors. This may include reestablishing property lines with abutting private property owners.

XII. Hold a minimum of 3 public hearings, each in a different area of the state, to solicit public comment to shape the plan and make the final plan available on the department of transportation website.

XIII. Provide a pamphlet at state information centers regarding the state trails plan.

21-L:12-d Rail Trail Advisory Stakeholders Committee. The department of transportation shall establish a rail trail advisory stakeholders committee to advise the department in the development of the state rail trails plan under RSA 21-L:12-c.

AMENDED ANALYSIS

This bill directs the department of transportation to develop a New Hampshire state rail trails plan based in part on the 2005 state trails plan, and makes an appropriation to the department for this purpose.

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

SB 167-FN, establishing a clean energy resource procurement commission. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Somssich for the Majority of Science, Technology and Energy. This bill establishes a clean energy resource procurement commission and authorizes the Public Utilities Commission to fund the expenses of the commission and to directly assess the gas and electric distribution utilities for the costs incurred. In order to promote more diverse, reliable, and resilient electricity across New Hampshire, it is in the interest of New Hampshire ratepayers that the commission investigate the most cost-effective pathway toward creating new long-term contracts for renewable energy generation in accordance with RSA 374-F. The commission includes 11 members from various stakeholder groups, including government, nonprofit organizations, and public utilities. Vote 12-7.

Rep. Douglas Thomas for the Minority of Science, Technology and Energy. This state has many professionals who know the best ways to buy clean energy. The minority believes that interjecting a legislative commission into a procurement process to learn what is already known is wasteful and not needed, particularly in light of the over 70 committees and commissions already enacted during this first year of the biennium. We should let the electric utilities do their job instead of reinventing the wheel.

Majority Amendment (1700h)

Amend RSA 374-F:9, II as inserted by section 2 of the bill by replacing it with the following:

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives at least one of whom shall be a member of the science, technology and energy committee, appointed by the speaker of the house of representatives.
- (c) The director of the office of strategic initiatives, or designee.
- (d) The chairperson of the public utilities commission, or designee.
- (e) The consumer advocate, or designee.
- (f) A representative of Clean Energy NH, appointed by the association.
- (g) A representative of the New England Power Generators Association, appointed by the association.
- (h) A representative of the 4 electric utility companies serving New Hampshire retail customers, appointed by the 4 utilities.

(i) A representative of the renewable energy development industry, appointed by the governor.

(j) A representative of the Conservation Law Foundation, appointed by the foundation.

Amend RSA 374-F:9, III as inserted by section 2 of the bill by inserting after subparagraph (k) the following new subparagraph:

(l) Appropriate siting criteria for eligible renewable energy generation resources that avoid, minimize, and mitigate impacts to natural and community resources.

Amend RSA 374-F:9, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The first meeting of the commission shall be called by the senate member and shall be held within 30 days of the effective date of this section. The members of the commission shall elect a chairperson from among the members at the first meeting. Seven members of the commission shall constitute a quorum. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Somssich offered floor amendment (1851h).

Floor Amendment (1851h)

Amend RSA 374-F:9, II as inserted by section 2 of the bill by replacing it with the following:

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

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

(b) Two members of the house of representatives at least one of whom shall be a member of the science, technology & energy committee, at appointed by the speaker of the house of representatives.

(c) The director of the office of strategic initiatives, or designee.

(d) The chairperson of the public utilities commission, or designee.

(e) The consumer advocate, or designee.

(f) A representative of Clean Energy NH, appointed by the association.

(g) A representative of the New England Power Generators Association, appointed by the association.

(h) A representative of Eversource, appointed by its president.

(i) A representative of Unitil, appointed by its president.

(j) A representative of Liberty Utilities, appointed by its president.

(k) A representative of the renewable energy development industry, appointed by the governor.

(l) A representative of the Conservation Law Foundation, appointed by the foundation.

(m) A representative of Granite State Hydropower Association, appointed by the association.

Amend RSA 374-F:9, III as inserted by section 2 of the bill by inserting after paragraph (k) the following new paragraph:

(l) Appropriate siting criteria for eligible renewable energy generation resources that avoid, minimize, and mitigate impacts to natural and community resources.

Amend RSA 374-F:9, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The first meeting of the commission shall be called by the senate member and shall be held within 30 days of the effective date of this section. The members of the commission shall elect a chairperson from among the members at the first meeting. Seven members of the commission shall constitute a quorum.

Rep. Somssich spoke in favor and yielded to questions.

Floor amendment (1851h) adopted.

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

Rep. Harrington spoke against.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 209 - NAYS 140

YEAS - 209

BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

COOS

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Egan, Timothy
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Balch, Chris
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Le, Tamara
Malloy, Dennis
Read, Ellen

Bunker, Lisa
Coursin, David
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

Bushway, Patricia
Cushing, Robert Renny
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

STRAFFORD

Bixby, Peter
Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Horriggan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Conley, Casey
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 140**BELKNAP**

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

Abbott, Michael	Hunt, John	O'Day, John
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COOS

Craig, Kevin	Furbush, Michael	Merner, Troy
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GRAFTON

French, Elaine	Gordon, Edward	Hennessey, Erin	Ladd, Rick
Migliore, Vincent Paul			

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Barry, Richard	Belanger, James
Boehm, Ralph	Burns, Charles	Burt, John	Camarota, Linda
Danielson, David	Erf, Keith	Fedolfi, Jim	Flanagan, Jack
Gagne, Larry	Gould, Linda	Graham, John	Greene, Bob
Gunski, Michael	Hinch, Richard	Hopper, Gary	Ober, Lynne
Lascelles, Richard	Marzullo, JP	McLean, Mark	Notter, Jeanine
Nunez, Hershel	Panasiti, Reed	Plett, Fred	Proulx, Mark
Prout, Andrew	Ober, Russell	Radhakrishnan, Julie	Renzullo, Andrew
Lekas, Tony	Ulery, Jordan	Warden, Mark	Whittemore, James

MERRIMACK

Allard, James	Forsythe, Robert	Hill, Gregory	Horn, Werner
Klose, John	Kotowski, Frank	Marple, Richard	McGuire, Carol
Pearl, Howard	Seaworth, Brian	Testerman, Dave	Walsh, Thomas
Yakovovich, Michael			

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Barnes, Arthur	Bershtein, Alan	Chirichiello, Brian
Costable, Michael	Davis, Dan	Thomas, Douglas	DeClercq, Edward
Desilets, Joel	DeSimone, Debra	Doucette, Fred	Edwards, Jess
Elliott, Robert	Fowler, William	Gay, Betty	Green, Dennis
Guthrie, Joseph	Harb, Robert	Hobson, Deborah	Hoelzel, Kathleen
Osborne, Jason	Janigian, John	Janvrin, Jason	Katsakiores, Phyllis
Khan, Aboul	Love, David	Griffin, Mary	Pearson, Mark
Major, Norman	McMahon, Charles	Melvin, Charles	Packard, Sherman
Piemonte, Tony	Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine
Roy, Terry	Pearson, Stephen	Torosian, Peter	True, Chris
Verville, Kevin	Wallace, Scott	Welch, David	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Kittredge, Mac
Perreault, Mona	Pitre, Joseph	Beaudoin, Steven	Wuelper, Kurt

SULLIVAN

Aron, Judy	Callum, John	Laware, Thomas	Lucas, Gates
Rollins, Skip	Stapleton, Walter	Smith, Steven	

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

SB 204, relative to distributed energy resources and consumer energy storage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Moffett for Science, Technology and Energy. Based on a comprehensive bipartisan amendment and a unanimous committee vote, this bill could have gone on the Consent Calendar. However, committee members agreed that because it speaks to a critical development in electric industry innovation that until now has not been sufficiently recognized in our statutes, it should be discussed on the House floor. Modern energy storage technology holds the promise of reducing electric costs by breaking the nexus between energy supply and demand on the electric grid. Because of the physical nature of electric energy, until now the grid has been built out and administered on the understanding that electricity is necessarily either consumed when it is generated, or wasted, and that the grid administrator (ISO-NE) must therefore seek to balance the total supply of electricity with the total demand for it at millions of light switches across New England at any given time. Storage technology allows the grid to accommodate more supply than demand at times when electricity can be produced by lower-cost generating units (including several intermittent renewable sources like solar, wind, and hydro which have zero fuel costs) and then discharged back onto the grid later when demand is greater than can be supplied, without resort to higher-cost "peaking units." This technological advance will facilitate the widespread adoption of "time-of-use" rates, designed to encourage retail customers to use more electricity at times when the stored surplus brings average costs down by avoiding more

expensive and dirtier fossil-fuel fired generating units. This bill, as amended, recognizes that this new and evolving energy storage technology could potentially have such a beneficial effect on reducing electric costs, not to mention its environmental and public health benefits, that we should be encouraging its development by both private market participants and regulated electric utilities, with appropriate safeguards in place to minimize financial and other risks. Vote 18-0.

Amendment (1750h)

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

AN ACT relative to encouraging the development of electrical energy storage by both private market participants and regulated electric utility companies.

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

1 Findings. The general court finds that:

I. Innovative energy storage technology has the potential to reduce retail electric rates, increase the utilization of renewable energy in New Hampshire, improve the state's fuel diversity portfolio and public health, reduce electricity generators' dependence on natural gas, and minimize ratepayer exposure to volatile natural gas prices.

II. Modern energy storage technology holds the promise of reducing retail electric rates by breaking the tight nexus between supply and demand by eliminating the grid administrator's need to balance the demand and supply of electric energy at millions of points on the grid at any given time, thus allowing for the widespread adoption of more flexible and lower-cost time-of-use rates.

III. Energy storage at utility scale can also serve as back-up for the greater use of intermittent renewable energy resources, reducing air pollution from the burning of fossil fuels, including both toxic chemicals and particulate matter, and negative impacts on both public health and environmental quality.

IV. Innovative energy storage technologies can stimulate investment and employment in the state, thereby making a positive contribution to New Hampshire's economy.

V. Energy storage also has the potential to significantly reduce New Hampshire's effective peak demand for electricity. Reducing peak electricity demand is in the public interest because such demand disproportionately drives New Hampshire families' and businesses' energy cost burden. Absent energy storage at scale, electric system reliability requires the transmission and distribution system to be built out to meet peak demand, with the result that ratepayers must pay for system expansions and upgrades that lie idle for most the year. Furthermore, the generation units that grid administrators call on to meet peak demand are generally the most inefficient, most expensive, and most polluting units.

VI. Development and deployment of energy storage resources should not be artificially constrained by arguments over whether or not storage should be considered either generation or transmission and distribution under the restructuring statute, RSA 374-F. It is neither necessary nor appropriate to apply the restructuring principle of unbundling to energy storage, because on the one hand, storage is not a natural monopoly like transmission and distribution and therefore unregulated market participants should be allowed to participate fully in its development; and on the other hand, there is no public policy reason to prohibit the participation of utility companies in such development, so long as the financial risks associated with the development, construction, and operation of utility-scale front-of-meter storage units is not shifted to retail electric ratepayers and the concentrated economic power of traditional utilities is not used to monopolize the development of storage technology at the expense of private market participants. For all these reasons, the general court finds it is in the public interest to stimulate the development and deployment of innovative energy storage technologies by both private market participants and regulated electric utility companies in New Hampshire.

2 New Chapter; Energy Storage. Amend RSA by inserting after chapter 374-G the following new chapter:

CHAPTER 374-H ENERGY STORAGE

374-H:1 Purpose. Innovative energy storage technologies can reduce retail electric rates by encouraging the development and adoption of time-of-use rates, decrease electric generators' dependence on natural gas and ratepayers' exposure to volatile natural gas prices, support the development and integration of renewable energy sources into the regional electric system, and improve the state's fuel diversity portfolio, environment, and public health. It is therefore in the public interest to encourage investment in and development and deployment of innovative energy storage technologies by both private market participants and regulated electric utilities as provided in this chapter.

374-H:2 Definitions. In this chapter:

I. "Commission" means the public utilities commission.

II. "Behind-the-meter storage" means an energy storage project that is installed on a retail electricity customer's premises and is electrically connected to the customer's side of the electric utility meter.

III. "Bring your own device" means a program for encouraging non-utility owned, and especially retail-customer owned, behind-the-meter energy storage to provide the greatest value possible to the electricity

system, particularly in terms of peak reduction and avoided transmission and distribution costs. Such a program shall compensate participating behind-the-meter energy storage for a fair share, as determined by the commission, of the value it provides to the electricity system.

IV. "Energy storage" means batteries, flywheels, compressed air energy systems, sensible heat storage or any other technology, system, or device capable of taking electric energy, storing it in some form of usable energy, and converting it back into electricity either for immediate on-site consumption or discharge back onto the grid so as to meet demand for electrical supply at a later time. Such term shall include standalone technologies, systems, and devices, as well as those co-located with or incorporated into a renewable energy source. Energy storage shall not be considered electric generation within the meaning of the restructuring statute, RSA 374-F, for purposes of this chapter and RSA 374-G.

V. "Energy storage project" means an individual energy storage system or an aggregation of multiple energy storage systems.

VI. "Front-of-meter storage" means any energy storage that is not behind-the-meter storage.

VII. "ISO-New England" means the Independent System Operator New England or any successor entity responsible for administration of the New England regional electric grid.

VIII. "Local network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.

IX. "Non-utility" means any entity that is not a regulated utility that develops, builds, owns, operates, or assists in the operation of one or more energy storage projects, including retail customers that buy behind-the-meter storage installed on their property.

X. "Peak demand" means the total combined annual coincident peak energy demand of all utility service territories in New Hampshire.

XI. "Regional network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.

XII. "Renewable energy source" means a Class I, Class II, or Class IV renewable energy source as defined in RSA 362-F:4.

XIII. "Utility" means any regulated entity that distributes electricity to retail customers in New Hampshire.

XIV. "Wholesale electricity markets" means any energy, capacity, or ancillary service market that ISO-New England administers.

374-H:3 Energy Storage Pilots and Targets.

I. No later than December 31, 2019, the commission shall initiate a proceeding with the goal, if practicable, of ensuring that by December 31, 2021, each regulated utility subject to its jurisdiction shall have initiated and completed at least 2 pilot energy storage projects, one of which offers a meaningful opportunity for non-utilities to develop and own the energy storage systems and one of which that is intended to promote the development of front-of-meter utility-owned energy storage. As part of any non-utility pilot programs, the commission shall create special tariffs or other mechanisms, including but not necessarily limited to time-of-use rates, to ensure that utilities compensate such programs for a fair share, as determined by the commission, of their peak demand reduction value and avoided transmission and distribution costs, among other such cost savings.

II. Either in the same or a separate docket, by December 31, 2019, the commission shall initiate a proceeding to determine if an energy storage target or goal of reducing the state's peak demand by a specific percentage of up to 15 percent when discharging coincidentally would provide net financial benefits to ratepayers. The commission shall complete the target proceeding under this paragraph no later than December 31, 2022. This proceeding shall consider:

(a) Energy costs that energy storage projects might avoid, including but not limited to potential reductions in ISO-New England energy and capacity market clearing prices.

(b) Transmission and distribution costs that energy storage projects might avoid, including but not limited to deferring or avoiding the need for new transmission or distribution infrastructure as well as reducing regional and local network service charges.

(c) Any potential ability energy storage projects might have to reduce electricity price volatility.

(d) Any potential grid reliability and resiliency benefits energy storage projects might provide.

(e) Any environmental or renewable portfolio standard compliance costs energy storage might help to avoid or reduce through such means as enabling more cost-effective renewable energy integration, reducing emissions from less efficient peaking power plants, and reduced cycling at thermal power plants.

(f) The potential cost to ratepayers, if any, of reaching a target or goal of reducing the state's peak demand by up to 15 percent when discharging coincidentally, and whether a higher or lower target or goal would be more likely to be of greater overall benefit to ratepayers.

(g) Any other benefit the commission deems relevant.

III. If the commission, in the target proceeding under paragraph II, finds that a specific energy storage target or goal would provide net financial benefits to ratepayers, it shall set a target or goal designed to en-

courage the deployment of sufficient energy storage capacity on the state's electricity system to reduce New Hampshire's peak demand by up to 15 percent when discharging coincidentally. The commission shall measure this reduction by using the state's 2018 peak demand as a baseline.

(a) The commission shall establish a timeline designed to reach the target or goal by December 31, 2030. The timeline shall also specify that enough energy storage capacity to reduce peak demand is built each year following December 31, 2022, until the full target or goal is met.

(b) If the commission finds that meeting such an energy storage target would provide net financial benefits to ratepayers, the commission may by rule or ratemaking approve tariffs, tariff riders, or other appropriate cost-recovery programs for energy storage investments funded by ratepayers, provided that the commission shall not put ratepayers at risk for utility investments in utility-scale front-of-meter energy storage projects. Any such investment by utilities shall either be made by their unregulated for-profit affiliates, or the commission shall find, after application by the utility and an adjudicative proceeding under RSA 541-A, that such investment poses no risk of stranded costs to ratepayers.

(c) The commission shall determine the amount of megawatts and megawatt-hours of energy storage capacity needed to reduce peak demand by the amount any target or goal adopted under this section requires.

IV. Subject to paragraph VI, the commission's regulations or orders shall ensure non-utilities develop and own at least 1/2 of the energy storage capacity required under any RSA 374-H:3 target or goal. The commission's regulations or orders applicable to non-utilities shall establish a preference for non-utility energy storage projects that avoid or reduce transmission and distribution costs. Such avoided or reduced costs shall include, but are not limited to, deferring the need for new distribution and transmission infrastructure or reducing the utility's regional and local network charges.

V. The commission shall ensure that any utility-proposed behind-the-meter energy storage project or program shall incorporate a meaningful opportunity for non-utilities to develop and own a significant portion of the energy storage systems that comprise the project or that will be developed as part of the program.

VI. If the commission finds that non-utilities can prudently and safely develop more than 1/2 of the energy storage capacity required to meet a target under RSA 374-H:3, the commission shall give a preference to such non-utility energy storage projects over utility energy storage projects.

VII. If the commission finds that non-utilities cannot prudently and safely develop enough energy storage capacity to meet a target set under RSA 374-H:3, the commission shall allow one or more utilities to develop and own whatever additional number of energy storage projects are needed to meet such target.

VIII. Notwithstanding any provision of RSA 374-F or RSA 374-G, the commission's regulations or orders may require a utility to compensate a non-utility for a fair share, as determined by the commission, of the value of any transmission or distribution costs the utility is likely to avoid because of the non-utility energy storage project, to the extent practicable based on determinable cost components.

(a) For behind-the-meter storage, the regulations or orders shall accomplish this by creating a bring-your-own-device peak reduction program. As part of such a program, the commission shall create special tariffs or other mechanisms, including but not necessarily limited to time-of-use rates, that ensure utilities compensate such projects for a fair share, as determined by the commission, of their peak reduction value, as well as the value of all transmission or distribution costs the utility will likely avoid because of such projects.

(b) For front-of-meter storage, the regulations or orders may accomplish this through any mechanism the commission deems just and reasonable.

(c) Notwithstanding any provision of RSA 374-F or RSA 374-G, if a non-utility energy storage project is not eligible or chooses not to participate in wholesale electricity markets, the commission's regulations or orders shall enable the non-utility to be compensated for the fair share, as determined by the commission, of any energy costs avoided because of the energy storage project.

(d) If the non-utility energy storage project avoids the need for a new distribution or transmission project the utility could have added to its rate base, the commission may allow the utility to include all or part of the value of the corresponding portion of its payment to the non-utility in its rates if it finds doing so is just and reasonable and will still provide ratepayers with savings relative to a scenario in which no non-utility energy storage project had been built and the utility built a new distribution or transmission project instead.

IX. Notwithstanding any provision of RSA 374-F or RSA 374-G, the commission's regulations or orders shall also provide that a utility may develop and own front-of-meter energy storage projects that reduce transmission or distribution costs.

(a) A utility may contractually sell the right to bid such utility-owned energy storage projects that serve a transmission or distribution purpose into wholesale electricity markets to a non-utility. Any such contract shall provide that any compensation the non-utility pays to the utility for this right shall in no way depend upon the energy storage project's performance in wholesale electricity markets, such that the non-utility bears all risk of project underperformance in the wholesale market. The utility shall use all compensation a non-utility pays the utility for the contractual right under this subparagraph to reduce transmission and distribution charges for all ratepayers.

(b) Alternatively, a regulated utility may sell or otherwise transfer the right to develop one or more front-of-meter projects to an unregulated for-profit affiliate of the utility.

X. Nothing in this section shall give a utility any new right to bid any energy storage project it owns into wholesale electricity markets itself, or to otherwise directly participate in wholesale electricity markets.

XI. The provisions of RSA 374-H:3, V through IX shall remain in effect after the pilots in RSA 374-H:3, I are completed and any targets in RSA 374-H:3, II through IV are met.

374-H:4 Customer Energy Storage Systems.

