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New Hampshire

HOUSE RECORD

First Year of the 166th General Court

Calendar and Journal of the 2019 Session

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Vol. 41

Concord, N.H.

Thursday, May 23, 2019

No. 16

HOUSE JOURNAL NO. 15 (Cont'd)

Wednesday, May 8, 2019

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

HOUSE JOURNAL NO. 16

Thursday, May 23, 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 the member from Hampstead, Representative Mark Pearson.

Almighty God, the Author of liberty and the Champion of those who are oppressed. As we approach Memorial Day, we thank You for the lives of those who died that we might remain free. They made the ultimate sacrifice and we now give them honor. They were men and women, people of different races, believers in different religions and none, and holders of different political views, yet they were one, standing together to protect us. May we in all our differences, stand together as we seek to protect the people of this great state. We further ask You, gracious God, to watch over all those who are currently serving in harm's way: shield their bodies, guide their actions, succor their souls and return them safely to this loved one, mercifully kept free from the emotional havoc war often wreaks. Nurture and heal those who lost a loved one, and guide and assist those awaiting a loved one's return. Send angels, spiritual and human, across their path to walk with them. And may we in this House, taking heart in the example of our heroes living and dead, rededicate ourselves to rise above rancor and to work together despite our differences. In Your Holy and Precious Name. Amen.

PRESENTATION AND POSTING OF COLORS

The Marine Corps Junior ROTC from Winnacunnet High School in Hampton presented and posted the Colors. The Color Guard consisted of Cadet Justin McKee, Cadet Jason Ramos, Cadet Joshua Brady, Cadet Rowan Perkins and Cadet Tryston Starr.

Representative Michael Edgar, member from Hampton, led the Pledge of Allegiance.

The National Anthem was sung by Winnacunnet High School Sophomore, JROTC Cadet Dasha Piotrowski.

LEAVES OF ABSENCE

Reps. Belanger, Callum, Dolan, Gay, Gidge and O'Connor, the day, illness.

Reps. Erf, Kanzler, Kotowski, L'Heureux, Alicia Lekas, McGuire, Owens, Panasiti, Plett, Sanborn, Schamberg, Southworth, Towne, Trento and Viens, the day, important business.

INTRODUCTION OF GUESTS

Jordan King, student at Milford High School, Page for the day.

The Honorable Henry Marsh, former member from North Hampton, Larisa, Michael and Anthony Piotrowski, Tricia and James Star, Michael Antonio, Liam and Kimberly Perkins, guests of the North Hampton Delegation. The Honorable Betsy Shultis, former member from Portsmouth. Janet Hansen, Elizabeth Flumignan, and Richard Hollaman, guests of Rep. Snow. The Honorable Richard O'Leary, former member from Manchester, guest of Rep. Langley. Tara Holmes, guest of Rep. McBeath. Maddie Eastburn, and Thessalie Butler, guests of Rep. Ruprecht. William and Olivia Rich, son and daughter of Rep. Rich. Tricia and Harrison Towne, guests of Rep. Murray. Hannah Sytsema, guest of Rep. Jurius. Jason, Rose and Ciretta Mackenzie, guests of Reps. Morrison and Baldasaro. The Honorable Marsha Pelletier, former member from Dover, John Pelletier, William and Merry Mingle, guests of the Speaker.

MEMORIAL REMARKS BY THE SPEAKER

Speaker Shurtleff addressed the House with memorial remarks for the former member from Dover, the Honorable Arthur Pelletier.

GOVERNOR'S VETO MESSAGE ON HB 455-FN

May 3, 2019

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 3, 2019, I have vetoed House Bill 455, relative to the penalty for capital murder. New Hampshire has always shown prudence and responsibility in its application of the death penalty. This bill is an injustice to not only Officer Briggs and his family, but to law enforcement and victims of violent crime around the state. God bless Officer Briggs and his family.

Respectfully submitted, Christopher T. Sununu, Governor

The question being, notwithstanding the Governor's veto, shall **HB 455-FN**, relative to the penalty for capital murder, become law?

Reps. Prudhomme O'Brien, Rice and Mark Pearson spoke against.

Rep. Abbas spoke against and yielded to questions.

Reps. Ticehurst, Danielson, Welch and Cushing spoke in favor.

Rep. Abramson spoke in favor and yielded to questions.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 247 - NAYS 123**YEAS - 247****BELKNAP**

Aldrich, Glen
Sylvia, Michael

Comtois, Barbara

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
DesMarais, Edith

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

Comeau, Ed
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
Swinburne, Sandy
Pearson, William

Ames, Richard
Faulkner, Barry
Ley, Douglas
O'Day, John
Tatro, Bruce
Weber, Lucy

Berch, Paul
Fenton, Donovan
Mann, John
Parkhurst, Henry
Thompson, Craig

Bordenet, John
Gomarlo, Jennie
Meader, David
Schapiro, Joe
Von Plinsky, Sparky

COOS

Craig, Kevin
Moynihan, Wayne

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Maes, Kevin
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Massimilla, Linda
Nordgren, Sharon
Stringham, Jerry