I. The commission shall adopt rules allowing the installation, interconnection, and use of energy storage systems by customers of utilities, and shall incorporate the following principles into the rules:

(a) It is in the public interest to limit barriers to the installation, interconnection, and use of customer-sited energy storage systems in New Hampshire;

(b) New Hampshire's consumers of electricity have a right to install, interconnect, and use energy storage systems on their property, subject to appropriate size and safety requirements established by the commission, without the burden of unnecessary restrictions or regulations and without unduly discriminatory rates or fees;

(c) Utility approval processes and any required interconnection reviews of energy storage systems shall be simple, streamlined, and affordable for customers; and

(d) Utilities shall not require the installation of customer-sited meters in addition to a single net energy meter for the purposes of monitoring energy storage systems; except that the commission may authorize the requirement of metering for certain large energy storage systems, as determined by the commission.

II. Nothing in this section alters or supersedes either:

(a) The principles of net energy metering under RSA 362-A:9; or

(b) Any existing electrical permit requirements or any licensing or certification requirements for installers, manufacturers, or equipment.

3 New Subparagraph; Distributed Energy Resources; Definition. Amend RSA 374-G:2, I by inserting after subparagraph (b) the following new subparagraph:

(c) "Energy storage" shall have the same meaning as "energy storage" as defined in RSA 374-H:2, IV.

4 Distributed Energy Resources; Electric Generation Equipment Funded by Public Utility. Amend RSA 374-G:3, III to read as follows:

III. The energy produced by electric generation equipment utilizing a renewable fuel source that is owned by a customer, or sited on the consumer's premises shall be used to displace the customer's own use; ~~however, if energy is occasionally generated in excess of the customer's energy requirements, it may be credited to the customer's account in a subsequent period~~ **in the first instance; energy generated in excess of the customer's own requirements, if any, shall be treated as net metered energy subject to the provisions of RSA 362-A:9.**

5 Procedure for Adoption of Property Tax Exemption. Amend the introductory paragraph of RSA 72:27-a, I, to read as follows.

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:28-b, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, RSA 72:76, ~~or~~ RSA 72:82, **or RSA 72:85** in the following manner:

6 New Subdivision; Electric Energy Storage Systems Exemption. Amend RSA 72 by inserting after section 83 the following new subdivision:

Electric Energy Storage Systems Exemption

72:84 Definition of Electric Energy Storage System. In this subdivision "electric energy storage system" means a facility located behind a retail meter that stores electrical energy that is otherwise produced by an electricity generator or uses electricity to concentrate and store thermal energy, by electrical, chemical, mechanical, or thermal means, for discharge or use at a later time, whether in the form of thermal energy to meet space or process heating or cooling loads or electricity, which can be used to reduce peak loads, compensate for variability in renewable energy production, or provide other grid services. An electric energy storage system shall not include conventional electric resistance or gas domestic hot water heaters.

72:85 Exemption for Electric Energy Storage Systems. Each city and town may adopt under RSA 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with an electrical energy storage system.

72:86 Application for Exemption. Applications for exemptions under RSA 72:85 shall be governed by the provisions of RSA 72:33, RSA 72:34, and RSA 72:34-a.

7 Department of Revenue Administration; Equalization; Reference Added. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, ~~and~~ 72:70, **and 72:85**, property which is subject to tax relief under RSA 79-E:4, and

property which is subject to tax relief under RSA 79-E:4-a, by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes, including renewable generation facility property subject to a payment in lieu of taxes agreement under RSA 72:74, as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

8 Department of Revenue Administration; Rules; Reference Added. Amend RSA 72:36, I to read as follows:

I. The commissioner's interpretation of RSA 72:28, 72:28-b, 72:28-c, 72:29, 72:29-a, 72:30, 72:31, 72:32, 72:33, 72:34, 72:34-a, 72:35, 72:36-a, 72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a, 72:39-b, 72:41, 72:62, 72:66, [and] 72:70, **and 72:85**; and

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

AMENDED ANALYSIS

This bill provides for incentives, target, and goals for electric energy storage projects by private market participants and electric utilities. The bill also enables municipalities to adopt a property tax exemption for electric energy storage systems.

Committee amendment adopted.

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

Rep. Doug Thomas spoke against.

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

YEAS 223 - NAYS 129

YEAS - 223

BELKNAP

Huot, David

St. Clair, Charlie

Viens, Harry

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bernet, Jennifer
Cleaver, Skip
Danielson, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel

Bouldin, Andrew
Beaulieu, Jane
Bordy, William
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie

Backus, Robert
Belanger, James
Bosman, James
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua

Balch, Chris
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray

Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Acton, Dennis
Bushway, Patricia
Cushing, Robert Renny
Elliott, Robert
Le, Tamara
Malloy, Dennis
Read, Ellen

Altschiller, Debra
Cahill, Michael
Desilets, Joel
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Bunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Towne, Matthew

Chase, Wendy
Frost, Sherry
Horriggan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 129

BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

COOS

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burns, Charles
Fedolfi, Jim
Graham, John
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Whittemore, James

Alexander, Joe
Burt, John
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Lekas, Tony

Barry, Richard
Camarota, Linda
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Ulery, Jordan

Boehm, Ralph
Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Warden, Mark

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Yakubovich, Michael

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
Doucette, Fred
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Major, Norman
Piemonte, Tony
Roy, Terry
Verville, Kevin
Yokela, Josh

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Welch, David

Baldasaro, Al
Costable, Michael
DeSimone, Debra
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

and the committee report was adopted and referred to the Committee on Municipal and County Government.

SB 275-FN, requiring that all of the state's motor vehicles will be zero emissions vehicles by the year 2039.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Rebecca McWilliams for the Majority of Science, Technology and Energy. The goal of this bill is to set a twenty-year target to update the state purchased and leased vehicle fleet to zero emissions vehicles (ZEV's), to the extent feasible and practicable, by 2041. This bill is an aspirational goal, not a mandate. There will be instances where heavy vehicles such as snowplows and dump trucks will need to be purchased before the technology has caught up. The bill specifically states that "if ZEV vehicles are not determined to be a feasible option for a particular vehicle acquisition, or for a class of vehicles intended for use by emergency response agencies, then the lowest emission vehicle available that is suitable for that purpose may be considered." The bill incentivizes the state adopting new technology in a market that is quickly moving to ZEVs. Governor Sununu has an active commission studying ways to encourage new infrastructure to ensure there are enough refueling/recharging stations in the state with a report due out in November 2020. We heard testimony that the cost of batteries in electric vehicles is decreasing significantly, so much so that industry experts now estimate that the total price tag for electric vehicles will be the same cost as conventional vehicles in three years or less. Without exaggeration, your current internal combustion engine will likely be the last one you own. This bill sets the state vehicle purchase and lease programs on the path to zero emissions. Vote 12-8.

Rep. Fred Plett for the Minority of Science, Technology and Energy. As the title states, this bill requires the Department of Administrative Services to establish procedures that all state vehicles will become Zero Emissions Vehicles (ZEVs) by the year 2041 (note the date discrepancy in the title and in the language of the bill). There is language in the bill to state that this is to the extent practical and feasible, consistent with the ability of vehicles to perform their intended functions, but is binding on all state agencies that purchase vehicles. All must develop a plan to transition vehicles to ZEVs - passenger vehicles and light duty trucks by 2026 and vehicles over 10,000 pounds by 2031. An accompanying Fiscal Note developed by Departments of Administrative Services and Transportation puts the additional cost of vehicles to be \$28,232,418. The Fiscal Note states that there is an assumption for a need to replace EVs and charging equipment more frequently than equivalent internal combustion and fueling stations due to evolution of the technology at a fast pace. It assumes the need for 799 Level 2 chargers, at a cost of \$2.1 million, and 240 level 3 chargers at a cost of \$8.5 million. There are additional costs for personnel to develop the plans and to engage in the Transportation and Climate Initiative of the Northeast and Mid-Atlantic states. The minority views this bill as expensive and unnecessary. If in the future ZEVs become cost competitive with internal combustion engines, the state would naturally replace its vehicles with ZEVs, to the extent practical, to save money without this legislation.

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

Rep. Plett spoke against and yielded to questions.

Rep. McWilliams spoke in favor and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 205 - NAYS 145

**YEAS - 205
BELKNAP**

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Mann, John
Swinburne, Sandy
Weber, Lucy

Berch, Paul
Gomarlo, Jennie
Meader, David
Tatro, Bruce

Eaton, Daniel
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
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Ford, Susan
Massimilla, Linda
Osborne, Richard
Sykes, George

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Balch, Chris
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wazir, Safiya

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wells, Kenneth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Le, Tamara
Malloy, Dennis
Read, Ellen

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

Bunker, Lisa
Coursin, David
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald

Bushway, Patricia
Cushing, Robert Renny
Murray, Kate
Maggiore, Jim
Meuse, David

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Southworth, Thomas
Wall, Janet

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Operbecke, Linn
Spang, Judith

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 145**BELKNAP**

Bean, Harry
Mackie, Jonathan
Sylvia, Michael

Fields, Dennis
Plumer, John
Tilton, Franklin

Howard, Raymond
Spanos, Peter
Viens, Harry

Jurius, Deanna
St. Clair, Charlie

CARROLL

Avellani, Lino
MacDonald, John

Buco, Thomas
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

CHESHIRE

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Furbush, Michael

GRAFTON

Gordon, Edward
Ruprecht, Dennis

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Gagne, Larry
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Shaw, Barbara
Warden, Mark

Alexander, Joe
Burns, Charles
Erf, Keith
Goley, Jeffrey
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Lekas, Tony
Whittemore, James

Barry, Richard
Burt, John
Fedolfi, Jim
Gould, Linda
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Trento, Michael

Belanger, James
Camarota, Linda
Flanagan, Jack
Graham, John
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Turcotte, Alan

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian
Walsh, Thomas

Hill, Gregory
Marple, Richard
Soucy, Timothy
Yakubovich, Michael

Horn, Werner
McGuire, Carol
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
DeSimone, Debra
Gay, Betty
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Verville, Kevin
Yokela, Josh

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Doucette, Fred
Green, Dennis
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Wallace, Scott

Abramson, Max
Bershtein, Alan
DeClercq, Edward
Edwards, Jess
Grote, Jaci
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Welch, David

Acton, Dennis
Costable, Michael
Desilets, Joel
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Major, Norman
Piemonte, Tony
Roy, Terry
Vallone, Mark
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Perreault, Mona
Wuelper, Kurt

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Salloway, Jeffrey

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

SB 284-FN, establishing a statewide, multi-use online energy data platform. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kat McGhee for the Majority of Science, Technology and Energy. This bill, as amended, establishes a statewide, multi-use, online energy data platform regulated by the Public Utilities Commission (PUC) and operated by the state's electric and natural gas utilities. In order to fully support electric utility restructuring under RSA 374-F, it is necessary to provide energy consumers with a safe and secure way to access their energy usage information. Many NH towns have energy commissions or participate in energy cooperatives

that are trying to improve energy efficiency to bring down costs. Everyone understands that rates increase during energy peaks, so time of use management requires the ability to track and measure usage. Aggregated and anonymized energy data creates the opportunity for innovation, competition, and efficiency, each of which helps keep energy costs down. NH Clean Energy, relevant state agencies (PUC, Department of Information Technology, Office of Consumer Advocate (OCA)), and NH's large electric utilities (Unitil, Eversource, and Liberty Utilities) collaborated to refine this bill to its current language and have agreed to stay engaged to help the state through the required PUC docket. The OCA at the PUC has a 3-phase project plan that concludes in 2022 to bring this platform into being. The passage of this bill will be one of the milestones of that project plan that came at the end of 18 months of research into how to do this well. The IT project plan from the OCA was developed in conjunction with executive level IT personal from Unitil. Those IT professionals have defined a uniform data model based upon the national Energy Service Provider Interface (ESPI) standard which, in itself, would be a huge improvement over the hodge-podge of data relayed from varied energy resources in varying formats. The benefits identified by the stakeholders of a statewide data platform include: better energy decision-making, adoption of a national data standard, the ability to manage distributed energy resources and deployments, greater energy-efficiency, empowering customers with energy options, implementing time of use rate savings, helping municipalities to aggregate by seeing their energy data, benchmarking buildings, optimizing distributed energy resources, supporting energy research, promoting energy innovation, optimizing storage, enabling demand response and reliability, reducing risk, quantifying opportunity costs, improving customer behavior and communication, supporting grid modernization and other restructuring efforts, and creating the potential to strengthen the energy grid as it becomes more distributed. All of these benefits have the potential to help NH lower energy costs and manage energy consumption. In the rush to add a fiscal note to the bill, it ended up with a note that does not reflect the project. Stakeholders who worked with the subcommittee assigned this bill agreed upon review that the fiscal impact attributed to this platform by the note is not warranted. Vote 14-4.

Rep. Douglas Thomas for the Minority of Science, Technology and Energy. Some of the minority feel there are privacy concerns in having a central database of one's electrical power consumption habits that could be given to a third party as an "opt-in" by a ratepayer. Third parties would be encouraged to contact subjects to convince them into agreeing to the "opt-in" in order to potentially sell efficiency devices to reduce electric bills. Another issue stated was the unresolved concern for ratepayers that would not be able to prevent "opt-in" because they were renters or were part of a multiple user electric bill. One personal story was reported that an energy organization in state tried to convince a security data provider to support this bill because they would be able to engage third parties to sell energy saving devices. The initial intentions appear to be good, but the potential for future abuse and government overreach is too risky to support.

Majority Amendment (1719h)

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds that:

I. In order to accomplish the purposes of electric utility restructuring under RSA 374-F, to implement fully the state energy policy under RSA 378:37, and to make the state's energy systems more distributed, responsive, dynamic, and consumer-focused, it is necessary to provide consumers and stakeholders with safe, secure access to information about their energy usage. Access to granular energy data is a foundational element for moving New Hampshire's electric and natural gas systems to a more efficient paradigm in which empowering consumers is a critical element. By enabling the aggregation and anonymization of community-level energy data and requiring a consent-driven process for access to or sharing of customer-level energy usage data, the state can open the door to innovative business applications that will save customers money, allow them to make better and more creative use of the electricity grid as well as other utility services, and facilitate municipal and county aggregation programs authorized by RSA 53-E. Such a program of robust data is also likely to be useful in local planning, conducting market research, fostering increased awareness of energy consumption patterns, and the adoption of more efficient and sustainable energy use.

II. Implementation of a multi-use, online data platform is, in light of electric industry restructuring pursuant to RSA 374-F, well calculated to advance the objectives of recent and ongoing proceedings at the public utilities commission, including IR 15-296 (Grid Modernization), DE 16-576 (Alternative Net Metering Tariffs), DE 15-137 (Energy Efficiency Resource Standard), and DE 17-136 (implementation of Energy Efficiency Resource Standard for 2018-2020).

Amend RSA 378:51 as inserted by section 2 of the bill by replacing it with the following:

378:51 Online Energy Data Platform Established.

I. The commission shall require electric and natural gas utilities to establish and jointly operate a statewide, multi-use, online energy data platform. The data platform shall:

- (a) Consist of a common base of energy data for use in wide range of applications and business uses.
- (b) Adhere to specific and well-documented standards.
- (c) Provide a user-friendly interface.

(d) Adhere to a common statewide logical data model that defines the relationships among the various categories of data included in the platform.

(e) Allow for sharing of individual customer data consistent with the opt-in requirements for third-party access specified in RSA 363:38.

(f) Protect from unauthorized disclosure the personally identifying information of utility customers in a manner that advances applicable constitutional and statutory privacy rights, including the protections of RSA 363:38.

(g) Provide for the voluntary participation of municipal utilities and deregulated rural electric cooperatives in data sharing and the operation of the online energy data platform, subject to terms, conditions, and cost sharing which are reasonable and in the public interest.

II. The commission shall open an adjudicative proceeding within 90 days of the effective date of this subdivision, to which all electric and natural gas utilities shall be mandatory parties, to determine:

(a) Governance, development, implementation, change management, and versioning of the statewide, multi-use, online energy data platform.

(b) Standards for data accuracy, retention, availability, privacy, and security, including the integrity and uniformity of the logical data model.

(c) Financial security standards or other mechanisms to assure compliance with privacy standards by third parties.

III. The commission shall defer the implementation of the statewide, multi-use, online energy data platform pursuant to paragraph I if it determines that the cost of such platform to be recovered from customers is unreasonable and not in the public interest.

IV. The commission may adopt rules pursuant to RSA 541-A as necessary to implement this section. Amend RSA 378:53 and 378:54 as inserted by section 2 of the bill by replacing it with the following:

378:53 Certification. The platform established under RSA 378:51 shall be certified by the Green Button Alliance and support the Energy Service Provider Interface of the North American Energy Standards Board and the Green Button "Connect My Data" initiative of the Green Button Alliance.

378:54 Cost Recovery. The utilities may:

I. Impose reasonable charges to third parties for access to data via the multi-use, online energy data platform; and

II. Otherwise recover costs from customers in a timely manner as approved by the commission. Majority committee amendment adopted.

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

Rep. Doug Thomas spoke against and yielded to questions.

Rep. McGhee spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 218 - NAYS 133

YEAS - 218 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Hunt, John
Morrill, David
Tatro, Bruce
Weber, Lucy

Ames, Richard
Fenton, Donovan
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Berch, Paul
Gomarlo, Jennie
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Eaton, Daniel
Harvey, Cathryn
Meador, David
Swinburne, Sandy
Pearson, William

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Almy, Susan
Egan, Timothy
Hennessey, Erin
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
 Baroody, Benjamin
 Bordy, William
 Cleaver, Skip
 Dargie, Paul
 Espitia, Manny
 Griffith, Willis
 Heath, Mary
 Jack, Martin
 Klein-Knight, Nicole
 Martin, Joelle
 Murphy, Nancy
 Pedersen, Michael
 Porter, Marjorie
 Riel, Cole
 Snow, Kendall
 Stevens, Deb
 Vail, Suzanne
 Williams, Kermit

Bouldin, Andrew
 Beaulieu, Jane
 Bosman, James
 Cohen, Bruce
 Desjardin, Kathy
 Davis, Fred
 Hall, Brett
 Herbert, Christopher
 Jeudy, Jean
 Langley, Diane
 McGhee, Kat
 Nutter-Upham, Frances
 Petrigno, Peter
 Query, Joshua
 Rung, Rosemarie
 Sofikitis, Catherine
 Smith, Timothy
 Van Houten, Constance
 Woodbury, David

Backus, Robert
 Bergeron, Paul
 Bouchard, Donald
 Connors, Erika
 DiSilvestro, Linda
 Freitas, Mary
 Hamer, Heidi
 Indruk, Greg
 King, Mark
 Murray, Megan
 Mombourquette, Donna
 Nutting-Wong, Allison
 Pickering, Daniel
 Newman, Ray
 Newman, Sue
 St. John, Michelle
 Telerski, Laura
 Vann, Ivy

Balch, Chris
 Bernet, Jennifer
 Burns, Charles
 Cornell, Patricia
 Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Schmidt, Janice
 Klee, Patricia
 Mangipudi, Latha
 Mullen, Sue
 Panasiti, Reed
 Piedra, Israel
 Radhakrishnan, Julie
 Shaw, Barbara
 Stack, Kathryn
 Toomey, Dan
 Thomas, Wendy

MERRIMACK

Bartlett, Christy
 Ellison, Arthur
 Lane, Connie
 Moffett, Howard
 Rodd, Beth
 Schuett, Dianne
 Wallner, Mary Jane
 Woods, Gary

Carson, Clyde
 Fox, Samantha
 Luneau, David
 Myler, Mel
 Rogers, Katherine
 Schultz, Kristina
 Walz, Mary Beth

Doherty, David
 Fulweiler, Joyce
 MacKay, James
 Pimentel, Roderick
 Saunderson, George
 Soucy, Timothy
 Wazir, Safiya

Ebel, Karen
 Karrick, David
 McWilliams, Rebecca
 Richards, Beth
 Schamberg, Thomas
 Turcotte, Alan
 Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 Eisner, Mary
 Le, Tamara
 Malloy, Dennis
 Read, Ellen

Berrien, Skip
 Coursin, David
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Somssich, Peter

Bunker, Lisa
 Cushing, Robert Renny
 Grote, Jaci
 Lovejoy, Patricia
 McConnell, Liz
 Vallone, Mark

Bushway, Patricia
 Edgar, Michael
 Murray, Kate
 Maggiore, Jim
 Meuse, David
 Ward, Gerald

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Grassie, Chuck
 Kenney, Cam
 Schmidt, Peter
 Spang, Judith

Cannon, Gerri
 Fontneau, Timothy
 Higgins, Peg
 Levesque, Cassandra
 Salloway, Jeffrey
 Towne, Matthew

Chase, Wendy
 Frost, Sherry
 Horrigan, Timothy
 Smith, Marjorie
 Sandler, Catt
 Vincent, Kenneth

Conley, Casey
 Gourgue, Amanda
 Keans, Sandra
 Opderbecke, Linn
 Southworth, Thomas
 Wall, Janet

SULLIVAN

Cloutier, John
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 133**BELKNAP**

Bean, Harry
 Mackie, Jonathan
 Tilton, Franklin

Fields, Dennis
 Plumer, John
 Viens, Harry

Howard, Raymond
 Spanos, Peter

Jurius, Deanna
 Sylvia, Michael

CARROLL

Avellani, Lino
 Marsh, William

Comeau, Ed
 Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE**COOS**

O'Day, John

Furbush, Michael

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Barry, Richard	Belanger, James
Boehm, Ralph	Burt, John	Camarota, Linda	Danielson, David
Erf, Keith	Fedolfi, Jim	Flanagan, Jack	Gagne, Larry
Gould, Linda	Graham, John	Greene, Bob	Gunski, Michael
Hinch, Richard	Hopper, Gary	Ober, Lynne	Lascelles, Richard
Marzullo, JP	McLean, Mark	Notter, Jeanine	Nunez, Hershel
Proulx, Mark	Prout, Andrew	Ober, Russell	Renzullo, Andrew
Lekas, Tony	Trento, Michael	Ulery, Jordan	Warden, Mark
Whittemore, James			

MERRIMACK

Allard, James	Forsythe, Robert	Hill, Gregory	Horn, Werner
Klose, John	Kotowski, Frank	Marple, Richard	McGuire, Carol
Pearl, Howard	Seaworth, Brian	Testerman, Dave	Walsh, Thomas
Yakubovich, Michael			

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Barnes, Arthur	Bershtein, Alan	Cali-Pitts, Jacqueline
Chirichiello, Brian	Costable, Michael	Davis, Dan	Thomas, Douglas
DeClercq, Edward	Desilets, Joel	DeSimone, Debra	Doucette, Fred
Edwards, Jess	Elliott, Robert	Gay, Betty	Green, Dennis
Guthrie, Joseph	Harb, Robert	Hobson, Deborah	Hoelzel, Kathleen
Osborne, Jason	Janigian, John	Janvrin, Jason	Katsakiores, Phyllis
Khan, Aboul	Kolodziej, Walter	Love, David	Griffin, Mary
Pearson, Mark	Major, Norman	McMahon, Charles	Melvin, Charles
Packard, Sherman	Piemonte, Tony	Potucek, John	Pratt, Kevin
Prudhomme-O'Brien, Katherine	Roy, Terry	Pearson, Stephen	Torosian, Peter
True, Chris	Verville, Kevin	Wallace, Scott	Welch, David
Weyler, Kenneth	Yokela, Josh		

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Kittredge, Mac
Perreault, Mona	Pitre, Joseph	Beaudoin, Steven	Wuelper, Kurt

SULLIVAN

Aron, Judy	Callum, John	Laware, Thomas	Lucas, Gates
Rollins, Skip	Stapleton, Walter	Smith, Steven	

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

SB 307-FN, relative to outdoor lighting. OUGHT TO PASS.

Rep. Peter Somssich for Science, Technology and Energy. This bill addresses three areas of interest. First, it specifies a specific color temperature for outdoor lighting when funded by state agencies. Second, it underscores the state's Dark Sky Initiative which aims to prevent or mitigate light pollution. Third, it requests that the Public Utilities Commission institute a proceeding to provide for rules that would allow state agencies and municipalities to own street lights in areas under their jurisdiction. This could lead to the installation of more smart adaptive street lighting and network lighting controls which would enable such entities to both reduce energy consumption and to utilize those street lights for other public safety uses. Vote 19-1.

Committee report adopted and referred to the Committee on Municipal and County Government.

SB 310-FN-A-L, relative to casino gambling. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Willis Griffith for the Majority of Ways and Means. This bill allows the licensing and operation of two video lottery and table gaming facilities. The fiscal note is only applicable if a buyer comes forward to purchase the two licenses available. Casino bills have been introduced every session since 1999; while there may have been a time when casinos made sense for New Hampshire, that time has come and gone. There was no industry support for the bill during the hearing, but the committee did hear from industry members in opposition to the bill. Furthermore, there was no report of financial viability completed, but the committee did receive reports about the infeasibility of a new casino in New England. The overcrowded industry will see Wynn Resorts open a new facility in Everett, Massachusetts this June to compete with Oxford in Maine, MGM in Springfield, Massachusetts, and Foxwoods and Mohegan Sun in Connecticut. Casinos in New Hampshire would threaten charitable gaming and the millions in revenues that New Hampshire's nonprofits receive as a result. The Legislative Budget Assistant's Office prediction was based strictly on the bill's content and does not include the realities of the industry as put forth during the hearing. Vote 17-2.

Rep. Thomas Schamberg for the Minority of Ways and Means. The minority feels that the majority's Inexpedient to Legislate recommendation will continue a down shifting of state costs and taxes for struggling

NH taxpayers. The minority feels discouraged that not allowing a new business model into NH's open marketplace with a new revenue stream that would greatly supplement NH's general fund obligations is being short-sighted. From the fiscal note, the Legislative Budget Assistant's Office report number 19-0865 identifies the Lottery Commission estimating the potential net gaming revenue after distributions for fiscal year 2023 to be around \$102 million and for fiscal year 2024 to be around \$159 million which supports the minority's counter position of Ought to Pass.

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

Rep. Griffith spoke in favor.

Rep. Almy requested a roll call; sufficiently seconded.

YEAS 289 - NAYS 63

YEAS - 289

BELKNAP

Fields, Dennis
Mackie, Jonathan
Tilton, Franklin

Howard, Raymond
Plumer, John
Viens, Harry

Huot, David
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
DesMarais, Edith
Nelson, Bill

Burroughs, Anita
Knirk, Jerry
Ticehurst, Susan

Comeau, Ed
MacDonald, John
Woodcock, Stephen

Cordelli, Glenn
Marsh, William

CHESHIRE

Ames, Richard
Gomarlo, Jennie
Mann, John
Parkhurst, Henry
Thompson, Craig

Eaton, Daniel
Harvey, Cathryn
Meador, David
Schapiro, Joe
Von Plinsky, Sparky

Faulkner, Barry
Hunt, John
Morrill, David
Swinburne, Sandy
Pearson, William

Fenton, Donovan
Ley, Douglas
O'Day, John
Tatro, Bruce
Weber, Lucy

COOS

Craig, Kevin
Moynihan, Wayne

Fothergill, John
Noel, Henry

Furbush, Michael
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Nordgren, Sharon
Stringham, Jerry

Almy, Susan
Egan, Timothy
Hennessey, Erin
Migliore, Vincent Paul
Osborne, Richard
Smith, Suzanne

Campion, Polly
Ford, Susan
Josephson, Timothy
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Diggs, Francesca
French, Elaine
Maes, Kevin
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Lekas, Alicia
Backus, Robert
Belanger, James
Bordy, William
Cleaver, Skip
Erf, Keith
Flanagan, Jack
Graham, John
Hall, Brett
Hopper, Gary
King, Mark
Langley, Diane
Martin, Joelle
Mombourquette, Donna
Nunez, Hershel
Pickering, Daniel
Proulx, Mark
Renzullo, Andrew
Sofikitis, Catherine
Lekas, Tony
Trento, Michael
Thomas, Wendy

Alexander, Joe
Balch, Chris
Bergeron, Paul
Bosman, James
Cohen, Bruce
Espitia, Manny
Freitas, Mary
Greene, Bob
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Lascelles, Richard
Marzullo, JP
Mullen, Sue
Nutter-Upham, Frances
Piedra, Israel
Prout, Andrew
Rung, Rosemarie
St. John, Michelle
Smith, Timothy
Vail, Suzanne
Warden, Mark

Bouldin, Amanda
Barry, Richard
Bernet, Jennifer
Burt, John
Connors, Erika
Davis, Fred
Gagne, Larry
Griffith, Willis
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Murray, Megan
McGhee, Kat
Murphy, Nancy
Panasiti, Reed
Plett, Fred
Query, Joshua
Newman, Sue
Stack, Kathryn
Telerski, Laura
Van Houten, Constance
Whittemore, James

Bouldin, Andrew
Beaulieu, Jane
Boehm, Ralph
Camarota, Linda
Desjardin, Kathy
Fedolffi, Jim
Gould, Linda
Gunski, Michael
Hinch, Richard
Jack, Martin
Ober, Lynne
Mangipudi, Latha
McLean, Mark
Notter, Jeanine
Pedersen, Michael
Porter, Marjorie
Newman, Ray
Snow, Kendall
Stevens, Deb
Toomey, Dan
Vann, Ivy
Woodbury, David

MERRIMACK

Allard, James
Forsythe, Robert
Karrick, David

Bartlett, Christy
Fox, Samantha
Klose, John

Carson, Clyde
Fulweiler, Joyce
Kotowski, Frank

Ellison, Arthur
Hill, Gregory
Lane, Connie

Luneau, David
McWilliams, Rebecca
Pimentel, Roderick
Seaworth, Brian
Walsh, Thomas
Yakubovich, Michael

MacKay, James
Moffett, Howard
Richards, Beth
Soucy, Timothy
Walz, Mary Beth

Marple, Richard
Myler, Mel
Rodd, Beth
Testerman, Dave
Wells, Kenneth

McGuire, Carol
Pearl, Howard
Saunderson, George
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bushway, Patricia
Coursin, David
Doucette, Fred
Elliott, Robert
Grote, Jaci
Hoelzel, Kathleen
Le, Tamara
Griffin, Mary
Malloy, Dennis
Melvin, Charles
Prudhomme-O'Brien, Katherine
Torosian, Peter
Wallace, Scott

Abrami, Patrick
Berrien, Skip
Cahill, Michael
Davis, Dan
Edgar, Michael
Gay, Betty
Guthrie, Joseph
Janigian, John
Loughman, Tom
Pearson, Mark
McBeath, Rebecca
Meuse, David
Read, Ellen
True, Chris
Ward, Gerald

Acton, Dennis
Bershtein, Alan
Cali-Pitts, Jacqueline
Thomas, Douglas
Edwards, Jess
Green, Dennis
Harb, Robert
Murray, Kate
Love, David
Maggiore, Jim
McConnell, Liz
Piemonte, Tony
Pearson, Stephen
Vallone, Mark
Welch, David

Altschiller, Debra
Bunker, Lisa
Costable, Michael
Desilets, Joel
Eisner, Mary
Grossman, Gaby
Hobson, Deborah
Katsakiores, Phyllis
Lovejoy, Patricia
Major, Norman
McMahon, Charles
Potucek, John
Somssich, Peter
Verville, Kevin

STRAFFORD

Bixby, Peter
Frost, Sherry
Hayward, Peter
Kittredge, Mac
Schmidt, Peter
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Gourgue, Amanda
Higgins, Peg
Levesque, Cassandra
Perreault, Mona
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Horgan, James
Smith, Marjorie
Pitre, Joseph
Southworth, Thomas
Wuelper, Kurt

Fargo, Kristina
Harrington, Michael
Keans, Sandra
Opderbecke, Linn
Beaudoin, Steven
Spang, Judith

SULLIVAN

Aron, Judy
O'Hearne, Andrew
Tanner, Linda

Callum, John
Oxenham, Lee

Laware, Thomas
Stapleton, Walter

Lucas, Gates
Sullivan, Brian

NAYS - 63 BELKNAP

Bean, Harry

St. Clair, Charlie

CARROLL

Kanzler, Harrison

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

Baroody, Benjamin
Danielson, David
Goley, Jeffrey
Long, Patrick
Radhakrishnan, Julie
Williams, Kermit

Bouchard, Donald
Dargie, Paul
Heath, Mary
Nutting-Wong, Allison
Riel, Cole

Burns, Charles
DiSilvestro, Linda
Herbert, Christopher
Petrigno, Peter
Shaw, Barbara

Cornell, Patricia
Dutzy, Sherry
Judy, Jean
Ober, Russell
Ulery, Jordan

MERRIMACK

Doherty, David
Schamberg, Thomas
Wazir, Safiya

Ebel, Karen
Schuett, Dianne

Horn, Werner
Schultz, Kristina

Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abramson, Max
DeClercq, Edward
Khan, Aboul
Roy, Terry

Barnes, Arthur
DeSimone, Debra
Kolodziej, Walter
Weyler, Kenneth

Chirichiello, Brian
Osborne, Jason
Packard, Sherman
Yokela, Josh

Cushing, Robert Renny
Janvrin, Jason
Pratt, Kevin

STRAFFORD

Conley, Casey
Vincent, Kenneth

Fontneau, Timothy

Horrigan, Timothy

Kenney, Cam

SULLIVAN

Cloutier, John

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

Rep. Packard voted Nay and intended to vote Yea.

Rep. Hinch voted Yea and intended to vote Nay.

MOTON TO INDEFINITELY POSTPONE

Rep. Doucette moved that **SB 310-FN-A-L**, relative to casino gambling, be Indefinitely Postponed.

Rep. Conley requested a roll call; sufficiently seconded.

YEAS 214 - NAYS 139

YEAS - 214**BELKNAP**

Fields, Dennis
Mackie, Jonathan
Tilton, Franklin

Howard, Raymond
Plumer, John
Viens, Harry

Huot, David
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Knirk, Jerry
Woodcock, Stephen

Comeau, Ed
MacDonald, John

Cordelli, Glenn
Marsh, William

DesMarais, Edith
Nelson, Bill

CHESHIRE

Ames, Richard
Hunt, John
O'Day, John
Pearson, William

Faulkner, Barry
Ley, Douglas
Swinburne, Sandy
Weber, Lucy

Fenton, Donovan
Meader, David
Thompson, Craig

Gomarlo, Jennie
Morrill, David
Von Plinsky, Sparky

COOS

Craig, Kevin
Noel, Henry

Fothergill, John

Furbush, Michael

Laflamme, Larry

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Muscatel, Garrett
Stringham, Jerry

Adjutant, Joshua
Egan, Timothy
Hennessey, Erin
Nordgren, Sharon
Sykes, George

Almy, Susan
Ford, Susan
Josephson, Timothy
Osborne, Richard
Weston, Joyce

Campion, Polly
French, Elaine
Migliore, Vincent Paul
Ruprecht, Dennis

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cleaver, Skip
Davis, Fred
Gagne, Larry
Griffith, Willis
Schmidt, Janice
Murray, Megan
McLean, Mark
Nutting-Wong, Allison
Plett, Fred
Query, Joshua
St. John, Michelle
Trento, Michael
Thomas, Wendy

Bouldin, Andrew
Belanger, James
Burns, Charles
Dutzy, Sherry
Fedolfi, Jim
Gould, Linda
Gunski, Michael
Judy, Jean
Martin, Joelle
Mombourquette, Donna
Panasiti, Reed
Porter, Marjorie
Rung, Rosemarie
Stack, Kathryn
Ulery, Jordan
Warden, Mark

Balch, Chris
Bernet, Jennifer
Burt, John
Erf, Keith
Flanagan, Jack
Graham, John
Hall, Brett
King, Mark
Marzullo, JP
Notter, Jeanine
Pedersen, Michael
Proulx, Mark
Newman, Sue
Smith, Timothy
Vail, Suzanne
Whittemore, James

Barry, Richard
Boehm, Ralph
Camarota, Linda
Espitia, Manny
Freitas, Mary
Greene, Bob
Hopper, Gary
Lascelles, Richard
McGhee, Kat
Nunez, Hershel
Pickering, Daniel
Prout, Andrew
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Allard, James
Hill, Gregory
Marple, Richard
Saunderson, George
Walsh, Thomas

Bartlett, Christy
Karrick, David
McGuire, Carol
Seaworth, Brian
Walz, Mary Beth

Ebel, Karen
Kotowski, Frank
McWilliams, Rebecca
Testerman, Dave
Wells, Kenneth

Fox, Samantha
Lane, Connie
Moffett, Howard
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Harb, Robert
Murray, Kate
Love, David
Major, Norman
Meuse, David
Prudhomme-O'Brien, Katherine
Torosian, Peter
Wallace, Scott

Abrami, Patrick
Cali-Pitts, Jacqueline
DeClercq, Edward
Edwards, Jess
Hobson, Deborah
Katsakiores, Phyllis
Lovejoy, Patricia
McBeath, Rebecca
Packard, Sherman
Roy, Terry
True, Chris
Ward, Gerald

Acton, Dennis
Costable, Michael
Desilets, Joel
Green, Dennis
Hoelzel, Kathleen
Khan, Aboul
Griffin, Mary
McConnell, Liz
Piemonte, Tony
Pearson, Stephen
Vallone, Mark
Welch, David

Barnes, Arthur
Davis, Dan
DeSimone, Debra
Grote, Jaci
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Potucek, John
Somssich, Peter
Verville, Kevin

STRAFFORD

Grassie, Chuck
Horgan, James
Opderbecke, Linn
Beaudoin, Steven
Towne, Matthew

Harrington, Michael
Keans, Sandra
Schmidt, Peter
Salloway, Jeffrey
Wall, Janet

Hayward, Peter
Kittredge, Mac
Perreault, Mona
Sandler, Catt
Wuelper, Kurt

Higgins, Peg
Smith, Marjorie
Pitre, Joseph
Southworth, Thomas

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Sullivan, Brian

Laware, Thomas
Tanner, Linda

Oxenham, Lee

**NAYS - 139
BELKNAP**

Bean, Harry

St. Clair, Charlie

CARROLL

Buco, Thomas
Ticehurst, Susan

Burroughs, Anita

Butler, Edward

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Mann, John

Berch, Paul
Parkhurst, Henry

Eaton, Daniel
Schapiro, Joe

Harvey, Cathryn
Tatro, Bruce

COOS

Hatch, William

Moynihan, Wayne

Tucker, Edith

Thomas, Yvonne

GRAFTON

Diggs, Francesca
Massimilla, Linda

Fellows, Sallie
Mulligan, Mary Jane

Ladd, Rick
Stavis, Laurel

Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia
Bergeron, Paul
Connors, Erika
Desjardin, Kathy
Harriott-Gathright, Linda
Indruk, Greg
Ober, Lynne
Mullen, Sue
Piedra, Israel
Renzullo, Andrew
Stevens, Deb
Williams, Kermit

Alexander, Joe
Bordy, William
Cornell, Patricia
DiSilvestro, Linda
Heath, Mary
Jack, Martin
Langley, Diane
Murphy, Nancy
Newman, Ray
Riel, Cole
Lekas, Tony

Backus, Robert
Bouchard, Donald
Danielson, David
Goley, Jeffrey
Herbert, Christopher
Klee, Patricia
Long, Patrick
Nutter-Upham, Frances
Ober, Russell
Shaw, Barbara
Toomey, Dan

Baroody, Benjamin
Cohen, Bruce
Dargie, Paul
Hamer, Heidi
Hinch, Richard
Klein-Knight, Nicole
Mangipudi, Latha
Petrigno, Peter
Radhakrishnan, Julie
Snow, Kendall
Van Houten, Constance

MERRIMACK

Carson, Clyde
Fulweiler, Joyce
MacKay, James
Richards, Beth
Schuett, Dianne
Wazir, Safiya

Doherty, David
Horn, Werner
Myler, Mel
Rodd, Beth
Schultz, Kristina
Yakubovich, Michael

Ellison, Arthur
Klose, John
Pearl, Howard
Rogers, Katherine
Soucy, Timothy

Forsythe, Robert
Luneau, David
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan

ROCKINGHAM

Abramson, Max
Bunker, Lisa
Coursin, David

Altschiller, Debra
Bushway, Patricia
Cushing, Robert Renny

Baldasaro, Al
Cahill, Michael
Edgar, Michael

Berrien, Skip
Chirichiello, Brian
Eisner, Mary

Elliott, Robert
Osborne, Jason
Maggiore, Jim
Read, Ellen

Gay, Betty
Janvrin, Jason
Malloy, Dennis
Weyler, Kenneth

Grossman, Gaby
Le, Tamara
McMahon, Charles
Yokela, Josh

Guthrie, Joseph
Loughman, Tom
Pratt, Kevin

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam

Chase, Wendy
Frost, Sherry
Levesque, Cassandra

Conley, Casey
Gourgue, Amanda
Spang, Judith

SULLIVAN

Cloutier, John
Smith, Steven

Lucas, Gates

O'Hearne, Andrew

Rollins, Skip

and the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 77-FN, relative to costs of care for animals seized in cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. This bill helps combat animal cruelty in multiple ways. First, the House amendment adds a cost of care fund, administered by the Department of Agriculture, Markets and Food, which will assist municipalities that need to care for animals confiscated in cruelty cases. The moneys for the fund are generated by existing animal and pet food registration fees and by a fifty cent per dog license remittance from municipalities. The presence of the fund will encourage localities to act more promptly when there are known problems. Secondly, the bill requires the courts to provide a prompt initial hearing which will immediately clarify the disposition of the animals during the trial and enable a more efficient trial process. This section also strengthens the due process rights of the accused, protects co-owners who are not defendants, and clarifies the requirement for restitution and the disposition of animals if the defendant is convicted. Thirdly, the bill clarifies the court's capacity to limit a convicted person's access to animals in the future and requires a minimum ban of five years on future animal ownership for anyone convicted of felony animal cruelty. Finally, the bill clarifies the existing capacity of the court to require a bond for a person convicted in circuit court who want to appeal to a higher court. Currently, the court may require a bond of not more than \$2,000 per animal for the convicted to maintain interest in the animal, but there is no enforcement provision. Under this bill, while the court may choose not to require the bond, based on the convicted person's circumstances, if a bond is ordered, it must be paid within no more than 45 days. Vote 18-1.