Almy, Susan
Egan, Timothy
Gordon, Edward
Migliore, Vincent Paul
Osborne, Richard
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cleaver, Skip
Danielson, David
Espitia, Manny
Hall, Brett
Herbert, Christopher
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Marzullo, JP

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hamer, Heidi
Hopper, Gary
Jeudy, Jean
Komi, Richard
Murray, Megan
McGhee, Kat

Backus, Robert
Bernet, Jennifer
Burt, John
Cornell, Patricia
Desjardin, Kathy
Freitas, Mary
Harriott-Gathright, Linda
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Mombourquette, Donna

Balch, Chris
Bordy, William
Chretien, Jacqueline
Cote, David
Dutzy, Sherry
Griffith, Willis
Heath, Mary
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Mullen, Sue

Murphy, Nancy
O'Brien, Michael
Piedra, Israel
Newman, Ray
Newman, Sue
St. John, Michelle
Smith, Timothy
Van Houten, Constance
Wilhelm, Matthew

Nunez, Hershel
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Telerski, Laura
Vann, Ivy
Williams, Kermit

Nutter-Upham, Frances
Petrigno, Peter
Prout, Andrew
Riel, Cole
Snow, Kendall
Stevens, Deb
Toomey, Dan
Thomas, Wendy
Woodbury, David

Nutting-Wong, Allison
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Lekas, Tony
Vail, Suzanne
Warden, Mark

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schultz, Kristina
Wallner, Mary Jane
Wolf, Dan

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Shurtleff, Steve
Walz, Mary Beth
Woods, Gary

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

ROCKINGHAM

Abramson, Max
Bershtein, Alan
Cali-Pitts, Jacqueline
Davis, Dan
Gilman, Julie
Le, Tamara
Malloy, Dennis
Meuse, David
Verville, Kevin

Acton, Dennis
Bunker, Lisa
Costable, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Pantelakos, Laura
Ward, Gerald

Altschiller, Debra
Bushway, Patricia
Coursin, David
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Read, Ellen
Warner, Anne

Berrien, Skip
Cahill, Michael
Cushing, Robert Renny
Eisner, Mary
Murray, Kate
Maggiore, Jim
McMahon, Charles
Somssich, Peter
Welch, David

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

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

Chase, Wendy
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Conley, Casey
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

Oxenham, Lee

Sullivan, Brian

NAYS - 123

BELKNAP

Bean, Harry
Jurius, Deanna
Beaudoin, Richard

Feeney, George
Lang, Timothy
Spanos, Peter

Fields, Dennis
Mackie, Jonathan
Tilton, Franklin

Howard, Raymond
Plumer, John
Varney, Peter

CARROLL

Avellani, Lino

Crawford, Karel

MacDonald, John

Marsh, William

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

Alexander, Joe
Burns, Charles
Gagne, Larry
Gunski, Michael
McLean, Mark
Renzullo, Andrew
Whittemore, James

Griffin, Barbara
Camarota, Linda
Goley, Jeffrey
Hinch, Richard
Notter, Jeanine
Rice, Kimberly

Barry, Richard
Fedolfi, Jim
Graham, John
Ober, Lynne
Proulx, Mark
Somero, Paul

Boehm, Ralph
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Ober, Russell
Ulery, Jordan

MERRIMACK

Allard, James
Klose, John
Seaworth, Brian

Forsythe, Robert
Marple, Richard
Testerman, Dave

Hill, Gregory
Pearl, Howard
Walsh, Thomas

Horn, Werner
Schuett, Dianne

ROCKINGHAM

Abbas, Daryl
Chirichiello, Brian
DeSimone, Debra
Fowler, William
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Yokela, Josh

Abrami, Patrick
Thomas, Douglas
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Morrison, Sean
Pratt, Kevin
Spillane, James
Wallace, Scott

Baldasaro, Al
DeClercq, Edward
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Webb, James

Barnes, Arthur
Desilets, Joel
Elliott, Robert
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Weyler, Kenneth

STRAFFORD

Harrington, Michael
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Rollins, Skip

Laware, Thomas
Stapleton, Walter

Lucas, Gates
Smith, Steven

O'Hearne, Andrew

and the veto was overridden by the necessary two-thirds vote.

MOTION TO PRINT DEBATE

Rep. Myler moved that the debate on **HB 455-FN**, relative to the penalty for capital murder, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 455-FN