Amendment (1723h)

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

AN ACT relative to costs of care for animals seized in animal cruelty cases, prohibiting the future ownership of animals in certain animal cruelty cases, and establishing a cost of care fund to assist municipalities caring for animals during animal cruelty cases.

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

1 Animal Cruelty. RSA 644:8, IV is repealed and reenacted 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.

(2) The owner or custodian of the confiscated animals may choose a veterinarian licensed under RSA 332-B to examine the confiscated animals and the location from which they were taken within 24 hours of confiscation. The examination may include taking photographs of the animals and the location from which they were taken, and the taking of biological samples for the purpose of biological testing. The expense of the examination shall be borne by the accused.

(3) 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 preliminary hearing shall be held by the court within 14 days of the confiscation of the animals.

(4) 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) 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.

(6) Upon final disposition of the case, 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) 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.

(b) In addition, the court may prohibit any person convicted of a misdemeanor offense of animal cruelty under RSA 644:8, RSA 644:8-aa, RSA 644:8-b, RSA 644:8-c, or RSA 644:8-d, or violation of RSA 644:8-f from having future ownership or custody of, or residing with other animals for any period of time the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals. The court shall prohibit or limit any person convicted of a felony offense of animal cruelty under RSA 644:8 or a misdemeanor or felony offense of bestiality under RSA 644:8-g from having future ownership or custody of other animals for a minimum of 5 years, and may impose any other reasonable restrictions on the person's future ownership or custody of, or residing or having contact with animals as necessary for the protection of the animals. For the purposes of this paragraph, a reasonable restriction on future contact may include limiting a person from engaging in any employment in the care of animals or other similar contact as the court sees fit. Any animal involved in a violation of a court order prohibiting or limiting ownership or custody of animals shall be subject to immediate forfeiture. Any person violating such order may, in addition to being held in criminal contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in any court of competent jurisdiction for each animal held in unlawful ownership or custody.

(c) If a person convicted of cruelty to animals appeals the conviction and any confiscated animal remains in the custody of the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial or appellate court may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. Such bond or security shall be posted to the court within 30 days. If such bond or security is not paid within 30 days after the court orders the bond or security to be posted, the animals shall be forfeited to the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee. The court may, for good cause, extend the deadline by no more than 15 days. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal, from the date the animal or animals were originally confiscated, shall be paid to the custodian from the posted security and the balance, if any, shall be returned to the person who posted it. A court shall order the return of any bond or security upon a court approved agreement of the parties, a finding of not guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

2 New Chapter; Cost of Care Fund. Amend RSA by inserting after chapter 437-A the following new chapter:

CHAPTER 437-B COST OF CARE FUND

437-B:1 Cost of Care Fund.

I. There is established in the department of agriculture, markets, and food a nonlapsing fund to be known as the cost of care fund which shall be kept distinct and separate from all funds. The cost of care fund is continually appropriated in order to assist municipalities in covering the costs of care incurred from caring for animals pending the resolution of any action brought for animal cruelty under RSA 644:8.

II. The treasurer shall deposit in the cost of care fund:

(a) Court-ordered restitution for care in animal cruelty cases under RSA 644:8 as specified in paragraph VI;

(b) \$.50 of every dog license fee paid under RSA 466:4; and

(c) One-half of the fees collected from the registration for distribution of commercial animal feed, under RSA 435:20.

III. The arresting officer or his or her designee may apply to the commissioner of the department of agriculture, markets, and food for a grant from the cost of care fund to reimburse costs incurred caring for animals in animal cruelty cases brought under RSA 644:8 during pretrial care, for the period between when the animals are seized and until the final disposition of the case. The commissioner of the department of agriculture, markets, and food and the state veterinarian shall review such applications, respond to such applications within 15 days, and distribute no more than \$500,000 per application.

IV. The commissioner shall establish rules under RSA 541-A relative to:

(a) The administration and disbursement of the cost of care fund, including guidelines to ensure that multiple applicants would have equitable access to grants.

(b) The application process by an arresting officer or his or her designee for financial assistance to cover the cost of emergency veterinary treatment.

V. The commissioner may accept private gifts and donations of any kind for the purpose of supporting the cost of animal care which shall be deposited into the cost of care fund.

VI. If a person is convicted of animal cruelty and is ordered by the court to make restitution, the municipality shall make a report including the amount of restitution ordered and the actual amount received and submit it to the department of agriculture, markets, and food. If the restitution received exceeds the costs incurred by the municipality in caring for the seized animals, that excess shall be remitted to the departments and shall be deposited into the cost of care fund.

3 Payment of Fees; Dog Licenses. Amend RSA 466:9 to read as follows:

466:9 Payment of Fees.

I. Clerks of the towns and cities shall issue dog licenses, receive the money for the licenses, and pay the same into the treasuries of their respective towns and cities on or before June 1 each year, retaining to their own use \$1 for each license and submitting [~~\$.50~~] **\$1** for each license to the department of agriculture, markets, and food for the purpose specified in paragraph II. The clerks shall return to their respective town or city treasurer a sworn statement of the amount of moneys thus received and paid over by them.

II. The [~~\$.50~~] **\$1** received by the department of agriculture, markets, and food for each license issued pursuant to paragraph I shall be credited ***in the following way:***

(a) ***\$.50*** to a special nonlapsing fund to be used exclusively for the operation of the veterinary diagnostic laboratory established under RSA 436:92, and are hereby continually appropriated for such purpose to be expended under the supervision of the commissioner of ***the department of*** agriculture, markets, and food.

(b) ***\$.50 to a special nonlapsing fund to be used exclusively to fund cost of care grants under RSA 437-B:1, and are hereby continually appropriated for such purpose to be expended under the supervision of the commissioner of the department of agriculture, markets, and food.***

4 Registration of Commercial Animal Food Sellers. Amend RSA 435:20, IV to read as follows:

IV. One-half of the fees collected under this section shall be deposited with the state treasurer into a separate, nonlapsing account to be known as the agricultural product and scale testing fund. The remainder of the fees collected under this section shall be deposited in [~~the general fund~~] ***cost of care fund established in RSA 437-B:1.***

5 Definitions; Commercial Kennel; Changed to Commercial Breeder. Amend RSA 437:1, II to read as follows:

II. "Commercial [~~kennel~~] ***breeder***" means any person, business, corporation, or other entity that transfers 10 or more litters or 50 or more puppies, ***kittens, or juvenile ferrets*** in any 12-month period.

6 Commercial Kennel; Changed to Commercial Breeder. Amend RSA 437:7 to read as follows:

437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs, ***cats, or ferrets*** that do not meet the definition of [~~commercial kennel~~] ***commercial breeder*** in RSA 437:1, veterinarians, or the transfer of livestock or poultry.

7 New Paragraph; Transfer of Dogs, Cats, and Ferrets; Provision of Health Certificate. Amend RSA 437:8 by inserting after paragraph I the following new paragraph:

I-a. No dog, cat, or ferret shall be offered for transfer for a fee by any person or other entity without first being protected against infectious diseases using vaccines approved by the state veterinarian. No dog, cat, or ferret shall be offered for transfer for a fee by any person or other entity unless accompanied by an official health certificate issued by a veterinarian licensed under RSA 332-B. No transfer shall occur unless the transferred animal is accompanied by a health certificate issued within the prior 14 days. One copy of the certificate shall be retained by the signing veterinarian, one copy of the certificate shall be retained by the person or entity offering the animal for transfer, and one copy of the certificate shall be given to the transferee upon transfer. The signing veterinarian shall provide a copy of the health certificate to the Department of Agriculture, Markets, and Food upon request. The transferring entity shall provide a copy of the health certificate to the Department of Agriculture, Markets, and Food upon request. If an official health certificate is produced, it shall be prima facie evidence of transfer.

8 Rulemaking; Authority; Care of Animals in Custody. Amend RSA 437:9, IV and V to read as follows:

IV. Notice and hearing on the refusal to issue or the revocation of a license; [~~and~~]

V. Setting limits for reasonable daily boarding and care costs for animals confiscated under RSA 644; and

[~~V.~~] VI. Any other matter the commissioner may deem necessary to carry out the provisions of this subdivision.

9 New Subparagraph; Cost of Care Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the cost of care fund established in RSA 437-B:1.

10 Effective Date.

I. Section 1 of this act shall take effect January 1, 2020.

II. The remainder of this act shall take effect July 1, 2019.

AMENDED ANALYSIS

This bill:

I. Further defines the meaning of priority on the calendar for animal cruelty cases in which animals must be held for the duration of a criminal prosecution.

II. Clarifies the process for a defendant to post bond after conviction in order to retain a legal interest in the animals through the appeals process.

III. Further defines the court's ability to ban a person convicted of animal cruelty from owning animals.

IV. Establishes a cost of care fund to assist municipalities caring for animals during animal care cases.

V. Changes "commercial kennel" to "commercial breeder."

VI. Requires dogs, cats, and ferrets to be transferred with a health certificate.

MOTION TO LAY ON THE TABLE

Rep. Bixby moved that **SB 77-FN**, relative to costs of care for animals seized in cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases, be laid on the table.

On a division vote, with 202 members having voted in the affirmative, and 147 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

SB 163, relative to permits for operation of solid waste management facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Environment and Agriculture. This bill, as amended, would require the Department of Environmental Services (DES) to act upon (either deny or issue) a solid waste facility permit application no longer than 120 days (or 180 days if a permit application requires a public hearing) after a permit is deemed complete by the department. This bill allows the permit review time frame to be extended via mutual consent between DES and the applicant. Because permit application reviews of solid waste management facilities by DES can sometimes be time consuming, complex and voluminous, but should also be done carefully and thoroughly, this bill provides for more realistic time frames for that process. Vote 19-0.

Amendment (1630h)

Amend RSA 149-M:9, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. The department shall act upon each permit application within ~~[a reasonable period of time]~~ ***the time periods specified in rules adopted under RSA 149-M:7. For permits requiring a public hearing under rules adopted under RSA 149-M:7, once the department determines that an application is complete, in no case, without prior written agreement regarding an extension with the applicant, shall the department take longer than 180 days to issue or deny the permit. For permits that do not require a public hearing under rules adopted under RSA 149-M:7, once the department determines that the application is complete, in no case shall the department take longer than 120 days to issue or deny the permit.*** Prior to such action, the department shall provide notice of the application by publication in at least one newspaper of general circulation in the community and an opportunity for hearing to interested persons. The applicant shall notify abutters of the public hearing in writing by certified mail, return receipt requested. The requirement of public notice and hearing shall apply at the discretion of the department to facilities or activities that will have an insignificant effect on environmental quality as defined by rule under RSA 149-M:7.

Committee amendment adopted.

Rep. Aron offered floor amendment (1840h).

Floor Amendment (1840h)

Amend RSA 149-M:9, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. The department shall act upon each permit application within ~~[a reasonable period of time]~~ ***the time periods specified in rules adopted under RSA 149-M:7. For permits requiring a public hearing under rules adopted under RSA 149-M:7, once the department determines that an application is complete, in no case, without prior written agreement regarding an extension with the applicant, shall the department take longer than 180 days to issue or deny the permit. For permits that do not require a public hearing under rules adopted under RSA 149-M:7, once the department determines that the application is complete, in no case, without the prior written agreement regarding an extension with the applicant, shall the department take longer than 120 days to issue or deny the permit.*** Prior to such action, the department shall provide notice of the application by publication in at least one newspaper of general circulation in the community and an opportunity for hearing to interested persons. The applicant shall notify abutters of the public hearing in writing by certified mail, return receipt

requested. The requirement of public notice and hearing shall apply at the discretion of the department to facilities or activities that will have an insignificant effect on environmental quality as defined by rule under RSA 149-M:7.

Rep. Aron spoke in favor.

Floor amendment (1840h) adopted.

Committee report adopted and referred to the Committee on Executive Departments and Administration.

REGULAR CALENDAR - PART II

SB 30, relative to the advisory board on services for children, youth, and families. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Elaine French for the Majority of Children and Family Law. As amended, this bill clarifies the criteria and procedure for appointing members for the Advisory Board on Services for Children, Youth and Families, and establishes a quorum requirement. Vote 15-1.

Rep. Josh Yokela for the Minority of Children and Family Law. The minority finds this bill is addressing a personnel issue. The people appointed which do not show up should be removed from the board and replaced with people who would attend meetings. The reduction of people to constitute a quorum is inappropriate.

Majority Amendment (1649h)

Amend the bill by replacing section 1 with the following:

1 Advisory Board on Services for Children, Youth and Families. RSA 170-G:6-a is repealed and reenacted to read as follows:

170-G:6-a Advisory Board.

I. There is hereby established a board to advise the department of health and human services on services for children, youth, and families. The board shall consist of 12 members and such additional members as may be necessary to comply with federal regulations for the acceptance of federal funds and as may be necessary to make reasonable attempts to achieve representation of each county. Members of the board shall represent:

(a) Community youth service agencies.

(b) The juvenile justice field, law enforcement, probation, police, courts, and attorneys.

(c) Appropriate professional fields such as psychology, social services, education, and health.

(d) Members of the public whose family has been affected by the department of health and human services, division for children, youth and families.

(e) Members of the general court.

II. Each member shall serve a term of 3 years; provided that legislative members shall serve a term coterminous with their term in office. A member shall continue to serve until a successor is appointed in the same manner as the original appointment. Members of the board shall serve without compensation but shall receive mileage payments at the state employee rate within the limits of funds appropriated to the department. Five members of the board shall constitute a quorum.

III. Members of the board who meet the criteria and qualifications described in paragraph I shall be appointed in the following manner:

(a) The governor shall appoint 4 members.

(b) The senate president shall appoint 4 members.

(c) The speaker of the house of representatives shall appoint 4 members.

(d) Any additional members shall be recommended by the commissioner and appointed by the governor and council.

Majority committee amendment adopted.

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

Rep. Yokela spoke against.

Rep. Long spoke in favor.

Majority committee report adopted and ordered to third reading.

SB 4, relative to the group and individual health insurance market. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs. You may remember the language in this bill. It is very similar to HB 233, which the House passed last month. The prime sponsor of SB 4 had the same idea and this bill carries much the same language as that in HB 233. Both bills ensconce the basic provisions of the Affordable Care Act (ACA) in state law. They include provisions addressing Essential Health Benefits; guaranteed issue and coverage no matter the pre-existing condition; geographic rating protections and premium differential protections for age among other parameters of the ACA. Included within such coverage is mental health and substance abuse disorder services. However, SB 4 is more robust than HB 233 in a couple of ways. It clarifies that carriers shall not establish any annual or lifetime caps and it includes a nondiscrimination clause. Though the provisions of the ACA are still in place in the U.S., this bill will provide the 'backstop' and security of the tenets of the ACA for the citizens of NH, as the difficult and

volatile issue of health care insurance roils through the federal political landscape. This also will provide a stable environment for our insurers, to know what they can expect and what our legislative intent is, even if pieces of the ACA fall away. Vote 11-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. This bill is very similar to HB 233 and sets a dangerous precedent regardless of anyone's position for or against Obama Care/Affordable Care Act. Currently this bill is also unnecessary and harmful to the individual (non-group) health insurance market. If for some obscure reason the federal law was overturned or repealed, then NH would absolutely have to revisit this statute anyway and, even worse for the individual market, we would have to reenact what this bill repeals just to ensure that we would have some insurance companies willing to cover individuals.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 137

YEAS - 213

BELKNAP

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Burroughs, Anita Butler, Edward DesMarais, Edith
Kanzler, Harrison Knirk, Jerry Ticehurst, Susan Woodcock, Stephen

CHESHIRE

Abbott, Michael Ames, Richard Berch, Paul Eaton, Daniel
Faulkner, Barry Fenton, Donovan Gomarlo, Jennie Harvey, Cathryn
Mann, John Meader, David Morrill, David Parkhurst, Henry
Schapiro, Joe Swinburne, Sandy Tatro, Bruce Thompson, Craig
Von Plinsky, Sparky Pearson, William Weber, Lucy

COOS

Hatch, William Laflamme, Larry Moynihan, Wayne Noel, Henry
Tucker, Edith Thomas, Yvonne

GRAFTON

Abel, Richard Adjutant, Joshua Almy, Susan Campion, Polly
Diggs, Francesca Dontonville, Roger Egan, Timothy Fellows, Sallie
Ford, Susan French, Elaine Josephson, Timothy Maes, Kevin
Massimilla, Linda Mulligan, Mary Jane Muscatel, Garrett Nordgren, Sharon
Osborne, Richard Ruprecht, Dennis Stavits, Laurel Stringham, Jerry
Smith, Suzanne Sykes, George Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda Bouldin, Andrew Backus, Robert Balch, Chris
Baroody, Benjamin Beaulieu, Jane Bergeron, Paul Bernet, Jennifer
Bordy, William Bosman, James Bouchard, Donald Cleaver, Skip
Cohen, Bruce Connors, Erika Cornell, Patricia Dargie, Paul
Desjardin, Kathy Dutzy, Sherry Espitia, Manny Davis, Fred
Freitas, Mary Goley, Jeffrey Griffith, Willis Hall, Brett
Hamer, Heidi Harriott-Gathright, Linda Heath, Mary Herbert, Christopher
Indruk, Greg Schmidt, Janice Jack, Martin Jedy, Jean
King, Mark Klee, Patricia Klein-Knight, Nicole Langley, Diane
Long, Patrick Murray, Megan Mangipudi, Latha Martin, Joelle
McGhee, Kat Mombourquette, Donna Mullen, Sue Murphy, Nancy
Nutter-Upham, Frances Nutting-Wong, Allison Pedersen, Michael Petugno, Peter
Pickering, Daniel Piedra, Israel Porter, Marjorie Query, Joshua
Newman, Ray Radhakrishnan, Julie Riel, Cole Rung, Rosemarie
Newman, Sue Shaw, Barbara Snow, Kendall Sofikitis, Catherine
St. John, Michelle Stack, Kathryn Stevens, Deb Smith, Timothy
Telerski, Laura Toomey, Dan Vail, Suzanne Van Houten, Constance
Vann, Ivy Thomas, Wendy Williams, Kermit Woodbury, David

MERRIMACK

Bartlett, Christy Carson, Clyde Doherty, David Ebel, Karen
Ellison, Arthur Fox, Samantha Fulweiler, Joyce Garrick, David
Lane, Connie Luneau, David MacKay, James McWilliams, Rebecca
Moffett, Howard Myler, Mel Pimentel, Roderick Richards, Beth
Rodd, Beth Rogers, Katherine Saunderson, George Schamberg, Thomas
Schuett, Dianne Schultz, Kristina Soucy, Timothy Turcotte, Alan
Wallner, Mary Jane Walz, Mary Beth Wazir, Safiya Wells, Kenneth
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Le, Tamara
Malloy, Dennis
Read, Ellen

Bunker, Lisa
Coursin, David
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

Bushway, Patricia
Cushing, Robert Renny
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Towne, Matthew

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 137**BELKNAP**

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Trento, Michael

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Ulery, Jordan

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Warden, Mark

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Lekas, Tony
Whittemore, James

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Yakubovich, Michael

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Welch, David

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Elliott, Robert
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Piemonte, Tony
Roy, Terry
Verville, Kevin
Yokela, Josh

STRAFFORDHarrington, Michael
Perreault, MonaHayward, Peter
Pitre, JosephHorgan, James
Beaudoin, StevenKittredge, Mac
Wuelper, Kurt**SULLIVAN**Aron, Judy
Rollins, SkipCallum, John
Stapleton, WalterLaware, Thomas
Smith, Steven

Lucas, Gates

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

SB 145, relative to the organization of alternative treatment centers. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill allows alternative treatment centers, whose main function is providing medical marijuana to patients approved under current state law, to convert from non-profit organizations to for-profit ones, if they choose. The bill is necessary because most conversions of this type in other industries involve asset sales, and the license to operate is nontransferable. These companies are not currently 501c (3) nonprofits, because of the current federal legal status of marijuana. The bill will allow them to form a corporation and raise money from shareholders. This will allow them to remain viable and continue to provide some 8,000 medical marijuana customers in New Hampshire. Vote 16-3. Committee report adopted and ordered to third reading.

SB 224-FN, relative to insurance coverage for pediatric autoimmune neuropsychiatric disorders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill mirrors HB 1751 which was referred for interim study last term. After further review, the committee determined that this bill had merit for future legislation. Much of the same testimony was heard during our hearing from families who have experienced this devastating illness for years. Though pediatric autoimmune neuropsychiatric disorder (PANS/PANDAS) affects a small number of children and young adults, it is a debilitating illness that is caused by a streptococcus virus in the brain. Those affected can become very ill very quickly and exhibit a variety of symptoms, including obsessive compulsive disorder, anxiety, aggression, behavioral/developmental regression, hallucinations with psychotic symptoms seen in conditions such as schizophrenia, and bipolar disorder. This bill would require insurance companies to pay for treatment for this disorder including the use of intravenous immunoglobulin therapy, if ordered by a physician. The amendment adds a clause to define this condition as a biologically-based mental illness, as well as, a five-year "sunset" clause. Vote 17-2.