Rep. Prudhomme-O'Brien: Good morning. I've heard it said that the death penalty is not a deterrent, but we all wear our seatbelts and we operate machinery safely and we avoid dangerous cliffs because we, in our own lives, act every day and we change our behaviors because we are trying to avoid the death penalty ourselves. I've also heard it asked, are we killing people to prove that killing people is wrong? Well there was a man in the North Country who kept a girl in a cage for a number of months and now he is in a cage. So, is this hypocritical to say that we punish people in a just manner? Because this is what we do to create a more just society that is kind. We are a safe state and I am very proud of that, but this was different. If we were a different state and I won't mention them, but if we were a state that abused the death penalty, I would have a different idea about this. The safety of our state may be blinding us to the evil that is around us and blinding us to how common it can be. My hands are shaking as I talk about this, but I felt compelled to do so because during the last debate I sat back there and I was very frustrated. But, I have never had the luxury of living a life not knowing how common evil is. When I was about 7 or 8 years old I survived a serious kidnapping attempt and, in the area where I grew up, a young boy did go missing. There was a pedophile ring. He has never been found. His name was Andy Puglisi. I feel lucky to be alive. I don't think he is. He has been edited out of our world. We do not hear his story. We don't know what his thoughts are on this. When I was a teenager, I was raped. I thought I was going to be killed. When I was in my twenties I could not function because of the PTSD. I could go to work and I could take care of my kid and I could do laundry and I could make dinner. That's all I could do. I joined a rape survivor support group and it was very helpful and very healing. One thing we did was we spoke to convicted sex offenders throughout the state. We visited the state prison. I was happy to do so. All of the men I spoke to were about to be released. I felt it was my duty to speak to these men and tell them what our side of the story was and how it had affected us. Many of them didn't know. I hope that they have gone on to become better members of society, but they all get out. One man that I met was different. He killed a six-year-old boy and was given a life sentence without parole. I was the only one brave enough to ask him very direct questions because I wasn't going to leave there without asking him direct questions because I sensed that he didn't want us to. And, when I asked him how did you get the boy in your car, it was a truck actually. How did you kill him? Why did you kill him? This man's eyes were blue, but they turned black when I was asking him those questions. I don't what that phenomena is, what that medical phenomena is, but evil is real. I didn't know what to do next and how to fight against his release. I

called the Governor's office because in her inaugural address she had said that her door was open to citizens with a concern and I thought that was true. Her aide laughed at me. He laughed at me. I was working at a machine shop at the time and I left. If you know anything about the culture working in a machine shop, that's just not done and you get fired for it. I didn't get fired, but I went home and I went to bed for three days. I thought about a lot of things. I felt very alone in the fight to keep that man in prison. I felt like nobody had remembered the little boy that was killed. Nobody in the state. If anybody does remember what I am talking about and does remember this case, I would like for you to tell me that. His name was Kevin and he would be 58 now. I don't think in this state we use the death penalty irresponsibly. I think we apply it with great sobriety. We don't even use it, but one day we may want to. People here who are against the death penalty now, think they are against the death penalty now, they may change their mind, but I don't want that boy's life edited out of our conversation, edited out of our state, edited out of our story and forgotten about, but he has been forgotten about. Just as I suppose I would have been if I had gotten in that car.

Speaker Shurtleff: The question before the House is notwithstanding the Governor's veto of HB 455-FN, should it become law? The Chair recognizes the member from Tamworth, Rep. Ticehurst to speak for the override.

Rep. Ticehurst: Thank you, Mister Speaker. Before I give my remarks, I would like to acknowledge the human urge to seek revenge and feeling compassion for those who are grieving and hurting. I also want to acknowledge the human drive for safety, justice and fairness for all and I have felt all of those myself. Mister Speaker we are often certain of the rightness and righteousness of the decisions we make here. Since the 1800's this body has been making what it believes is the right decision about capital punishment. As I contemplated my own decision, I wondered what people believed was right in even earlier times. I thought about how my eighth-great grandmother's life, well, the end of her life illustrates our human bias to be certain of our rightness. You may not think that you are interested in any granny of mine, but you and every school child have heard her story before. You may not remember her name, but I will remind you, Susannah North Martin, a mother, Christian and outspoken woman. Susannah was accused of a crime and she received a fair trial, well what was considered fair in her time anyway. Multiple witnesses testified against her and her body was examined for evidence. Intelligent and respected men made the best decision they could given what was understood at the time. They were intent upon protecting the safety of the people in their community. They believed in doing justice and they were confident in the rightness and righteousness of their decision. Their decision was to hang Susannah as a witch in Salem on July 19, 1692. Now, we are in a new time but some things remain the same. Intelligent and respected men and women make the best decisions they can about guilt or innocence. They, too, take their duty to protect public safety seriously. They value justice and they are certain of their rightness and righteousness and as in previous times, they are sometimes wrong. Some things are different now. We have scientific tools which provide evidence that intelligent, well intentioned respected people, witnesses, judges, juries, reporters and the public can be mistaken. We know this. Right here in our own Representatives Hall, we have heard first person testimony from people who have been accused of horrific crimes and erroneously given a death sentence just as Susannah North Martin was. These innocent people were later exonerated and they are by no means the only ones. More than 160 have been released from a death sentence with evidence of their innocence and if gathered here today they would fill more than all the seats of divisions one and two or divisions four and five. How long will we go on believing in our own infallibility? How many other innocent people will we allow to be killed in the name of justice? Fellow representatives, we make a lot of rather mundane decisions here and this is not one of them. This is an opportunity to end the centuries old practice of putting innocent people to death. No insignificant act in the course of our history or in one person's own life's work, I'll be casting my vote in honor of the memory of my granny, Susannah North Martin. I ask you to join me in the memory of those that have been falsely convicted and executed in the past and with respect and compassion for those who may follow without our action today. Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? The Chair recognizes the member from Seabrook, Rep. Abramson to speak in support of the override.

Rep. Abramson: Thank you, Mister Speaker. Mister Speaker, I speak in favor of HB 455 repealing the death penalty, notwithstanding the Governor's veto. About one third of all inmates in the country either maintain their innocence or accept a lesser role in their crime than what they were serving time for and those rates vary from state to state. Innocence Project found that 57% of those proclaiming innocence could be proven innocent if DNA were available. When new evidence, new admissions, death bed confessions by the real killer or improvements in forensics have become available, over 1,600 people, mostly men and mostly people of color, have been freed from life in prison, including 365 on DNA evidence testing. Kirk Bloodsworth exonerated from death row was here in the State House cafeteria explaining some of the problems that remain with the process, many of which still have not been worked out. He was the first to work out the idea that DNA evidence testing might be used to prove the innocence of so many who are still behind bars. Of those 365, 11% pleaded guilty to crimes that they did not commit, 69% involved eye witness misidentification, 44% involved misapplication of forensic science, 28% involved false confessions, people confessing to crimes that

we now know they did not commit, 17% involved informants, many of whom were offered reduced sentences in exchange for testifying. Even in cases where the inmate was behind bars themselves when the crime was committed. Most jurors do not know that forensic experts have been caught lying about material issues, that prosecutors are allowed to target people who they know to be innocent or they are allowed to introduce witnesses whom they know to be lying about the facts of the case. Defense attorneys are not even allowed to discuss the causes of wrongful convictions in other cases in front of the jury, nor mention the criminal records of witnesses or the contradictions that may exist in written police statements. In the Chad Evans case, the only witness against him was the likely real killer, the last person to see the victim alive and many witnesses and photos were kept away from the jury and still have been. At least Chad Evans is still alive so that new biological evidence may be reviewed which could show that he did not kill that baby. However, there have been at least 15 executions over the last 30 years where the experts have found very strong evidence of innocence after the fact. In 1944, 14-year-old George Stinney has recently been found by a judge to have been wrongfully executed 70 years ago after the violations of due process that led to his wrongful conviction. In the Pamela Smart case, we now know that 3 of her jurors were arguing deliberations for acquittal but three others arguing for the conviction were more stubborn, leading to a possible wrongful conviction in her case. Those in my district who know her two accusers say that they are absolutely certain that they both lied to get off on shorter sentences and there are dozens of others in New Hampshire prisons who maintain their innocence or even have new evidence that they cannot get introduced or they cannot get a new hearing. The Innocence Project found that it takes an additional eight years of fighting in court to get people out after they have been proven innocent. I have seen firsthand the corruption, the abuse and the human error of our criminal justice system. The exaggerated claims by forensic experts, the false statements by witnesses and sometimes officers and a prosecutor who admitted away from the jury that she knew from the start that I was acting in self-defense. I have been involved with or seen countless other wrongful conviction cases where prosecutors intentionally stonewalled to keep innocent people behind bars or to keep evidence out. Every generation looks back on the methods and forensics used by the previous generation to convict the accused and we look back on it with shame, then falsely assume that our own forensics and questioning process must be incontrovertible, but John Adams once said, "It is better that 10 guilty men go free than one innocent should be punished, because the system exists to protect the innocent." Benjamin Franklin said, "Better that 100 guilty men go free." And, in a greater sense, New Hampshire's death penalty law is not applied uniformly. Removing a double standard in the law where someone killing a police officer may get the death penalty, but only life in prison for purposely killing anyone else is a matter of principle. As a republic, by definition, a republic by definition is a system of principle, one in which a uniform set of laws exist for everyone. Should one class of people be given less protection under the law than another? Should one group of inhabitants be punished more severely for virtually the same act?

Speaker Shurtleff: Will the member yield to a question? The member will yield. Rep. Baldasaro, you may inquire.

Rep. Baldasaro: Thank you, Mister Speaker. Thank you, Representative, for taking my question. I'm glad I saved my question for you because I didn't know whether the last Rep. would have, that came out with all this data would have taken the question, but you come up with all this information on the death penalty on erroneous people that have gotten off and in the last hundred years can you show me where that problem is in New Hampshire? That's what this is about, New Hampshire.

Rep. Abramson: No, I only know of two death penalty cases in New Hampshire in the last hundred years that I am aware of and I don't believe that either one of those were wrongful convictions. I know of lots and lots of wrongful convictions and probable wrongful convictions where people are spending either a year or two behind bars or even spending life in prison behind bars. The same process where people can be wrongfully convicted and sent to prison right now could also be used in a death penalty case and the difference, for my friend from Londonderry, the difference is once you have executed someone, you can't go back with new forensics and change anything.