Amendment (1673h)

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

1 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, II to read as follows:

II. Notwithstanding any other provision of law, each insurer that issues or renews any policy of [group] accident or health insurance and each nonprofit health service corporation under RSA 420-A and health maintenance organization under RSA 420-B providing benefits for disease or sickness in the state of New Hampshire shall provide benefits for treatment and diagnosis of certain biologically-based mental illnesses under the same terms and conditions and which are no less extensive than coverage provided for any other type of health care for physical illness.

2 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, III(f) to read as follows:

(f) Obsessive-compulsive disorder, **including pediatric autoimmune neuropsychiatric disorders, when treatment, including the use of intravenous immunoglobulin therapy, is ordered by a physician.**

3 Coverage for Certain Biologically-Based Mental Illnesses. RSA 417-E:1, III(f) is repealed and reenacted to read as follows:

(f) Obsessive-compulsive disorder, including pediatric autoimmune neuropsychiatric disorders.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2024.

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

AMENDED ANALYSIS

This bill clarifies insurance coverage for treatment for pediatric autoimmune neuropsychiatric disorders. Committee amendment adopted. Committee report adopted and ordered to third reading.

SB 297-FN, extending the deadline for arraignments. **OUGHT TO PASS.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. This bill extends the deadline for arraignments from 24-36 hours. The Judicial Council assumes that, while the bill would not decrease the number of cases to the public defender, it would minimize the need for additional bail hearings and court appearances. The bill allows for afternoon court appearances, which is not the case today. There would be no significant impact to the Judicial Branch as the bill would not change the number of charges in those cases. Vote 15-5. Committee report adopted and ordered to third reading.

SB 314-FN, relative to release of a defendant pending trial. **OUGHT TO PASS.**

Rep. Sandy Swinburne for Criminal Justice and Public Safety. This bill amends the procedure for considering the dangerousness of a defendant for the purpose of determining whether the defendant should be released pending trial. It establishes the position of Bail Reform Coordinator in the Department of Justice and reestablishes the commission on pretrial scheduling and pretrial services, and waives the bail commissioners fee for indigent defendants. Vote 20-0.

Committee report adopted and ordered to third reading.

SB 137, relative to the certification of school nurses. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Tanner for the Majority of Education. This bill brings together and clarifies rules and requirements for school nurses. It recognizes 4 steps in migration from current qualifications to the new qualifications and grandfathers in all school nurses hired on or before 2022. It clarifies that the superintendent may nominate and the school board appoint a school nurse. Vote 12-7.

Rep. Rick Ladd for the Minority of Education. This bill was introduced to clarify the timeline and pathways for a school nurse to meet requirements for Department of Education certification, in addition to a nurse being a registered professional currently licensed in New Hampshire. It is the position of the minority that by establishing and requiring all school nurses, on or after July 1, 2022, to be certified in accordance with State Board of Education rules and to possess a 4-year degree, continues to place another unfunded mandate on school districts.

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

Rep. Forsythe spoke against and yielded to questions.

Rep. Tanner spoke in favor.

On a division vote, with 190 members having voted in the affirmative, and 147 in the negative, the majority committee report was adopted and ordered to third reading.

SB 142-L, requiring feminine hygiene products in school restrooms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Woodcock for the Majority of Education. This bill provides that all gender neutral and female bathrooms in middle and high schools will have available for free, menstrual products. Lack of access to these products contribute to the phenomenon called "period poverty." "Period poverty" occurs when students lack financial resources to obtain female hygiene products, and in this situation, often stay at home instead of attending school. Additionally, this situation negatively impacts a student's self-esteem, self-identity, and education. Vote 13-7.

Rep. Alicia Lekas for the Minority of Education. Making available menstrual hygiene products for students who cannot afford them is an excellent endeavor. However, as this bill is written, the minority believes it is an unfunded mandate.

Majority Amendment (1478h)

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

AN ACT requiring menstrual hygiene products in school restrooms.

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

1 New Section; Menstrual Hygiene Products. Amend RSA 189 by inserting after section 16 the following new section:

189:16-a Menstrual Hygiene Products.

I. The school district shall make menstrual hygiene products available at no cost in all gender neutral bathrooms and bathrooms designated for females located in public middle and high schools.

II. Menstrual hygiene products shall include sanitary napkins and tampons.

III. The school district shall bear the cost of supplying menstrual hygiene products. A school district may seek grants or partner with a non-profit or community-based organization to fulfill this obligation.

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

AMENDED ANALYSIS

This bill requires school boards to make menstrual hygiene products available, free of charge, in restrooms designated for girls and gender-neutral restrooms located in public middle and high schools.

Majority committee amendment adopted.

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

Rep. Alicia Lekas spoke against and yielded to questions.

Rep. Woodcock spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 135**YEAS - 211
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLLBuco, Thomas
Kanzler, HarrisonBurroughs, Anita
Knirk, JerryButler, Edward
Ticehurst, SusanDesMarais, Edith
Woodcock, Stephen**CHESHIRE**Abbott, Michael
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, SparkyAmes, Richard
Fenton, Donovan
Meador, David
Swinburne, Sandy
Pearson, WilliamBerch, Paul
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, LucyEaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Thompson, Craig**COOS**Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTONAbel, Richard
Diggs, Francesca
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, JoyceAdjutant, Joshua
Dontonville, Roger
French, Elaine
Muscatel, Garrett
Stavis, LaurelAlmy, Susan
Egan, Timothy
Josephson, Timothy
Nordgren, Sharon
Smith, SuzanneCampion, Polly
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Sykes, George**HILLSBOROUGH**Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, IvyBouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, WendyBackus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, KermitBalch, Chris
Bernet, Jennifer
Burns, Charles
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David**MERRIMACK**Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Walz, Mary BethCarson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, SafiyaDoherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, KennethEbel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Wallner, Mary Jane
Woods, Gary**ROCKINGHAM**Abramson, Max
Bunker, Lisa
Coursin, David
Eisner, Mary
Le, Tamara
Malloy, Dennis
Somssich, PeterAltschiller, Debra
Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Vallone, MarkBarnes, Arthur
Cahill, Michael
Desilets, Joel
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, GeraldBerrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Murray, Kate
Maggiore, Jim
Meuse, David**STRAFFORD**Bixby, Peter
Fargo, Kristina
Grassie, ChuckCannon, Gerri
Fontneau, Timothy
Hayward, PeterChase, Wendy
Frost, Sherry
Higgins, PegConley, Casey
Gourgue, Amanda
Horrigan, Timothy

Keans, Sandra
Opderbecke, Linn
Southworth, Thomas

Kenney, Cam
Schmidt, Peter
Spang, Judith

Levesque, Cassandra
Salloway, Jeffrey
Towne, Matthew

Smith, Marjorie
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 135

BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Thomas, Yvonne

GRAFTON

Gordon, Edward
Migliore, Vincent Paul

Hennessey, Erin
Stringham, Jerry

Ladd, Rick

Massimilla, Linda

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Erf, Keith
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Rung, Rosemarie
Warden, Mark

Alexander, Joe
Burt, John
Fedolfi, Jim
Graham, John
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Lekas, Tony
Whittemore, James

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Trento, Michael

Belanger, James
Danielson, David
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Walsh, Thomas

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Turcotte, Alan

ROCKINGHAM

Abbas, Daryl
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

Abrami, Patrick
Chirichiello, Brian
DeClercq, Edward
Elliott, Robert
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Piemonte, Tony
Roy, Terry
Verville, Kevin
Yokela, Josh

Acton, Dennis
Costable, Michael
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

Baldasaro, Al
Davis, Dan
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Welch, David

STRAFFORD

Harrington, Michael
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Vincent, Kenneth

Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

MOTION TO PRINT DEBATE

Rep. Myler moved that the debate on **SB 142-L**, requiring menstrual hygiene products in school restrooms, be printed in the Permanent Journal.
Motion adopted.

DEBATE ON SB 142-L

Rep. Alicia Lekas: Thank you, Mister Speaker. Thank you, fellow legislators. I have to tell you I dreamed this testimony in the middle of the night. I also, in my testimony, in my dream started by singing *The Sound of Silence*. I will save you from that, but if you want you can hear it in your mind. And, why *The Sound of Silence* because that's the sound of young ladies whose parents don't have enough money to buy menstrual products and they actually stay home. They end up using old socks, newspapers, whatever. They don't feel comfortable with that and they actually end up staying home, so *The Sound of Silence*. I also thought what can we do about this? Do you know there are 400 people in this room representing the entire state and if 400 people care about this bill and we use our leadership skills and go back to our districts and start a movement to get feminine hygiene products in our schools, we can do this just like they did in India. And, we can get this done and we don't need an unfunded mandate to do it. We can do it on our own time and effort and energy and get it into the schools. That is what I thought, but I'm here to speak on this bill and so the bill doesn't say that. The bill, as amended, says the school district shall make menstrual hygiene products available at no cost and the school district shall bear the cost of supplying these menstrual hygiene products. What school districts are most going to be impacted by this? The school districts who have the most poor. Those are also the school districts that have been coming to the Education Departments in the House and in the Senate and telling us that they have no money. And, telling us that they've already closed schools. They've already eliminated AP classes. They've already eliminated foreign language classes. They have leaking roofs. They don't have money for academic programs and we're going to mandate to them that they use money to buy feminine hygiene products for every single bathroom when they don't have money for academic programs. So, my question to you is, is it better to form a movement, get people to voluntarily have charity drives for the supplies, have fundraisers for the money, speak to manufacturers to donate or is it better to force school districts to pay for something that they can't afford? Thank you.

Speaker Shurtleff: Will the member yield to a question? Rep. Mangipudi, you may inquire.

Rep. Mangipudi: Thank you, Mister Speaker and thank you, Representative, for taking my question. When I testified in the committee, I did say that my husband and I have worked with a lot of NGOs to address this issue and I also mentioned that there was a public/private partnership that the Indian Government partnered with the Rotaries and the NGOs to provide the basic hygiene products for the girls in the rural communities. As leaders in our community, don't you think as legislators what we have is the ability to make this happen so that not a single young woman, which is a basic need, to provide for them in the school? I'm all for volunteering.

Speaker Shurtleff: Would the member suspend for a moment? I know you are getting close to a question mark here somewhere.

Rep. Mangipudi: Would you believe that a public/private partnership would be a much better way to go than to just doing voluntary, saying do this in your district?

Rep. Alicia Lekas: Actually, in this case, given that our schools are already so much out of money, no. I do not believe we should be telling them to spend money on this, however, I do believe that there are good leaders in this room and that we can get this movement started and that we can get it to happen voluntarily. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Conway, Rep. Woodcock, to speak in support of the recommendation.

Rep. Woodcock: Thank you, Mister Speaker. Fellow Representatives, just over 5 weeks ago a Spaulding High School senior, Caroline Dillon, walked into the Education Committee room to testify on SB 142. This bill, which has already passed the Senate, was sponsored by 6 Senators and 4 Members of the House, was important to her, it was personal. It was her initiative, you see. Last year, she attended a student conference with over 300 other students from New Hampshire. While she was there she heard and was reminded of what she had seen and witnessed at her hometown. Her fellow classmates not coming to school, absent, because their families didn't have sufficient funds to provide the feminine products that were needed. This situation has a name and to be honest I had never heard of the name. I had never heard of the term "period poverty." Caroline did something. She began a campaign in her town and by Spring the Rochester school committee had approved a bill very similar to SB 142, which is free feminine hygiene products for female students at the middle and high schools, tampons and sanitary napkins. These items are not frills, extras or a fad. They are the basic necessities of young women developing. We all recognize that most schools, the school nurse may have items or perhaps the Phys Ed teacher or some other female teacher. They help students that unexpectedly may need a tampon or a sanitary napkin. But, what about those low-income women, those that have none? By the way, Food Stamps do not cover these. What does she do during her period? Wait until the nurse's office is free between classes? Try to get to the gym to see a Phys Ed teacher? This is not reasonable, and it is humiliating. What about her self-identity and her self-esteem? She knows that her friends know that she can't afford the products. It became pretty obvious to the other students in the school that she kept head-

ing to the nurse's office to hide out or perhaps she uses something that really isn't sanitary or healthy. Some question why is this an educational issue, why is it before the Education Committee? Well, I'll let you know. Because she often is not in school, preferring to stay at home or skip in lieu of being embarrassed or being humiliated. It is an educational issue when the youngsters do not come to school. The committee during exec session debated which grade level is appropriate to provide feminine hygiene products. And as many school districts have different grade configurations, K-5, 6-9, 9-12, middle, high school, junior high school, it became very difficult. The committee settled on the term middle and high school, however, this does not preclude any school at any level from providing responses and products to these young women. We acknowledge that the onset of a young woman's period will differ depending on individual biological makeup. We know that schools, especially in the k-4 or the k-5, k-6 configuration will need products and typically the school nurse, health and Phys Ed teacher will be able to assist. As a former administrator and athletic director, I know personally that many of the manufacturers offer free napkins and tampax and tampons in schools. I'm also positive that many community organizations will step forward to help. It seems that one of the trademarks about this wonderful State of New Hampshire is that people step up and people help, but make no mistake, there may be a cost, small but nevertheless a cost to local school budgets for these hygiene products. Would we stop ordering toilet paper because it costs? Every student doesn't use it, or they may not need to, and they don't bring it from home, but it's a basic item which you provide. This is exactly the same. You may recall that some of that bathroom tissue in schools often isn't as soft and comforting as perhaps what you might get at home. This is the same with these feminine products. We are not talking about top of the line, top of the shelf, most expensive. We are talking about a basic item for a basic need. So, let me tell you one more short story and I'll close. Over the past 30 years I have had the privilege coaching women's sports in some very affluent communities and at a very expensive private college. Honestly, it never crossed my mind until 2 years ago when I was coaching at a small high school in a small town in New Hampshire. Preseason was going very well, and I could feel that these young women were ready, they were working hard, and we had a great chance. I was all excited about opening day and I am looking around, counting heads in the dugout and asked, where is my shortstop? Another girl speaks up and says, "Coach, she never comes during her period." I said, why? "Because all we have is white pants." Think of that. Everyone on that team knew that the young woman was unfortunate and needless issues that could have been preserved, could have been taken care of for that young lady. I can't imagine how difficult it would be for her to speak with me the next day, but she came up and said, "Coach, my parents can't afford it." She was humiliated, and she was embarrassed. Let me be clear to read a couple of lines from a letter to close submitted by an assistant superintendent of the schools that is part of the hearing record. She said this, "This legislation brought to you today, SB 142, would allow for all female students in New Hampshire to be supported as well as ease the financial impact of those under resourced females who may not have access to these much-needed supplies." I ask you to support SB 142 and push the green button. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The question before the House is on the recommendation that the bill Ought to Pass as Amended. Rep. Notter has requested a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Rep. Notter for a parliamentary inquiry. The House will be in order and allow the member to be heard.

Rep. Notter: Thank you, Mister Speaker. Mister Speaker, if I know that the Education Committee heard in testimony that school nurses already have personal hygiene products on hand for when they are needed. And if I know that I grew up in a home of very limited finances, but never once did we ever ask for or receive a hand out for anything, including menstrual products. If I further know that the majority amendment makes school districts bear the cost of supplying personal hygiene products which means that this is an unfunded mandate in violation of Article 28-A of our state constitution and that means a tax and as we all know, taxation is theft, would I then press the red button against this yet another socialist subsidy? Thank you, Mister Speaker.

Speaker Shurtleff: The House will be in order. The question before the House is on the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Rep. Mullen for a parliamentary inquiry.

Rep. Mullen: Thank you, Mister Speaker. Mister Speaker, if I know that in New Hampshire approximately 1 in 5 girls are forced to leave school early or miss school entirely due to not having access to menstrual hygiene products. And, if I know that chronic absences lead to impaired academic performance and an inability to access the confidence building extracurricular activities. If I further know that in schools where menstrual hygiene supplies are provided increased attendance and productivity have been reported and that this bill allows for schools to partner or seek grants from community-based organizations to fund the supplies. If I believe that by providing these necessities to middle and high school aged girls, that we are reducing the risk of potential health issues and increasing the likelihood of better educational outcomes, would I not support the committees report on SB 142 as amended by pushing the green button?

Speaker Shurtleff: The House will be in order. The question before the House is the recommendation that the bill 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 will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 211 members voting Yea and 135 voting Nay, the recommendation is adopted.

REGULAR CALENDAR - PART II CONT'D

SB 267, relative to the release of student assessment information and data. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sue Mullen for the Majority of Education. This bill requires the Department of Education (DOE) to provide the testing entity with individual pupil names and unique pupil identifiers for the purpose of administering the statewide assessment program and producing reports of individual student growth. As amended, this bill directs the testing entity to destroy student data after 10 years and authorizes the release of data to parents, guardians, the DOE, school, or school district. Vote 16-2.

Rep. Glenn Cordelli for the Minority of Education. The amended bill removes much of the original intent. The original bill would allow the statewide testing entity to keep additional student data so that they or the department could mail results to parents and save local districts the resources and cost of doing that mailing. The amended bill allows the testing entity to keep that data for 10 years, removes the ability to do the mailing, and the penalties if they release student data. The basic question now becomes why is this bill needed?

Majority Amendment (1718H)

Amend RSA 193-C:12 as inserted by section 1 of the bill by replacing it with the following:

193-C:12 Pupil Assessment Information. The department shall provide the testing entity as defined in RSA 189:65, VIII, with individual pupil names and unique pupil identifiers. The testing entity shall maintain the results, scores, or other evaluative materials for the purpose of measuring and reporting individual student growth. The department may provide the assessment results and comparative data to a parent, a legal guardian, or the pupil's school as provided in RSA 193-C:11. The testing entity shall destroy all student data after 10 years.

Amend RSA 189:67, II as inserted by section 2 of the bill by replacing it with the following:

II. A school or the department may disclose to a testing entity the student's name ~~[or]~~, unique pupil identifier, ~~[but not both,]~~ and birth date for the sole purpose of identifying the test taker. Except when collected in conjunction with the SAT or ACT[;]

(a) When such tests are used for the purpose of the state assessment as defined in RSA 193-C:6, the data shall be ~~[destroyed]~~ ***maintained*** by the testing entity ~~[as soon as the testing entity has completed the verification of test takers,]~~ ***in accordance with RSA 193-C:12.***

(b) ***The data*** shall not be disclosed by the testing entity to any other person, organization, entity, or government or any component thereof, other than the ~~[district,]~~ ***parent or guardian, the department,*** school or school district, and shall not be used by the testing entity for any other purpose ~~[whatsoever, including but not limited to test data analysis]~~ ***except as provided in RSA 193-C:12.***

Majority committee amendment adopted.

Rep. Ladd offered floor amendment (1847h).

Floor Amendment (1847h)

Amend RSA 193-C:12 as inserted by section 1 of the bill by replacing it with the following:

193-C:12 Pupil Assessment Information. The department shall provide the testing entity as defined in RSA 189:65, VIII, with individual pupil names and unique pupil identifiers. The testing entity shall maintain the results, scores, or other evaluative materials for the purpose of measuring and reporting individual student growth. The department may provide, or may request the testing entity to provide, the assessment results and comparative data to a parent, a legal guardian, or the pupil's school as provided in RSA 193-C:11. The department may collect, and the districts shall provide, student address information from the individual school districts solely for the purpose of effectuating the distribution of assessment results and comparative data as provided in this section. The testing entity shall destroy all student data after reporting on students through grade 8 or when a student is no longer enrolled in a New Hampshire public school.

Amend the bill by replacing section 8 with the following:

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

Rep. Cordelli spoke in favor.

Rep. Luneau spoke against.

Rep. Ladd requested a roll call; sufficiently seconded.

YEAS 132 - NAYS 203**YEAS - 132
BELKNAP**

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

GRAFTON

Gordon, Edward
Stringham, Jerry

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Warden, Mark

Griffin, Barbara
Burt, John
Fedolfi, Jim
Graham, John
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Lekas, Tony
Whittemore, James

Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Trento, Michael

Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Ulery, Jordan

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Walsh, Thomas

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Wallner, Mary Jane

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Doucette, Fred
Green, Dennis
Osborne, Jason
Kolodziej, Walter
Major, Norman
Piemonte, Tony
Roy, Terry
Verville, Kevin
Yokela, Josh

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Edwards, Jess
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

Abramson, Max
Bershtein, Alan
DeClercq, Edward
Elliott, Robert
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Welch, David

Acton, Dennis
Costable, Michael
Desilets, Joel
Gay, Betty
Hoelzel, Kathleen
Khan, Aboul
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas

Lucas, Gates

**NAYS - 203
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Morrill, David
Tatro, Bruce
Weber, Lucy

Ames, Richard
Fenton, Donovan
Parkhurst, Henry
Thompson, Craig

Berch, Paul
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Eaton, Daniel
Meader, David
Swinburne, Sandy
Pearson, William

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Sykes, George

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Newman, Sue
St. John, Michelle
Telerski, Laura
Thomas, Wendy

Balch, Chris
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
Malloy, Dennis
Read, Ellen

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Le, Tamara
McBeath, Rebecca
Somssich, Peter

Bunker, Lisa
Coursin, David
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Grote, Jaci
Maggiore, Jim
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Schmidt, Peter
Spang, Judith

Conley, Casey
Gourgue, Amanda
Kenney, Cam
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

and floor amendment (1847h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Verville requested a roll call; sufficiently seconded.