Speaker Shurtleff: Will the member yield to another question? Before you ask your question Rep. Buchanan, I just want to remind members that when you come to the well and I heard the opening comment by my friend from Londonderry saying what he believed the former speaker would do and not do. We never assign motives in this Chamber to any member on what they potentially do or not do and so I just remind you that when you come up for a question or to speak on the floor, never reference what somebody else may or may not do. Having said that, Rep. Buchanan, you may inquire.

Rep. Buchanan: Thank you, Mister Speaker. Thank you, Representative, for taking my question. My question is quite simple. Of the people who have been executed that were found innocent after their death, who was held accountable for their deaths? Did they fry the judge, the executioner, the prosecutors who erroneously presented evidence or the cops who collected the erroneous evidence to make sure those people found justice?

Rep. Abramson: Are you only asking about death penalty cases?

Rep. Buchanan: On death penalty cases, of those who were executed and then found innocent afterwards.

Rep. Abramson: The only one that I referred to in my case where we know with a very high degree of certainty that he was wrongfully executed was the 1944 case. His exoneration didn't come until 70 years later, just very recently, just a few years ago and no there is no way to hold any judge, juror, prosecutor, forensic expert accountable 70 years after the fact. The 30 cases that I referred to over the last 30 years, I am not aware if any of the prosecutors in those death penalty cases were held accountable.

Speaker Shurtleff: The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? The Chair recognizes the member from Hudson, Rep. Rice.

Rep. Rice: Thank you, Mister Speaker. I rise in support of sustaining the veto on the repeal of the death penalty. While I voted in support of the repeal in the last vote I found myself asking myself many questions. Mostly I asked myself is this really a New Hampshire issue? Is this a problem in our state? In sustaining the veto, I have time to address other issues that I have concerns about and in going forward I would ask that you press the red button so that New Hampshire can be an example to these other states in how to responsibly use the death penalty. Thank you.

Speaker Shurtleff: The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? The Chair recognizes the member from Bedford, Rep. Danielson to speak in support of override.

Rep. Danielson: Thank you, Mister Speaker. Good Morning. My proposal to you this morning is to ask you to override the veto the Governor has given on the death penalty, HB 455 passed by the House of Representatives and the New Hampshire Senate recently. We are here today because the chief executive of the executive branch opted to veto the vote of the House. As Representatives, we voted at that time if you remember on our conscience. We searched our conscience to say we know some of us agreed that the death penalty should be enforced. We also had folks who agreed that it's difficult to take someone else's life for whatever reason. So, there was a vote at that time of our conscience. The chief executive voted on his conscience. It's his responsibility and he exercised that responsibility. We can't find any fault with that. That is his job. So, we support what he has done as far as his responsibility, however, we don't, at least I don't support the idea of taking someone else's life. I mentioned in my last presentation to you. I mentioned that I was a supporter of the death penalty when I first came up here and that I got a call one time after I was elected. I got a call from a very senior Republican conservative candidate who asked me if I was pro-life. I mentioned that yes of course I was and there are a number of reasons why and he was aware of some of those. I said, of course I am, yes. He asked where are you on the death penalty? I said I support the death penalty, of course. He said, really, how do you reconcile those two positions? As some professors that we may have had in college, that drove me crazy because now I had a question that I had to resolve and I had to think about the values and morality of those decisions. It took me a whole weekend plus another part of a week to try to rationalize why. I couldn't. So, at the end of a period of two weeks, probably, I decided that I was pro-life. That was it. There is no distinction, just how. I am aware of some of the arguments. I am a soldier. I realize some of those arguments, however, in this particular case, I believe we voted, we the House, voted our conscience. Whether you agree with the outcome or not, we all voted our conscience. If you recall at that time I said we can't hold anybody on account on how they voted, because you did it according to your conscience. I feel the same way today and I feel the same way about the Governor's vote. I believe he voted his conscience, exercised his conscience. That's the goodness of all of you and the Governor. We did what we were asked to do. I ask you this morning to please consider again our overwhelming vote to get rid of the death penalty and to vote green to defeat the idea that we won't repeal the death penalty and I thank you very much for your attention. Mister Speaker, I will take no questions.

Speaker Shurtleff: Thank you. The question before the House is notwithstanding the Governor's veto, shall the House pass HB 455-FN. The Chair now recognizes the member from Salem, Rep. Abbas to speak in support of sustaining the veto.

Rep. Abbas: Thank you, Mister Speaker. I rise today in support of sustaining the vote and I would like to just start out by acknowledging the extreme sensitivity this subject has and I'm not ashamed to admit that listening to a lot on the subject, I've even lost sleep over it. I also just want to explain to everyone here why I still support sustaining the veto. One of the things I want people to take into consideration is perhaps the unintended consequences of what would occur if we were to abolish the death penalty. Murders can occur while inmates are in custody as well or while serving in prison and if an inmate were to murder a correctional officer while serving a life sentence, that is what I would refer to someone as judgement proof. They are already serving a life sentence and there would be no justice for the victim or the victim's family. I would find that something hard to accept. In New Hampshire, since the late 1930's we have only had three different defendants sentenced to capital punishment and I don't believe two of those were not carried out and at this point in time there is one defendant that is currently on death row. New Hampshire has been very responsible with its application of the death penalty and I understand there are circumstances that have occurred throughout the country in different states, but due to our responsibility and the way our state has handled it, that's a problem that has not shown its face in New Hampshire. Now, one thing that happened in my life that was a little more personal is I was about a block away from Boylston Street when those two bombs went