YEAS 208 - NAYS 133**YEAS - 208
BELKNAP**

Huot, David

St. Clair, Charlie

Buco, Thomas
Kanzler, HarrisonBurroughs, Anita
Knirk, JerryAbbott, Michael
Faulkner, Barry
Meader, David
Swinburne, Sandy
Pearson, WilliamAmes, Richard
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, LucyHatch, William
Tucker, EdithLaflamme, Larry
Thomas, YvonneAbel, Richard
Diggs, Francesca
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Stringham, JerryAdjutant, Joshua
Dontonville, Roger
French, Elaine
Massimilla, Linda
Osborne, Richard
Smith, SuzanneBouldin, Amanda
Baroody, Benjamin
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, DavidBouldin, Andrew
Beaulieu, Jane
Bosman, James
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, IvyBartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, GaryCarson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary BethAltschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
Malloy, Dennis
Read, EllenBerrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Le, Tamara
McBeath, Rebecca
Somssich, PeterBixby, Peter
Fargo, KristinaCannon, Gerri
Fontneau, Timothy**CARROLL**Butler, Edward
Ticehurst, SusanDesMarais, Edith
Woodcock, Stephen**CHESHIRE**Berch, Paul
Harvey, Cathryn
Parkhurst, Henry
Thompson, CraigEaton, Daniel
Mann, John
Schapiro, Joe
Von Plinsky, Sparky**COOS**

Moynihan, Wayne

Noel, Henry

GRAFTONAlmy, Susan
Egan, Timothy
Josephson, Timothy
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, GeorgeCampion, Polly
Fellows, Sallie
Ladd, Rick
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce**HILLSBOROUGH**Backus, Robert
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, WendyBalch, Chris
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit**MERRIMACK**Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, SafiyaEbel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth**ROCKINGHAM**Bunker, Lisa
Coursin, David
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Vallone, MarkBushway, Patricia
Cushing, Robert Renny
Grote, Jaci
Maggiore, Jim
Meuse, David
Ward, Gerald**STRAFFORD**Chase, Wendy
Frost, SherryConley, Casey
Gourgue, Amanda

Grassie, Chuck
Kenney, Cam
Salloway, Jeffrey
Towne, Matthew

Higgins, Peg
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Horrigan, Timothy
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Keans, Sandra
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 133

BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Trento, Michael

Alexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Ulery, Jordan

Griffin, Barbara
Burt, John
Fedolfi, Jim
Graham, John
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rung, Rosemarie
Warden, Mark

Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Lekas, Tony
Whittemore, James

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Yakubovich, Michael

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Khan, Aboul
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Kolodziej, Walter
Major, Norman
Piemonte, Tony
Roy, Terry
Verville, Kevin
Yokela, Josh

Abramson, Max
Bershtein, Alan
DeClercq, Edward
Elliott, Robert
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

Acton, Dennis
Costable, Michael
Desilets, Joel
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Welch, David

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

SB 174, proclaiming an annual observance of Juneteenth. **OUGHT TO PASS.**

Rep. Jean Jeudy for Executive Departments and Administration. This bill proclaims an annual observance of June 19 as Juneteenth, a day with appropriate ceremonies and activities commemorating the abolition of

slavery. It allows for the opportunity to explore and share the impact that African American culture has had in this country. Some examples include the music styles jazz, rhythm and blues, and gospel, and soul food – a southern style of cooking. Vote 14-5.

Rep. Timothy Smith requested a roll call; not sufficiently seconded.

Committee report adopted and ordered to third reading.

SB 5-FN-A, making an appropriation to the department of health and human services for Medicaid provider rates for mental health and substance misuse and emergency shelter and stabilization services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joelle Martin for the Majority of Finance. This bill makes an additional current year \$3 million appropriation to the Department of Health and Human Services to enhance provider rates for mental health and substance use disorder services. The bill also appropriates \$450,000 for emergency shelter and stabilization services for persons experiencing substance use disorder. The majority of the committee felt that the bill appropriately reverses recent provider rate decreases as well as helps to restore critical Medicaid mental health and substance use treatment and recovery services. Vote 13-9.

Rep. Keith Erf for the Minority of Finance. While SB 5 ostensibly applies to the current biennium, the increased rates are not retroactive and the funds are nonlapsing which means the funds will mostly be spent in the next biennium. The budget the house recently passed included most everything DHHS requested. It includes 57 new positions at \$5.4 million in general funds over the biennium. It includes \$3 million specifically related to Medicaid. It includes \$11 million in ongoing behavioral health and additionally \$1.5 million in related one-time expenditures. All told there is at least \$76 million in new general fund spending over the next biennium. In the course of several months of testimony by DHHS personnel during the crafting of the budget there was not a request for increased Medicaid rates. If the senate wants to include this additional spending then they should include it in their budget and find the appropriate offsets. In the absence of voting inexpedient to legislate which would have failed, the minority offered an amendment that would assure the increased rates are directed specifically to the service providers interacting directly with the clients.

Majority Amendment (1647h)

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

AN ACT making an appropriation to the department of health and human services for Medicaid provider rates for mental health and substance use disorder and emergency shelter and stabilization services.

Amend the bill by replacing section 1 with the following:

1 Appropriation. Notwithstanding RSA 126-AA:2, I(a) and RSA 126-AA:3, the sum of \$3,000,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services, which shall be nonlapsing, for the purpose of enhancing provider rates for mental health and substance use disorder inpatient and outpatient services consistent with 2018, 342. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The commissioner of the department of health and human services shall, within 21 days of the effective date of this section, issue a report to the finance committees of the senate and the house of representatives stating how he intends to expend the appropriation. Notwithstanding RSA 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in this section without prior approval of the fiscal committee of the general court.

Amend the bill by replacing paragraph I of section 2 with the following:

I. The sum of \$450,000 in general funds is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2019, which shall be nonlapsing, for the purpose of emergency shelter and stabilization services for persons experiencing substance use disorder. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department is hereby authorized to accept and expend any federal fund match to the appropriation in this section without prior approval of the fiscal committee of the general court.

AMENDED ANALYSIS

This bill makes an appropriation to the department of health and human services for Medicaid provider rates for mental health and substance use disorder and emergency shelter and stabilization services.

Majority committee amendment adopted.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 207 - NAYS 130

YEAS - 207

BELKNAP

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Meader, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Thompson, Craig

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Porter, Marjorie
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Backus, Robert
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Balch, Chris
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Piedra, Israel
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Ebel, Karen
Karrick, David
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
Malloy, Dennis
Read, Ellen

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Le, Tamara
McBeath, Rebecca
Somssich, Peter

Bunker, Lisa
Coursin, David
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Grote, Jaci
Maggiore, Jim
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 130 BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
McLean, Mark
Plett, Fred
Renzullo, Andrew
Warden, Mark

Alexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Lekas, Tony
Whittemore, James

Griffin, Barbara
Burt, John
Fedolfi, Jim
Graham, John
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Trento, Michael

Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Marzullo, JP
Panasiti, Reed
Ober, Russell
Ulery, Jordan

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Yakubovich, Michael

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Major, Norman
Piemonte, Tony
Roy, Terry
Verville, Kevin
Yokela, Josh

Abramson, Max
Bershtein, Alan
DeClercq, Edward
Elliott, Robert
Harb, Robert
Janigian, John
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

Acton, Dennis
Costable, Michael
Desilets, Joel
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Welch, David

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

SB 183-FN, relative to salaries of certain circuit court judges. OUGHT TO PASS.

Rep. David Woodbury for Judiciary. Prior to the creation of the circuit courts, Manchester, Nashua and Concord had presiding justices and associate justices. There was a slight differential in pay between these two positions. When the circuit courts were created, each justice had precisely the same duties and level of responsibility. This bill recognizes the new reality by eliminating this prior distinction. Vote 18-1. Committee report adopted and ordered to third reading.

SB 12-FN-A, establishing the New Hampshire college graduate retention incentive partnership program and making an appropriation therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Manny Espitia for the Majority of Labor, Industrial and Rehabilitative Services. The majority of the committee believes that we need to help address our workforce shortage. Currently 60 percent of New Hamp-

shire high school students leave the state due to the lack of incentives to stay. New Hampshire high school students who stay in NH for college are 70 percent likely to stay in NH. This bill would create an incentive for young people to stay. The process is a simple opt-in agreement, with employers who agree to provide NH graduates with at least \$1,000 dollars to them or their loan lender for the first four years of employment. The Department of Business and Economic Affairs would post it on their Live Free website. This was supported by the Department of Business and Economic Affairs, the NH Business and Industry Association and Stay, Work, Play New Hampshire. This is free advertising for businesses and an important incentive for young people to stay in New Hampshire. Vote 12-8.

Rep. Andrew Renzullo for the Minority of Labor, Industrial and Rehabilitative Services. While we support the underlying program, we oppose the process. This bill is unnecessary as it decrees in statute an action best handled at the administrative level. Actions at the administrative level can be rapid, flexible, and effective - not so if enshrined in statute. Also, there are several unclear segments of the bill including empowering, in statute, a specific business lobbying group as the sole business entity to make agreements binding all businesses who wish to be party to this program.

Majority Amendment (1634h)

Amend RSA 12-O:46, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Participating employer" means any person, firm, corporation, partnership, association, the state or political subdivision of the state, or any other entity which enters into a participating employer agreement to provide an incentive to a graduate.

Amend RSA 12-O:48 as inserted by section 1 of the bill by replacing it with the following:

12-O:48 Requirements and Procedure. Each participating employer shall compile a list of positions which qualify for an incentive under NH GRIP. The participating employer shall publish the list of qualifying positions on the employer's public Internet site and on any Internet employment search site used by the participating employer. A graduate who obtains employment in a qualifying position with a participating employer and who executes an agreement, shall receive an incentive of not less than \$1,000 each year for the first 4 years of the graduate's employment with the participating employer. The agreement shall be signed by an authorized agent of the participating employer. The participating employer shall retain a copy of each signed agreement in its files.

Majority committee amendment adopted.

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

Rep. Soucy spoke in favor.

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

YEAS 201 - NAYS 134

YEAS - 201

BELKNAP

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Burroughs, Anita Butler, Edward DesMarais, Edith
Kanzler, Harrison Knirk, Jerry Woodcock, Stephen

CHESHIRE

Abbott, Michael Ames, Richard Berch, Paul Eaton, Daniel
Faulkner, Barry Fenton, Donovan Gomarlo, Jennie Harvey, Cathryn
Meador, David Morrill, David Parkhurst, Henry Schapiro, Joe
Swinburne, Sandy Tatro, Bruce Thompson, Craig Von Plinsky, Sparky
Pearson, William Weber, Lucy

COOS

Hatch, William Laflamme, Larry Moynihan, Wayne Noel, Henry
Tucker, Edith Thomas, Yvonne

GRAFTON

Abel, Richard Adjutant, Joshua Almy, Susan Campion, Polly
Dontonville, Roger Egan, Timothy Fellows, Sallie Ford, Susan
French, Elaine Josephson, Timothy Maes, Kevin Massimilla, Linda
Mulligan, Mary Jane Muscatel, Garrett Nordgren, Sharon Osborne, Richard
Ruprecht, Dennis Stavis, Laurel Stringham, Jerry Smith, Suzanne
Sykes, George Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda Bouldin, Andrew Backus, Robert Balch, Chris
Baroody, Benjamin Beaulieu, Jane Bernet, Jennifer Bordy, William

Bosman, James
Connors, Erika
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Martin, Joelle
Nutter-Upham, Frances
Piedra, Israel
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy

Cleaver, Skip
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Murray, Megan
Mombourquette, Donna
Petrigno, Peter
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Cohen, Bruce
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Mangipudi, Latha
Mullen, Sue
Pickering, Daniel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Soucy, Timothy
Wazir, Safiya

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Wells, Kenneth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Maggiore, Jim
Meuse, David
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Guthrie, Joseph
Malloy, Dennis
Read, Ellen
Yokela, Josh

Bunker, Lisa
Coursin, David
Elliott, Robert
Murray, Kate
McBeath, Rebecca
Somssich, Peter

Bushway, Patricia
Cushing, Robert Renny
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

STRAFFORD

Bixby, Peter
Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Schmidt, Peter
Spang, Judith

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 134

BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed
Ticehurst, Susan

Cordelli, Glenn

Marsh, William

CHESHIRE

Hunt, John

Mann, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

GRAFTON

Diggs, Francesca
Migliore, Vincent Paul

Gordon, Edward

Hennessey, Erin

Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Gagne, Larry

Alexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda

Griffin, Barbara
Burt, John
Fedolfi, Jim
Graham, John

Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob

Hinch, Richard
McLean, Mark
Panasiti, Reed
Ober, Russell
Ulery, Jordan

Ober, Lynne
Murphy, Nancy
Plett, Fred
Renzullo, Andrew
Warden, Mark

Lascelles, Richard
Notter, Jeanine
Proulx, Mark
Lekas, Tony
Whittemore, James

Marzullo, JP
Nunez, Hershel
Prout, Andrew
Trento, Michael

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Testerman, Dave

Forsythe, Robert
Kotowski, Frank
Schamberg, Thomas
Walsh, Thomas

Hill, Gregory
Marple, Richard
Schultz, Kristina
Yakubovich, Michael

Horn, Werner
McGuire, Carol
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Thomas, Douglas
Edwards, Jess
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Wallace, Scott

Abrami, Patrick
Barnes, Arthur
DeClercq, Edward
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Welch, David

Abramson, Max
Bershtein, Alan
Desilets, Joel
Green, Dennis
Osborne, Jason
Khan, Aboul
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

Acton, Dennis
Davis, Dan
Doucette, Fred
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Piemonte, Tony
Roy, Terry
Verville, Kevin

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

Perreault, Mona

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

SB 20, relative to notification requirements for employees, workplace inspections, and the youth employment law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Cahill for the Majority of Labor, Industrial and Rehabilitative Services. The majority views reverting to the time-honored posting of information in a conspicuous place on-site as reasonable and prudent. It is also in the best interest of our young workers that their hours are limited to 40.25 rather than 48 hours while in school. Vote 12-8.

Rep. Brian Seaworth for the Minority of Labor, Industrial and Rehabilitative Services. This bill essentially repeals a number of changes passed into law at the end of last term. The minority feels that the repeal of policy with which we have almost no experience is premature. In particular, we feel that restricting youth hours may have unintended consequences on a small number of school-aged workers in special circumstances.

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

Rep. Cahill spoke in favor.

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

YEAS 202 - NAYS 135

YEAS - 202

BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Meador, David
Swinburne, Sandy
Pearson, William

Ames, Richard
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, Lucy

Berch, Paul
Harvey, Cathryn
Parkhurst, Henry
Thompson, Craig

Eaton, Daniel
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Connors, Erika
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Hall, Brett
Herbert, Christopher
Judy, Jean
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Piedra, Israel
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Backus, Robert
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Balch, Chris
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Eisner, Mary
Murray, Kate
McBeath, Rebecca
Somssich, Peter

Berrien, Skip
Cali-Pitts, Jacqueline
Gay, Betty
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Bunker, Lisa
Cushing, Robert Renny
Grossman, Gaby
Maggiore, Jim
Meuse, David
Ward, Gerald

Bushway, Patricia
Edgar, Michael
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Frost, Sherry
Horriggan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 135**BELKNAP**

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

Gomarlo, Jennie

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Notter, Jeanine
Proulx, Mark
Lekas, Tony
Whittemore, James

Alexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Trento, Michael

Griffin, Barbara
Burt, John
Fedolfi, Jim
Graham, John
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Ulery, Jordan

Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
McLean, Mark
Plett, Fred
Shaw, Barbara
Warden, Mark

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Walsh, Thomas

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Turcotte, Alan

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Doucette, Fred
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Welch, David

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Edwards, Jess
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Piemonte, Tony
Roy, Terry
True, Chris
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
DeClercq, Edward
Elliott, Robert
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Verville, Kevin
Yokela, Josh

Acton, Dennis
Costable, Michael
Desilets, Joel
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Pratt, Kevin
Sytek, John
Wallace, Scott

STRAFFORD

Fontneau, Timothy
Kittredge, Mac
Wuelper, Kurt

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

SB 146-FN, relative to eliminating the waiting period before eligibility to receive unemployment benefits.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Janice Schmidt for the Majority of Labor, Industrial and Rehabilitative Services. The majority of the committee believes that due to the return of a healthy balance in the unemployment fund, NH can return to the pre-2009 policy and not require the waiting of a week before payment of worker's unemployment. Vote 12-7. Rep. Hershel Nunez for the Minority of Labor, Industrial and Rehabilitative Services. The minority of the committee feels that the fiscal note, along with other bills submitted during this session that also affect the unemployment security fund if enacted, may have a much larger impact on the fund in a negative manner. The premise of the bill relies on a great economy. If the economy turns, the effect to the solvency of the fund could also be very negative. Employer payments into the fund will also be affected, with a reduction in stated reduced rates currently being paid causing payments to be higher.

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

Rep. Jan Schmidt spoke in favor.

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

YEAS 201 - NAYS 137

**YEAS - 201
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Meader, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Thompson, Craig

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Campion, Polly
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Connors, Erika
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Backus, Robert
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Piedra, Israel
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Balch, Chris
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Porter, Marjorie
Newman, Sue
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Soucy, Timothy
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Turcotte, Alan
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
McBeath, Rebecca
Somssich, Peter

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Bunker, Lisa
Cushing, Robert Renny
Grossman, Gaby
Maggiore, Jim
Meuse, David
Ward, Gerald

Bushway, Patricia
Desilets, Joel
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Towne, Matthew

Fontneau, Timothy
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Frost, Sherry
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 137**BELKNAP**

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Viens, Harry

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino	Comeau, Ed	Cordelli, Glenn	Marsh, William
Nelson, Bill			

CHESHIRE

Hunt, John	O'Day, John
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COOS

Craig, Kevin	Fothergill, John	Furbush, Michael
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GRAFTON

Diggs, Francesca	Gordon, Edward	Hennessey, Erin	Ladd, Rick
Migliore, Vincent Paul			

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Griffin, Barbara	Belanger, James
Boehm, Ralph	Burns, Charles	Burt, John	Camarota, Linda
Danielson, David	Erf, Keith	Fedolff, Jim	Flanagan, Jack
Gagne, Larry	Gould, Linda	Graham, John	Greene, Bob
Hinch, Richard	Lascelles, Richard	Marzullo, JP	McLean, Mark
Notter, Jeanine	Nunez, Hershel	Panasiti, Reed	Plett, Fred
Proulx, Mark	Prout, Andrew	Renzullo, Andrew	Rung, Rosemarie
Lekas, Tony	Trento, Michael	Ulery, Jordan	Warden, Mark
Whittemore, James			

MERRIMACK

Allard, James	Forsythe, Robert	Hill, Gregory	Horn, Werner
Klose, John	Kotowski, Frank	Marple, Richard	McGuire, Carol
Pearl, Howard	Schamberg, Thomas	Seaworth, Brian	Testerman, Dave
Walsh, Thomas	Yakubovich, Michael		

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Barnes, Arthur	Bershtein, Alan	Costable, Michael
Davis, Dan	Thomas, Douglas	DeClercq, Edward	Doucette, Fred
Edwards, Jess	Elliott, Robert	Gay, Betty	Green, Dennis
Guthrie, Joseph	Harb, Robert	Hobson, Deborah	Hoelzel, Kathleen
Osborne, Jason	Janigian, John	Janvrin, Jason	Katsakiores, Phyllis
Khan, Aboul	Kolodziej, Walter	Love, David	Griffin, Mary
Pearson, Mark	Major, Norman	McMahon, Charles	Melvin, Charles
Packard, Sherman	Piemonte, Tony	Potucek, John	Pratt, Kevin
Prudhomme-O'Brien, Katherine	Roy, Terry	Pearson, Stephen	Sytek, John
Torosian, Peter	True, Chris	Verville, Kevin	Wallace, Scott
Welch, David	Weyler, Kenneth	Yokela, Josh	

STRAFFORD

Cannon, Gerri	Chase, Wendy	Gourgue, Amanda	Harrington, Michael
Hayward, Peter	Horgan, James	Kittredge, Mac	Perreault, Mona
Pitre, Joseph	Beaudoin, Steven	Wuelper, Kurt	

SULLIVAN

Aron, Judy	Callum, John	Laware, Thomas	Lucas, Gates
Rollins, Skip	Stapleton, Walter	Smith, Steven	

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

SB 21, relative to notice to cut timber. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul Dargie for the Majority of Municipal and County Government. This bill is a tweak to a bill that was passed last year which allowed a Notice of Intent to Cut Timber to be signed outside of a public meeting. This bill adds a requirement that there be a 24-hour advance notice of the signing to make it compliant with RSA 91-A. Vote 17-3.

Rep. Tony Piemonte for the Minority of Municipal and County Government. Giving 24-hour notice by a non-conventional method could speed up the process of the cut and cause abutters to miss the Notice of Intent to Cut approval.

Majority committee report adopted and ordered to third reading.

SB 22, relative to the construction property tax exemption. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Josephson for the Majority of Municipal and County Government. This bill, as amended, provides an opportunity for municipalities to set their own parameters for construction and rehabilitation economic tax

incentives in a place-by-place basis after approval from the legislative body. This bill started as a Coös County economic development incentive and was expanded statewide in 2017, but was unintentionally restrictive because it required the entire municipality to have the same parameters for any construction/rehabilitation property tax abatements. This bill is modeled after RSA 79:E, historic preservation, which has been a successful program for many towns and cities. This bill would allow the voters to enact a sunset clause via maximum years and maximum percentage discount the municipality can offer while also allowing each community to determine their own public benefit. Cities such as Manchester would be able to better target areas of the city that need rehabilitation while smaller towns could establish areas where they would like to concentrate their economic development. By allowing flexibility to our municipalities, we can better meet the needs of our citizens through smart, targeted projects. Vote 12-8.

Rep. Tony Piemonte for the Minority of Municipal and County Government. The legislative body would have too broad of a tax benefit to create commercial or industrial use, and this bill would cause an increase to residential tax payers.

Majority Amendment (1594h)

Amend RSA 72:81, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) To all properties within the municipality; or

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

2 Procedure for Adoption. Amend RSA 72:82, I to read as follows:

I. A municipality desiring to adopt the provisions of RSA 72:81 shall do so in accordance with the procedures set forth in RSA 72:27-a. ***The vote shall specify that the exemption, if granted, shall apply to all properties within the municipality if adopted in accordance with RSA 72:81, II(a) or to a specific group or groups of parcels within the municipality if adopted in accordance with RSA 72:81, II(b).*** The vote shall specify the ***maximum*** percentage of new assessed value to be exempted, the ***maximum*** number of years duration of the exemption following new construction, ***a definition of public benefit***, and a reference to zoning use category definitions, if applicable. The exemption shall take effect in the tax year beginning April 1 following its adoption.

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

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

SB 43, establishing a commission to study barriers to increased land development in New Hampshire. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Laurel Stavis for the Majority of Municipal and County Government. As amended, this bill facilitates a statewide discussion by those more closely associated with the housing needs of New Hampshire presently and in its future. The lack of affordable housing is recognized to be at a crisis point. Enduring policy is at times ill served by crisis response and better informed by engagement across a broad spectrum of those with expertise on these matters. Vote 13-7.

Rep. Max Abramson for the Minority of Municipal and County Government. Members of the minority noted that we were contacted by many members of local land use boards and concerned inhabitants who didn't like the wording of the commission, specifically implying that local zoning laws were merely, "barriers to increasing the density of land development." The minority of the committee expressed concerns that the commission appears to advocate for replacing existing, traditional New England town centers and bedroom towns with, "minimum standards of residential development density" and, "tax incentives to promote residential development density." Rather than merely build additional small houses for those who work in our communities, but who may lack reliable automotive transportation, the intent seems to be yet another repeat of "smart growth" efforts to replace tradition New England character and history with "stack and pack" low income apartments, even hinting at the same public housing, "transit oriented development," and poorly maintained apartment complexes found in Lawrence, Springfield, Lynn, Chelsea, North Adams, and other towns near our southern border, which have recently become overrun with illegal drug trafficking, violent gangs, crime, and run down housing. The very strong emotions and vocal opposition to high density, low income apartments, overrun communities, loss of the ability of kids to safely walk to school, and subsidized blight are completely understandable. Having seen what's happened to parts of Manchester and Nashua already, so many recent study commissions that promote more high-density apartments and urban blight ought to get the axe.

Majority Amendment (1520h)

Amend RSA 4-C:8-a, I as inserted by section 1 of the bill by inserting after subparagraph (q) the following new subparagraph:

(r) The president of the NH Planners Association, or designee.

Amend RSA 4-C:8-a, II(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Consider preservation of open spaces and maintaining elements of rural character.

(g) Consider methods of enforcement of the shared community responsibility of workforce housing under RSA 674.

(h) Recommend any proposed legislation resulting from the work of the commission.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Abramson offered floor amendment (1859h).

Floor Amendment (1859h)

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

AN ACT establishing a commission to study barriers to mixed use development in New Hampshire.

Amend section 1 of the bill by replacing the bill section heading, the section heading of RSA 4-C:8-a, and the introductory paragraph of RSA 4-C:8-a, I with the following:

1 New Section; Office of Strategic Initiatives; Commission to Study Barriers to Mixed Use Development in New Hampshire. Amend RSA 4-C by inserting after section 8 the following new section:

4-C:8-a Commission to Study Barriers to Mixed Use Development in New Hampshire.

I. There is established a commission to study barriers to mixed use development in New Hampshire. The membership of the commission shall be as follows:

Amend RSA 4-C:8-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The commission shall study issues related to barriers to mixed use development in New Hampshire. The commission's duties shall include, but not be limited to:

(a) Review of current patterns of land development in New Hampshire, especially residential development and adaptive reuse of existing buildings.

(b) Identification of statutory barriers to mixed use development.

(c) Consider preservation of open spaces and maintaining elements of rural character.

(d) Recommend any proposed legislation resulting from the work of the commission.

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 4-C:8-a, relative to the commission to study barriers to mixed use development in New Hampshire, is repealed.

AMENDED ANALYSIS

This bill establishes a commission to study barriers to mixed use development in New Hampshire.
Rep. Abramson spoke in favor.

Rep. Porter spoke against.

On a division vote, with 119 members having voted in the affirmative, and 209 in the negative, floor amendment (1859h) failed.

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

Rep. Abramson spoke against.

The Speaker advised Rep. Abramson to speak cautiously in debate.

APPEAL OF THE RULING OF THE CHAIR

Rep. Abramson appealed the ruling of the Chair whereby the Chair ruled that his debate was disorderly.

The question being shall the ruling of the Chair be upheld?

Rep. Abramson spoke against and withdrew his appeal of the ruling of the Chair.

The question being adoption of the majority committee report of Ought to Pass with Amendment on **SB 43**.

Reps. Abramson and Camarota spoke against.

Rep. Porter spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 206 - NAYS 118

YEAS - 206

BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Ames, Richard
Fenton, Donovan
Morrill, David
Tatro, Bruce

Berch, Paul
Gomarlo, Jennie
Parkhurst, Henry
Thompson, Craig

Eaton, Daniel
Mann, John
Schapiro, Joe
Pearson, William

Faulkner, Barry
Meador, David
Swinburne, Sandy
Weber, Lucy

COOS

Fothergill, John
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Gordon, Edward
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
Hennessey, Erin
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Ford, Susan
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
French, Elaine
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Alexander, Joe
Balch, Chris
Bernet, Jennifer
Burns, Charles
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Nutter-Upham, Frances
Piedra, Israel
Riel, Cole
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Goley, Jeffrey
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Vann, Ivy
Woodbury, David

Backus, Robert
Belanger, James
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Graham, John
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Petrigno, Peter
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Thomas, Wendy

MERRIMACK

Carson, Clyde
Fox, Samantha
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane

Doherty, David
Fulweiler, Joyce
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Ebel, Karen
Horn, Werner
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Ellison, Arthur
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

ROCKINGHAM

Acton, Dennis
Bushway, Patricia
Edgar, Michael
Janvrin, Jason
Malloy, Dennis
Read, Ellen
Ward, Gerald

Altschiller, Debra
Cahill, Michael
Eisner, Mary
Murray, Kate
McBeath, Rebecca
Somssich, Peter
Yokela, Josh

Berrien, Skip
Cali-Pitts, Jacqueline
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Sytek, John

Bunker, Lisa
Cushing, Robert Renny
Grote, Jaci
Major, Norman
Meuse, David
Vallone, Mark

STRAFFORD

Bixby, Peter
Frost, Sherry
Horriggan, Timothy
Smith, Marjorie
Sandler, Catt
Wall, Janet

Chase, Wendy
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas

Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Towne, Matthew

Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Vincent, Kenneth

SULLIVAN

Cloutier, John
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

Oxenham, Lee

Rollins, Skip

NAYS - 118**BELKNAP**

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

Hunt, John	O'Day, John	Von Plinsky, Sparky
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COOS

Craig, Kevin	Furbush, Michael
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GRAFTON

Fellows, Sallie	Ladd, Rick	Migliore, Vincent Paul
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HILLSBOROUGH

Lekas, Alicia	Griffin, Barbara	Boehm, Ralph	Burt, John
Camarota, Linda	Danielson, David	Erf, Keith	Fedolfi, Jim
Gagne, Larry	Gould, Linda	Greene, Bob	Hinch, Richard
Lascelles, Richard	Marzullo, JP	McLean, Mark	Mullen, Sue
Notter, Jeanine	Nunez, Hershel	Panasiti, Reed	Plett, Fred
Prout, Andrew	Renzullo, Andrew	Lekas, Tony	Trento, Michael
Ulery, Jordan	Warden, Mark	Whittemore, James	

MERRIMACK

Allard, James	Forsythe, Robert	Hill, Gregory	Klose, John
Kotowski, Frank	Marple, Richard	McGuire, Carol	Pearl, Howard
Seaworth, Brian	Testerman, Dave	Walsh, Thomas	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Baldasaro, Al
Barnes, Arthur	Bershtein, Alan	Costable, Michael	Davis, Dan
Thomas, Douglas	DeClercq, Edward	Desilets, Joel	Doucette, Fred
Edwards, Jess	Elliott, Robert	Gay, Betty	Green, Dennis
Guthrie, Joseph	Harb, Robert	Hobson, Deborah	Hoelzel, Kathleen
Osborne, Jason	Janigian, John	Katsakiores, Phyllis	Khan, Aboul
Kolodziej, Walter	Love, David	Griffin, Mary	Pearson, Mark
Maggiore, Jim	Melvin, Charles	Packard, Sherman	Piemonte, Tony
Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine	Roy, Terry
Pearson, Stephen	Torosian, Peter	True, Chris	Verville, Kevin
Wallace, Scott	Welch, David	Weyler, Kenneth	

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Kittredge, Mac
Perreault, Mona	Pitre, Joseph	Beaudoin, Steven	Spang, Judith
Wuelper, Kurt			

SULLIVAN

Aron, Judy	Callum, John	Laware, Thomas	Stapleton, Walter
Smith, Steven			

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

SB 72, relative to issuance of renewable energy certificates. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Lee Oxenham for the Majority of Science, Technology and Energy. This bill eliminates a practice (often referred to as “sweeping”) which is undermining NH’s ability to transition to a clean energy economy. Switching to renewable energy requires substantial upfront investments, and for residents, towns, and businesses, it can require tapping a number of value streams to provide the necessary financing. One of those is the Renewable Energy Certificate (REC) market. While in our neighboring states RECs can sell for \$100 or \$200 each, the NH market is being harmed by a practice which many consider tantamount to theft. Instead of building new renewable energy projects or purchasing RECs (the proper way to earn their RECs), our utilities and other suppliers are allowed by law to meet their requirements by claiming credit for “unclaimed” RECs associated with projects built by our residents, schools, nonprofits, and businesses. “Wrecking” the REC market also results in the elimination of this funding source for NH’s Renewable Energy Fund, resulting in a double blow to the renewable energy effort. Every speaker but one at our well-attended public hearing spoke out against this practice. Vote 12-8.

Rep. Michael Harrington for the Minority of Science, Technology and Energy. This bill repeals the law that requires the Public Utilities Commission to estimate and give credit for the total yearly production for customer-sited sources that are net metered and for which class I or II renewable energy certificates are not issued. This law allows the utilities to take credit for this generation towards meeting the requirements of the Renewable Portfolio Standard (RPS) using 20% as the capacity factor for these generators. Repealing this law would do two things. It would require the utilities to purchase additional renewable energy certificates to meet their RPS requirement which would obviously increase the utilities cost and it would increase the demand for REC’s which would increase the price of REC’s for all required to buy them. All of these additional costs would be passed on directly to the ratepayers.

The question being adoption of the majority committee report of Ought to Pass.
 Rep. Harrington spoke against.
 Rep. Oxenham spoke in favor.
 Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 199 - NAYS 123**YEAS - 199
BELKNAP**

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Burroughs, Anita Butler, Edward Kanzler, Harrison
 Knirk, Jerry Ticehurst, Susan Woodcock, Stephen

CHESHIRE

Ames, Richard Berch, Paul Eaton, Daniel Faulkner, Barry
 Fenton, Donovan Gomarlo, Jennie Hunt, John Mann, John
 Meader, David Morrill, David Parkhurst, Henry Schapiro, Joe
 Swinburne, Sandy Tatro, Bruce Thompson, Craig Von Plinsky, Sparky
 Pearson, William Weber, Lucy

COOS

Fothergill, John Laflamme, Larry Moynihan, Wayne Noel, Henry
 Tucker, Edith Thomas, Yvonne

GRAFTON

Abel, Richard Adjutant, Joshua Almy, Susan Campion, Polly
 Diggs, Francesca Dontonville, Roger Fellows, Sallie Ford, Susan
 French, Elaine Josephson, Timothy Maes, Kevin Massimilla, Linda
 Mulligan, Mary Jane Muscatel, Garrett Nordgren, Sharon Osborne, Richard
 Ruprecht, Dennis Stavis, Laurel Stringham, Jerry Smith, Suzanne
 Sykes, George Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda Bouldin, Andrew Backus, Robert Balch, Chris
 Baroody, Benjamin Beaulieu, Jane Bernet, Jennifer Bordy, William
 Bosman, James Bouchard, Donald Cleaver, Skip Cohen, Bruce
 Connors, Erika Cornell, Patricia Danielson, David Dargie, Paul
 Desjardin, Kathy Dutzy, Sherry Espitia, Manny Davis, Fred
 Goley, Jeffrey Griffith, Willis Hall, Brett Hamer, Heidi
 Harriott-Gathright, Linda Heath, Mary Herbert, Christopher Indruk, Greg
 Schmidt, Janice Jack, Martin Jeudy, Jean King, Mark
 Klee, Patricia Klein-Knight, Nicole Langley, Diane Long, Patrick
 Murray, Megan Mangipudi, Latha Martin, Joelle McGhee, Kat
 Mombourquette, Donna Mullen, Sue Nutter-Upham, Frances
 Pedersen, Michael Petrigno, Peter Pickering, Daniel Piedra, Israel
 Porter, Marjorie Newman, Ray Radhakrishnan, Julie Riel, Cole
 Rung, Rosemarie Newman, Sue Shaw, Barbara Snow, Kendall
 Sofikitis, Catherine St. John, Michelle Stack, Kathryn Stevens, Deb
 Smith, Timothy Telerski, Laura Vail, Suzanne Van Houten, Constance
 Vann, Ivy Thomas, Wendy Wilhelm, Matthew Williams, Kermit
 Woodbury, David

MERRIMACK

Carson, Clyde Doherty, David Ebel, Karen Ellison, Arthur
 Fox, Samantha Fulweiler, Joyce Karrick, David Lane, Connie
 Luneau, David MacKay, James McWilliams, Rebecca Moffett, Howard
 Myler, Mel Pimentel, Roderick Richards, Beth Rodd, Beth
 Rogers, Katherine Saunderson, George Schamberg, Thomas Schuett, Dianne
 Schultz, Kristina Soucy, Timothy Turcotte, Alan Wallner, Mary Jane
 Walz, Mary Beth Wazir, Safiya Wells, Kenneth Woods, Gary

ROCKINGHAM

Altschiller, Debra Berrien, Skip Bunker, Lisa Bushway, Patricia
 Cahill, Michael Cushing, Robert Renny Edgar, Michael Eisner, Mary
 Grossman, Gaby Grote, Jaci Murray, Kate Lovejoy, Patricia
 Maggiore, Jim Malloy, Dennis McBeath, Rebecca McConnell, Liz
 Meuse, David Read, Ellen Somssich, Peter Vallone, Mark
 Ward, Gerald

STRAFFORD

Cannon, Gerri	Chase, Wendy	Fargo, Kristina	Fontneau, Timothy
Frost, Sherry	Gourgue, Amanda	Grassie, Chuck	Higgins, Peg
Horrigan, Timothy	Keans, Sandra	Kenney, Cam	Levesque, Cassandra
Smith, Marjorie	Opderbecke, Linn	Schmidt, Peter	Salloway, Jeffrey
Sandler, Catt	Southworth, Thomas	Spang, Judith	Towne, Matthew
Vincent, Kenneth	Wall, Janet		

SULLIVAN

Cloutier, John	Oxenham, Lee	Sullivan, Brian	Tanner, Linda
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NAYS - 123**BELKNAP**

Bean, Harry	Fields, Dennis	Howard, Raymond	Jurius, Deanna
Mackie, Jonathan	Plumer, John	Spanos, Peter	Sylvia, Michael
Tilton, Franklin			

CARROLL

Avellani, Lino	Comeau, Ed	Cordelli, Glenn	Marsh, William
Nelson, Bill			

CHESHIRE

O'Day, John

COOS

Craig, Kevin	Furbush, Michael
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GRAFTON

Gordon, Edward	Hennessey, Erin	Ladd, Rick	Migliore, Vincent Paul
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HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Griffin, Barbara	Belanger, James
Boehm, Ralph	Burns, Charles	Burt, John	Camarota, Linda
Erf, Keith	Fedolfi, Jim	Flanagan, Jack	Gagne, Larry
Gould, Linda	Graham, John	Greene, Bob	Hinch, Richard
Lascelles, Richard	Marzullo, JP	McLean, Mark	Notter, Jeanine
Nunez, Hershel	Panasiti, Reed	Plett, Fred	Prout, Andrew
Renzullo, Andrew	Lekas, Tony	Trento, Michael	Ulery, Jordan
Warden, Mark	Whittemore, James		

MERRIMACK

Allard, James	Forsythe, Robert	Hill, Gregory	Horn, Werner
Klose, John	Kotowski, Frank	Marple, Richard	McGuire, Carol
Pearl, Howard	Seaworth, Brian	Testerman, Dave	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Barnes, Arthur	Bershtein, Alan	Cali-Pitts, Jacqueline
Costable, Michael	Davis, Dan	Thomas, Douglas	DeClercq, Edward
Desilets, Joel	Edwards, Jess	Elliott, Robert	Gay, Betty
Green, Dennis	Guthrie, Joseph	Harb, Robert	Hobson, Deborah
Hoelzel, Kathleen	Osborne, Jason	Janigian, John	Janvrin, Jason
Katsakiores, Phyllis	Khan, Aboul	Kolodziej, Walter	Love, David
Griffin, Mary	Pearson, Mark	Major, Norman	Melvin, Charles
Packard, Sherman	Piemonte, Tony	Potucek, John	Pratt, Kevin
Prudhomme-O'Brien, Katherine	Roy, Terry	Pearson, Stephen	Sytek, John
Torosian, Peter	True, Chris	Verville, Kevin	Wallace, Scott
Welch, David	Weyler, Kenneth	Yokela, Josh	

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Kittredge, Mac
Perreault, Mona	Pitre, Joseph	Beaudoin, Steven	Wuelper, Kurt

SULLIVAN

Aron, Judy	Callum, John	Laware, Thomas	Rollins, Skip
Smith, Steven			

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

SB 78, relative to public utility customer data. **OUGHT TO PASS.**

Rep. Peter Somssich for Science, Technology and Energy. This bill allows for the use of utility customer data for research, development, and implementation of new rates and tariffs. The majority agrees that allowing

more flexibility in the use of utility customer data provides an additional tool to research and develop new strategies. In addition, it also allows for improved service and efficiencies (e.g., maximizing the power factor of energy provided without over or under-supplying that energy) resulting in a more efficient energy delivery system for all customers. While retaining all privacy and personal data protections, the bill allows a third party to perform research and development efforts. The bill prohibits the use of the data for other secondary commercial purposes not related to the primary purpose of a third-party contract without the express consent of the customer. Vote 17-3.

Committee report adopted and ordered to third reading.

SB 205, relative to energy efficiency programs funded from the systems benefits charge and the duties and members of the energy efficiency and sustainable energy board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Mann for the Majority of Science, Technology and Energy. This bill recognizes the Energy Efficiency Resource Standard (EERS), authorizes the funding for EERS through the systems benefit charge through two EERS planning periods ending in 2020 and 2023, and requires that 20 percent of the EERS funding be expended on low-income energy efficiency programs. It also requires that EERS programs include necessary workforce development to implement the programs and arrange for low-cost financing for homeowners. In addition, the bill updates and enlarges the Energy Efficiency and Sustainable Energy Board (EESE Board) and restores its role in assisting energy efficiency programs in a variety of ways, notably serving as a public stakeholder forum to observe and make recommendations regarding those and other energy-related programs. These changes are intended to accelerate the pace of effective energy efficiency work in New Hampshire which will lead to lower costs, more comfortable buildings, and a reduction in the hundreds of millions of dollars currently lost to the state economy due to the purchase of imported residential heating fuel, along with other energy costs. Finally, energy efficiency work will, in a number of ways, reduce the combustion of fossil fuels with the hope of meaningfully delaying the worst effects of climate change, thereby meeting in some way our responsibility to those who have to live in the future. Vote 12-8.