off where three people were killed, hundreds were injured and I believe fourteen people lost limbs. A few days later a police officer was murdered by the same terrorists. They then kidnapped a civilian, engaged in a fire fight with police officers in a residential neighborhood. Now, Massachusetts didn't have a death penalty and what I observed was a lot of people, even people who don't support the death penalty took a backseat to willingly hand this terrorist over to the federal government so he could be prosecuted there so he could face capital punishment. If a terrorist were to actually commit mass murder in this state, I wouldn't want to rely on the federal government to bail us out. I would like to think that this state, we could take care of our own business. As I mentioned this currently one inmate right now is on death row who murdered a police officer who was responding to a domestic disturbance. Although repealing the death penalty wouldn't overturn that sentence, I do know that by abolishing the death penalty, there are certain to be legal arguments made or advocates are going to support that sentence be commuted because of what we vote today. I know from my perspective that I don't believe that is fair to the victim's family. If I know that what we do today is going to be used to try to overturn that sentence and I don't think that is just for that family and it's not fair to that victim. So, I would ask that you take into consideration and sustain the Governor's veto. Thank you.

Speaker Shurtleff: Will the member yield to a question? Rep. Morrison, you may inquire.

Rep. Morrison: Thank you, Mister Speaker. Thank you for taking my question. When you were debating this issue in your own mind, were you able to draw a distinction from using pro-life as an example? Were you able to draw a distinction between an innocent fetus or baby and somebody who had actually taken one or more human lives?

Rep. Abbas: I have been asked this question several times and I can certainly appreciate the value that people give towards life. That's one of the reasons why I lost sleep over this vote and I can imagine I'm not the only one. The biggest difference between the pro-life argument and capital punishment is capital punishment there is still, I believe, due process that is administered. In order to face capital punishment, you would have to have a trial, you are convicted by the jurors and then there is a separate vote by those jurors on whether to implement the death penalty. The jurors, who they screen in advance before sitting on the case, in order to sit on the case where they are asking for capital punishment, the juror has to disclose that they support the death penalty. At that point in time, they then can find the defendant guilty, but then have to have a separate unanimous vote to decide whether they should use capital punishment. So, I feel that in a case of someone who is going through the court system, their due process is being satisfied where without getting too much into the pro-life argument, I don't believe that you can make an argument that there has been due process through the court in that regard.

Speaker Shurtleff: Follow up question? Will the member yield? You may inquire.

Rep. Morrison: Thank you, again. Just real quick. Just to clarify, this is not only regarding police officers, but this is regarding home invasions where perhaps, hypothetically my family got murdered. It's not just for police officers, correct?

Rep. Abbas: Thank you. My understanding is that it would also apply to home invasions.

Speaker Shurtleff: Will the member yield to another question? Rep. Flanagan, you may inquire.

Rep. Flanagan: Thank you, Mister Speaker. Thank you, Representative, for taking my question. I have some skin in this game. I had a great-grandfather that was killed in the line of duty as a police officer and I know the widow of Officer Briggs testified. Do you think it is fair to that family to have the killer of their husband and father commuted to life in jail instead of the death penalty?

Rep. Abbas: I don't believe it is fair at all and I look at it from that perspective if we were to repeal the death penalty and then to be used as an argument or at least a persuasive argument to commute that sentence. That certainly is not fair to Officer Briggs' family and that's one of the things that I struggle with because I don't think it is appropriate to say it's too harsh a penalty to carry out the death penalty with this defendant when that person murdered their family member. Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is not withstanding the Governor's veto, shall HB 455-FN become law? The Chair recognizes the member from Kingston, Rep. Welch to speak in support of the override.

Rep. Welch: Thank you, Mister Speaker. It is my belief that the vote to repeal the death penalty is and has been a personal vote of one's own conscience. As enshrined in our New Hampshire Constitution, Part I, Article IV, no one can change your mind if you have convictions on the subject matter. When I spoke last March 7th, I explained my reasons for changing my support for the death penalty to supporting its repeal. I also stated my life long support for those law enforcement personnel that put their lives on the line to protect us. My vote and the reasons for it have not changed. I still have intense grief over the passing of my wife and I am sure that the victim's family are experiencing the same feelings of extreme grief. I believe that the loved ones of the perpetrator will also be subject to extreme grief when and if the state executes him. That family is also innocent. The difference is in my case and as well as the victim's family, neither of us could do anything about it. On the other hand, the state has done the deed. I also believe that as legislators we need to be aware that our votes on this subject will be recorded and should not be different from our earlier vote. If they are, those that we represent will know that on this difficult issue we were not consistent. Last March I was encouraged by the vote of 279 in favor to 88 opposed. Today I urge you not to change your vote from the last time and press the green button to override the veto.