Rep. Fred Plett for the Minority of Science, Technology and Energy. This bill establishes a floor of 20% of the portion of funds collected for energy efficiency through the System Benefits Charge (SBC) that are to be expended on low-income programs. It adds a duty to the Energy Efficiency and Sustainable Energy Board to serve as a stakeholder forum for recommendations relative to programs under the Energy Efficiency and Resource Standard. It adds representation on the board from either the NH Bankers Association or the NH Cooperative Credit Union Association, increases from 3 to 5 the representation from non-profit groups, adds a representative from the Community Development Finance Authority, and makes other minor wording changes. The minority finds none of the above to be objectionable. The difficulty the minority has with this bill is that it allows the NH Public Utilities Commission to raise the energy efficiency portion of the SBC on its own motion by an order, without legislative approval, whereas the rest of the SBC must be set by law. The SBC and all of its components are additional fees imposed on ratepayers for public purposes. Such fees should be set by legislative action, not by an unelected commission.

Majority Amendment (1640h)

Amend the bill by replacing section 1 with the following:

1 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge ~~[consistent with or authorized only by Order No. 25,932 issued by the commission, dated August 2, 2016.]~~ ***if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the general court; provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy***

efficiency measures to leverage available funds to the maximum extent, and shall also include funding for workforce development to minimize waiting periods for low-income energy audits and weatherization.

Majority committee amendment adopted.

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

Rep. Plett spoke against.

Rep. Backus spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 197 - NAYS 127

YEAS - 197 BELKNAP

Huot, David

St. Clair, Charlie

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Ames, Richard
Fenton, Donovan
Morrill, David
Tatro, Bruce
Weber, Lucy

Berch, Paul
Gomarlo, Jennie
Parkhurst, Henry
Thompson, Craig

Eaton, Daniel
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Faulkner, Barry
Meader, David
Swinburne, Sandy
Pearson, William

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Campion, Polly
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Connors, Erika
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Mullen, Sue
Petrigno, Peter
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pickering, Daniel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

Backus, Robert
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Piedra, Israel
Riel, Cole
Snow, Kendall
Stevens, Deb
Van Houten, Constance
Woodbury, David

Balch, Chris
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Thomas, Wendy

MERRIMACK

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael

Berrien, Skip
Cushing, Robert Renny

Bunker, Lisa
Edgar, Michael

Bushway, Patricia
Eisner, Mary

Grossman, Gaby
Maggiore, Jim
Meuse, David
Ward, Gerald

Grote, Jaci
Malloy, Dennis
Read, Ellen

Murray, Kate
McBeath, Rebecca
Somssich, Peter

Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Higgins, Peg
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Cannon, Gerri
Frost, Sherry
Horrigan, Timothy
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Chase, Wendy
Gourgue, Amanda
Keans, Sandra
Schmidt, Peter
Spang, Judith

Fargo, Kristina
Grassie, Chuck
Kenney, Cam
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John

Oxenham, Lee

Sullivan, Brian

Tanner, Linda

NAYS - 127

BELKNAP

Bean, Harry
Mackie, Jonathan

Fields, Dennis
Spanos, Peter

Howard, Raymond
Sylvia, Michael

Jurius, Deanna
Tilton, Franklin

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Notter, Jeanine
Prout, Andrew
Ulery, Jordan

Alexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda
Lascelles, Richard
Nunez, Hershel
Renzullo, Andrew
Warden, Mark

Griffin, Barbara
Burt, John
Fedolff, Jim
Graham, John
Marzullo, JP
Panasiti, Reed
Lekas, Tony
Whittemore, James

Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
McLean, Mark
Plett, Fred
Trento, Michael

MERRIMACK

Allard, James
Klose, John
Pearl, Howard
Yakubovich, Michael

Forsythe, Robert
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
Melvin, Charles
Pratt, Kevin
Sytek, John
Wallace, Scott

Abrami, Patrick
Barnes, Arthur
Davis, Dan
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Pearson, Mark
Piemonte, Tony
Roy, Terry
True, Chris
Yokela, Josh

Acton, Dennis
Cali-Pitts, Jacqueline
DeClercq, Edward
Elliott, Robert
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Potucek, John
Pearson, Stephen
Verville, Kevin

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

BILL REMOVED FROM THE CONSENT CALENDAR

SB 197, relative to noncompete agreements for low-wage employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harrison Kanzler for Labor, Industrial and Rehabilitative Services. As amended, this bill ensures that “low-wage employees” are protected from non-compete agreements. Given NH’s employee shortage we feel this will allow for greater mobility and hiring opportunities for our “low-wage employees.” Vote 19-0.

Amendment (1598h)

Amend RSA 275:70-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) “Low-wage employee” means an employee who earns an hourly rate less than or equal to 200 percent of the federal minimum wage.

Rep. Sullivan spoke against.

Committee amendment failed.

Rep. Sullivan offered floor amendment (1839h).

Floor Amendment (1839h)

Amend RSA 275:70-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) “Low-wage employee” means an employee who earns an hourly rate less than or equal to 200 percent of the federal minimum wage.

Amend RSA 275:70-a, I(c)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Work for another employer that is similar to such low-wage employee’s work for the employer who is a party to the agreement.

Rep. Sullivan spoke in favor.

Floor amendment (1839h) adopted.

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

Rep. Timothy Smith requested a roll call; not sufficiently seconded.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. Porter 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, May 23, 2019 at 10:00 a.m.

Motion adopted.

LATE SESSION**Third Reading and Final Passage**

SB 274, relative to the newborn home visiting program.

SB 76, relative to the prohibition of offshore oil and natural gas exploration.

SB 147, relative to adoption of the Uniform Fiduciary Access to Digital Assets Act.

SB 49, relative to the state fire code.

SB 207, relative to rules adopted by the department of environmental services pursuant to the 2014 report of the coastal risks and hazards commission.

SB 210, relative to emergency medical and trauma services.

SB 257-FN, prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

SB 273-FN, relative to the board of nursing and establishing a committee to study the regulation of nursing assistants by the board of nursing and criminal history record checks for nurses.

SB 169, relative to recovery of expenditures from the drinking water and groundwater trust fund.

SB 128, relative to the court accreditation commission.

SB 148, relative to notification to public employees regarding their right to join or not join a union.

SB 38, naming a bridge in Tamworth in honor of David Bowles.

SB 132, naming a lake in Meredith as Lake Wicwas.

SB 240-FN, relative to reciprocal toll collection.

SB 24, relative to New Hampshire’s regional greenhouse gas initiative program.

SB 189-FN, relative to the insurance premium tax.

SB 245-FN, relative to fees for simulcast racing.

SB 217, marking the Lafayette Trail in New Hampshire.

SB 14-FN, relative to child welfare.

SB 193-FN, prohibiting the sale of certain furniture and carpeting with flame retardant chemicals.

SB 59-FN, adding post traumatic stress disorder and acute stress disorder to the definition of “injury” for purposes of workers’ compensation, establishing the commission to study the incidence of post-traumatic stress disorder in first responders, and clarifying workers’ compensation for firefighter and heart, lung, or cancer disease.

SB 271-FN-L, relative to requiring prevailing wages on state-funded public works projects.

SB 167-FN, establishing a clean energy resource procurement commission.

SB 275-FN, requiring that all of the state’s motor vehicles will be zero emissions vehicles by the year 2039.

SB 284-FN, establishing a statewide, multi-use online energy data platform.

SB 30, relative to the advisory board on services for children, youth, and families.

SB 4, relative to the group and individual health insurance market.

SB 145, relative to the organization of alternative treatment centers.

SB 224-FN, relative to insurance coverage for pediatric autoimmune neuropsychiatric disorders.

SB 297-FN, extending the deadline for arraignments.

SB 314-FN, relative to release of a defendant pending trial.

SB 137, relative to the certification of school nurses.

SB 142-L, requiring menstrual hygiene products in school restrooms.

SB 267, relative to the release of student assessment information and data.

SB 174, proclaiming an annual observance of Juneteenth.

SB 5-FN-A, making an appropriation to the department of health and human services for Medicaid provider rates for mental health and substance use disorder and emergency shelter and stabilization services.

SB 183-FN, relative to salaries of certain circuit court judges.

SB 12-FN-A, establishing the New Hampshire college graduate retention incentive partnership program and making an appropriation therefor.

SB 20, relative to notification requirements for employees, workplace inspections, and the youth employment law.

SB 146-FN, relative to eliminating the waiting period before eligibility to receive unemployment benefits.

SB 21, relative to notice to cut timber.

SB 22, relative to the construction property tax exemption.

SB 43, establishing a commission to study barriers to increased land development in New Hampshire.

SB 72, relative to issuance of renewable energy certificates.

SB 78, relative to public utility customer data.

SB 205, relative to energy efficiency programs funded from the systems benefits charge and the duties and members of the energy efficiency and sustainable energy board.

SB 197, relative to noncompete agreements for low-wage employees.

UNANIMOUS CONSENT

Rep. Kate Murray requested Unanimous Consent of the House regarding memorial remarks for the former member from Bedford, the Honorable Mark Connolly and addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Bedford, the Honorable Mark Connolly.

Without objection, the Speaker ordered the remarks printed in the Permanent Journal.

REMARKS

Rep. Kate Murray: Thank you, Mister Speaker and thank you all, colleagues, for your indulgence on this very long day. On April 13 of this year New Hampshire lost one of its’ own, a man who embodied the fullest meaning of integrity. My friend and neighbor Mark Connolly was taken from us on an early Saturday morning while in Rancho Mirage, California at the age of 63. This Session we have a number of remarkable young representatives, but they are not the first to serve at a young age. Mark was a member of this House in 1977 when he was 22 years old and a student at Dartmouth College. As I hope will be the case for our young representatives here, this started Mark’s lifelong engagement of public service, from service as Director of the New Hampshire Bureau of Securities through his run as a Democratic candidate for Governor. After receiving his B.A. in Government and Environmental Studies from Dartmouth in 1979, Mark went on to receive his MBA from Northwestern University at the Kellogg School of Management. Professionally he served as a senior officer for Fleet Bank, Wellington Management and Chubb Life Insurance where he was Vice President of Chubb Securities. Given his background in securities, in 2002 Secretary of State Gardner named Mark as Director of Bureau of Securities Regulation. During his tenure in this position, he oversaw cases against Tyco International, Ameriprise, ING, Pennichuck Corporation, Morgan Stanley, Merrill Lynch and UBS. Mark’s efforts resulted in fines and penalties which benefited the State of New Hampshire to the tune of \$55 million. Mark’s efforts and those of the bureau were recognized by The Wall Street Journal, The New York Times as well as in the local press. Mark was a recipient of the 2007 Securities Enforcement Award

of the Year from the North American Securities Administrators Association. The case for which Mark is perhaps best known is the FRM Ponzi Scheme. Mark's high ethical standards became clearly evident during this period. Mark fought diligently and passionately for the people who were defrauded out of their life savings. Mark's belief that protecting the victims was more important than protecting state agencies led to his resignation from the Bureau. I knew about Mark several years before I actually met Mark. When my family and I moved to New England back to New Hampshire, the news of the FRM scandal was swirling away but I was only passingly aware of the scandal, at the time being involved with a daughter going into 7th grade thinking she was actually ready for college and a son who decided in 5th grade he was going to learn to skate and play hockey along with his new friends even though they had been skating since they were 2 years old. So, my bandwidth was somewhat limited with regards to things that were going on around the state. Later through various events supporting both political and non-profit cases, I met Mark after he had resigned his position as Director of Securities and had written his book on the FRM scandal titled *Cover-up: One Man's Pursuit of the Truth Amid the Government's Failure to End a Ponzi Scheme*. His book is an insider's account of that case. Chapters in the book reflect Mark's shrewd way, even in the face of something as important in the case. The chapters include names of "Something's Just Not Right Here, Did He Really Say That, Through the Looking Glass, FRM Table Tennis, Passing the Buck and Smoke and Mirrors. This year when we had a bill come before us in the Finance Committee which proposed a mechanism to provide some relief for the victims of the FRM scandal, I had a number of conversations with Mark about its history. Having been rather more child focused during the course of the events, I needed some deep debriefing. Mark was more than generous in sharing his knowledge. He was in California at the time and we spent long hours on the phone during which he told me his story. He even offered to cut his vacation short to come back and testify. So great was his commitment to justice. Mark's commitment to his community was not only evident at the state level. As a neighbor in Newcastle, Mark was ever present to help. He served as a Chair on the Newcastle Planning Board and was active in all of our small towns' doings. He supported many community events with his talent, his time and his treasure. He was a trustee of Strawberry Banke Museum and a member of the Board of the Portsmouth Athenaeum. He was a member of the New Hampshire Child and Family Services, the New Hampshire Audubon, the Greater Manchester Development Commission and a board member and treasurer of the Ogunquit Museum of Art. Mark experienced life from inside and out. He loved art and built his own collection, but he was also an artist and created his own art. He loved history and he made history. He was not only an avid reader of books, he was an accomplished writer of books. As an advocate for justice he was steely eyed and single minded. He was also a bit of a comic with a ready wit and a steady comeback. He was a gentleman and a gentle man. I think this is how we define a renaissance man. In his obituary it was mentioned that he was an expert on Ernest Hemingway. The obituary goes on to say that Hemingway must have had a person of Mark's stature in mind when he wrote, "The best people possess a feeling for beauty, the courage to take risks, the discipline to tell the truth, the capacity for sacrifice." This exactly describes Mark Connolly. He lived his life in a manner that sets an example for all of us. He always acted with integrity and empathy and concern for others. His life was full of compassion and honesty and happiness. To know him was a gift. To aspire to live our life as he lived his is a gift we can pass on to others in memory of his life, one well lived and well loved. Thank you.

UNANIMOUS CONSENT

Rep. Abramson requested Unanimous Consent of the House regarding debate on SB 43, establishing a commission to study barriers to increased land development in New Hampshire, and addressed the House.

OBJECTION

An objection was raised by Rep. Cushing to the continuation of Unanimous Consent by Rep. Abramson.

The question being shall the member be permitted to continue speaking with the consent of the House?

Rep. Abramson withdrew his request to continue Unanimous Consent.

RECESS MOTION

Rep. Porter moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Motion adopted.

The House recessed at 6:25 p.m.

RECESS

(Rep. Panasiti in the Chair)

ENROLLED BILL AMENDMENTS

HB 119, relative to training requirements for electrologists.

Amendment 2019-1828EBA

Amend section 1 of the bill by replacing line 3 with the following:

XX. Training requirements for the use of intense pulsed light hair removal.

Motion adopted.

HB 365, relative to net energy metering limits for customer generators.

Amendment 2019-1871EBA

Amend RSA 362-A:9, VII(c) as inserted by section 3 of the bill by replacing line 3 with the following:

a generator with ISO New England, is not considered a "Network Resource" or "Asset" by ISO

Motion adopted.

HB 654, relative to surety required on construction loans.

Amendment 2019-1868EBA

Amend RSA 204-C:10 as inserted by section 1 of the bill by replacing line 4 with the following:

letter of credit arrangement supervised by the authority, ***or any other surety sufficient*** to assure

Motion adopted.

RECESS

(Rep. Weber in the Chair)

ENROLLED BILL AMENDMENTS

SB 29, establishing a commission to study incidents of workplace violence against state employees. (Amendment printed SJ 5/15/19)

Motion adopted.

SB 55, authorizing the Harris Center for Conservation Education to issue decals for multi-use decal plates. (Amendment printed SJ 5/15/19)

Motion adopted.

SB 62, relative to temporary layoffs of certain seasonal workers and establishing a commission to study school bus driver background checks. (Amendment printed SJ 5/15/19)

Motion adopted.

RECESS

(Rep. Jeudy in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 118, 259, 329, 343, 347, 427, 574, 606, 607, 642, 684 and 713 and Senate Bills numbered 6 and 11.

Rep. Ley, Sen. Soucy for the Committee

ENROLLED BILL AMENDMENT

HB 312, establishing a committee to study tiny houses.

Amendment 2019-1882EBA

Amend section 3 of the bill by replacing line 2 with the following:

houses suitable for year-round occupancy, including both tiny houses on permanent foundations and

Motion adopted.

RECESS

(Rep. Schuett in the Chair)

ENROLLED BILL AMENDMENTS

HB 140, establishing a commission to study the licensing of drivers from foreign countries.

Amendment 2019-1877EBA

Amend section 1 of the bill by replacing line 2 with the following:

after section 39-a the following new section:

Motion adopted.

HB 354, establishing a committee to investigate whether modification should be made to the time frame for determining permanency pursuant to RSA 169-C:24-b.

Amendment 2019-1992EBA

Amend subparagraph I(a) as inserted by section 3 of the bill by replacing line 1 with the following:

(a) Whether the existing 12-month time frame provides parents with reasonable opportunity

Amend subparagraph I(d) as inserted by section 3 of the bill by replacing line 1 with the following:

(d) Whether increased drug-related cases warrant changes in the 12-month permanency

Motion adopted.

HB 448, making technical corrections in the department of education.

Amendment 2019-1963EBA

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Contingency. If HB 730-FN-A of the 2019 regular legislative session becomes law, section 5 of this act shall not take effect. If HB 730 FN-A does not become law, section 5 of this act shall take effect as provided in section 7 of this act.

Motion adopted.

HB 458-FN, repealing certain inactive dedicated funds.

Amendment 2019-1908EBA

Amend RSA 400-A:29-a, I as inserted by section 22 of the bill by replacing line 2 with the following:

~~determined by the commissioner]~~ **as provided in RSA 400-A:29, XXIII(a) and (b)** from sponsoring

Motion adopted.

RECESS

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 171, 196, 256, 268, 297, 301, 324, 325, 328, 350, 356, 365, 370, 382, 396, 402, 463, 572, 598, 670 and 740 and Senate Bills numbered 40, 50, 109, 112, 126, 129, 136, 139, 219, 239, 298 and 299.

Rep. Ley, Sen. Soucy for the Committee

SENATE MESSAGES

CONCURRENCE

HB 128, establishing a committee to study veterans property tax credits and exemptions.

HB 138, relative to rules pertaining to marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act.

HB 244, repealing the moorings appeals board.

HB 260, relative to the purging of motor vehicle violations.

HB 281, relative to flow devices designed to control beaver damming and minimize the risk of flooding behind an existing beaver dam.

HB 283, relative to the age rabbits can be transferred.

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax.

HB 345, relative to certification of devices for the electronic counting of ballots.

HB 361, relative to property settlement including animals.

HB 409, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.

HB 415, relative to the official ballot referendum form of town meetings.

HB 595-FN, relative to the administration of the tobacco tax.

HB 600-FN, adding an exception to the real estate transfer tax for transfers of interest in certain low-income housing.

HB 625-FN, relative to an aquatic invasive species decal for boats.

HB 630-FN, increasing certain fines for OHRV and snowmobile operation violations.

HB 725-FN, relative to certain standards for managed care organizations.

NONCONCURRENCE

HB 120-FN, relative to the regulation of body art establishments and massage, reflexology, structural integrator and Asian bodywork therapy establishments.

HB 149, relative to the apportionment of costs in cooperative school districts.

HB 358, relative to combustion of wood residue at municipal waste combustors.

HB 489, relative to changing a pupil's school or assignment because of a manifest educational hardship.

HB 558-FN, restricting the distribution of plastic straws.

REREFERRED TO COMMITTEE

HB 121-FN, relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.

HB 303, relative to certification of building code compliance inspectors.

HB 384, relative to access to historic burial sites on state-owned land.

HB 397-FN, relative to drivers' licenses for New Hampshire residents who do not possess a social security card.

HB 447, relative to school calendar days.

HB 520, relative to availability of diaper changing stations in public restrooms.

HB 536-FN, adding biometric information to the consumer protection act.

HB 568, relative to the New Hampshire energy strategy.

HB 652, relative to suicide prevention.

HB 703-FN, relative to providing notice of the introduction of new high-cost prescription drugs.

HB 715-FN, relative to electrical energy storage.

LAID ON THE TABLE

HB 407-FN, clarifying the non taxability of certain telecommunications devices and equipment.

HB 452, establishing a commission on the first-in-the-nation presidential primary.

HB 472-FN, relative to special number plates for certain veterans.

HB 682-FN, establishing a water resources fund in the department of environmental services and charging certain application and permit fees.

HB 689-FN-A, establishing a student career and college investment program and making an appropriation therefor.

CONCURRENCE WITH AMENDMENTS

SB 5-FN-A, making an appropriation to the department of health and human services for Medicaid provider rates for mental health and substance use disorder and emergency shelter and stabilization services.

SB 14-FN, relative to child welfare.

RECESS

(Rep. Adjutant in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 217.

Rep. Shurtleff, Sen. Soucy for the Committee

RECESS

(Rep. Van Houten in the Chair)

ENROLLED BILL AMENDMENT

SB 145, relative to the organization of alternative treatment centers. (Amendment printed SJ 5/8/19)
Motion adopted.

RECESS

(Rep. Schuett in the Chair)

ENROLLED BILL AMENDMENT

HB 570, establishing a commission to study career pathways from full-time service year programs to post-secondary education and employment opportunities in support of New Hampshire's future workforce needs.

Amendment 2019-2011EBA

Amend section 2 of the bill by replacing line 1 with the following:

2 Repeal. RSA 187-A:44, relative to the commission to study career pathways from full-time service year
Motion adopted.

RECESS