Speaker Shurtleff: The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? The Chair recognizes the member from Hampstead, Rep. Mark Pearson to speak in support of sustaining the veto.

Rep. Mark Pearson: Thank you, Mister Speaker. I rise to speak in support of the Governor's veto of HB 455. It has taken a lot of thoughts and a lot of prayer for me to come to this position and I wish to explain why I have done so. First as a person of faith and as an ordained minister for the last 44 years and in anticipation of this vote I read and reread scripture in the writings of acclaimed theologians and ethicists. I was an adjunct seminary professor for 16 years so I understand in depth, nuanced arguments and interpretations on difficult issues. While scripture places boundaries on what the state may lawfully do, it does not rule out the death penalty per se. Many Bible scholars believe the commandment, Thou shall not kill, is more accurately rendered Thou shalt do no murder. Second, the New Hampshire version of the death penalty is very narrowly drawn. It is reserved to only the most heinous of crimes. Our death row is not filled with people. The death sentence is not used racially. We will never find the DNA testing will later indicate that we executed an innocent person. Ours is not the death penalty many of us with anger and shame remember from decades ago and is practiced in less enlightened states. There is to me no compelling reason theologically, ethically, morally, socially or practically why at this time we should change our law. Mister Speaker, I urge my friends and colleagues to stand with me in sustaining the Governor's veto.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The question before the House. The member on the side here is asking me if the member who just came down to ask a question should have a jacket on. As you know, we have no formal House Rules that have been adopted by this body. We encourage people to dress appropriately as they would be in this hallowed hall. The member's attire is appropriate for this body, but I thank the member from Londonderry for his question. The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? The Chair recognizes our last speaker, the member from Hampton, Rep. Cushing.

Rep. Cushing: Thank you, Mister Speaker. The first time I stood up in front of this body and asked the House to abolish the death penalty, my five-month-old baby daughter Grace was sitting in her mother's lap, my wife Christy's lap in the front row of the gallery. As the Speaker was preparing to bring up the bill, I looked up at her and in a way, I think that helped me get up out of my seat and speak about capital punishment. The position I was taking at the time was different than the position that my Governor of the same party had about death penalty. My Governor wanted to expand it and I thought we needed to repeal it. I was under, believe it or not, a lot of pressure from some of my colleagues not to speak. I woke up the morning of the vote when the House was to take it up and read in the newspaper a suggestion from one of my Democratic colleagues that I not talk about the death penalty that day. For some reason, I think because my daughter was up there, I realized I thought about my father, her grandfather who she never knew, my father who was murdered. I felt a need to speak and be his voice. While I had fear here on the floor, looking up at her I had hope and decided to follow my hopes instead of my fears. I was happy, well not happy, but after I spoke up in support of repealing the death penalty, I found myself comforted by some interesting colleagues from across the aisle who shared my position on capital punishment. I know from the past 20 years, this has been an issue that has cut across political divides and I think of my friends, like Loren Jean and Bob Rowe and Kathy Souza, Kevin Avard, John Cebrowski. People who have been stalwarts on this and really helped sustain us as we tried to do this important work. I know that I say that to people because I realize that it is a complicated issue and for some people are wrestling with that conflict between, you know, what one's party is doing, what one's leaders are doing. I have to say I have respect for the Governor. I respect the office and I respect him as a person. I'm sure that he, like all of us, has wrestled with this issue of the death penalty and at the end of the day, you just have come to different conclusions about this issue. We will find common ground on other issues, but I would hope that at the end of this day, when we leave this chamber, we are good as friends and colleagues. Five days ago, I watched my once upon a time five-month-old daughter walk across the stage and graduate from college. I could not believe what happened in just a blink of an eye, 22 years had gone by and as I was sitting at the graduation I was remembering the first time I ever had Grace at a graduation ceremony. It was for her first birthday, six months after I first spoke in opposition to the death penalty here, my wife and I took her for her first birthday to Cambridge, Mass along with her sisters to watch Nelson Mandela receive an honorary degree. I had a flashback of holding my daughter in my arms up so she could see Nelson Mandela and something about being in the presence of that man that fills one with awe. It was a guy who knew something about the death penalty because he faced it at one time for inciting opposition to the racist apartheid regime in South Africa. He didn't receive it but he spent 27 years in prison. When he got out, he didn't look back in anger. He had work to do. He had to free a nation from the burden of apartheid. He went on to become President of a new South Africa. A South Africa that as one of its first acts, abolished the death penalty. That afternoon of this ceremony, there was a musical song that was played for him. It was Amazing Grace. Some of you know it. I thought how appropriate that song was for Mandela and perhaps how appropriate that song is for us today. Amazing Grace was written by a man named John Newton, who was a

slaver. Somebody who took human beings from the African continent and transported them here to the new world. He was a man by his own admonition responsible for the death of scores of innocent human beings. In a different time in a different place, John Newton would have been strapped on a gurney and a needle put in his arm and poison pumped into him to kill him in retribution for the murders he committed. As fate would have it, that didn't happen. Instead, he went on to have a change of heart and changed his way and became a proponent of abolishing. He spent the rest of his life fighting that evil institution. He wrote a poem and he gave us these words that some of us remember. It was autobiographical, but it applies to everyone. I once was lost, but now I'm found. Was blind, but now I see. That song, as I was holding my daughter Grace, listening to Amazing Grace, being sung for Nelson Mandela really stuck with me last night as I was thinking about what I was going to say today. You know, for 185 years in this chamber we've been talking about the death penalty. Governor Badger walked out from his old office, what used to be in the anteroom in 1834 and brought a message to this body asking us to repeal capital punishment. We certainly know that we've had extensive debate about it. The death penalty doesn't work. It doesn't work for victims. It doesn't work for society and it's time to go. It's time to let that go. Nelson Mandela was once asked what he thought about political leaders, what he thought about politicians who supported the death penalty. In his quiet, thoughtful way, he said, "Political leaders, politicians who support capital punishment have just not fully evolved." My colleagues, I think today is the day that New Hampshire should fully evolve on the issue of capital punishment. I would hope that we could feel the spirit of Amazing Grace enter into this chamber and into our hearts. I would hope we would have the ability finally together to see that New Hampshire can live without the death penalty. Please I respectfully and humbly ask you to vote yes, vote the green button. Thank you.

Speaker Shurtleff: The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? A two-thirds vote is required to override any veto and our state constitution requires this be a roll call vote. This will be a roll call vote. Members will kindly take their seats. The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? The Chair recognizes Rep. Hinch for a parliamentary inquiry.

Rep. Hinch: Thank you, Mister Speaker. Mister Speaker, if I believe that New Hampshire has been an example of prudence and responsibility in its application of the death penalty, not having put a single person to death since 1939. And, Mister Speaker, if I believe that all life is precious, but in order to protect life, there must be methods by which our society and our government can deter threats against life. And, Mister Speaker, if I believe our current law serves as a valuable tool to law enforcement and the justice system to achieve justice even if it is rarely applied. And, finally Mister Speaker, if I believe that the families who have been robbed of a loved one through acts of violence deserve every avenue to pursue justice and closure, would I now press the red button to sustain the Governor's veto and continue our state's responsible, civil and rarely used current law? Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? The Chair recognizes Rep. Pantelakos for a parliamentary inquiry.

Rep. Pantelakos: Thank you, Mister Speaker. As Dean of the House if I know that in 40 years in this chamber the issue of the death penalty has consistently been a vote of conscience, rising above the partisanship that seeks to divide us. And, if I know I for one have changed my position on this issue and a former mother-in-law of a slain police officer and a grandmother of a police officer, I can both honor them and vote my conscience against the death penalty. And, if I know that government is inherently flawed and should not have the power to intentionally kill one of our own citizens, risking the execution of an innocent person. And, if I know 279 of us are on record voting our conscience in support of HB 455 just three months ago, would I now vote my conscience by pushing the green button to repeal the death penalty once and for all? Thank you.

Speaker Shurtleff: The question before the House is notwithstanding the Governor's veto, shall HB 455-FN become law? This will be a roll call vote. If you are in favor of having the bill become law, you will press the green button. If you are opposed and wish to sustain the Governor's veto, you'll press the red button. Voting stations will be open for 30 seconds. Have all member present had an opportunity to vote? The House will be attentive to the state of the vote. With a vote of 247 Yea and 123 Nay, the bill has passed with the necessary two-thirds vote.

MOTION TO PRINT REMARKS

Rep. Frost moved that the memorial remarks made by Speaker Shurtleff be printed in the Permanent Journal. Without objection, the Speaker ordered.

MEMORIAL REMARKS

Speaker Shurtleff: As you know I often refer to us here in the New Hampshire House regardless of political party or leanings as a family and I realize there are some that sometimes think I am probably the dysfunctional member of our family, but we are family nonetheless. Sadly, you heard former Representative Marsha Pelletier introduced as a guest of ours today. Sadly, her husband, Arthur Pelletier passed away and we want to just recognize both of them for their service. I'm sorry to share with you that the former member of the

House from Dover, the Honorable Arthur Pelletier passed away a short time ago. Arthur was a dedicated educator here in New Hampshire, teaching at Portsmouth High School and McIntosh College in Dover and finally as an Associate Professor at the New Hampshire Technical College. He served six terms in the New Hampshire House and served on the Science, Technology and Energy Committee as well as the Education Committee during his tenure. Arthur became afflicted with Parkinson's later in life and in his passing, he has donated brain tissue to Harvard for continuing research on that disease. Arthur's wife, former Representative Martha Pelletier is with us in the gallery today with their son John and family members. Please join me for a moment of silence for the Honorable Arthur Pelletier.

SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 518-FN, repealing certain statutes concerning reimbursement of cost of care by inmates. (Amendment printed SJ 5/15/19)

Rep. Cushing moved that the House concur and spoke in favor.
Motion adopted.

HB 280, designating the red-tailed hawk as the state raptor. (Amendment printed SJ 5/15/19)

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

HB 476-FN, replacing the milk producers emergency relief fund with the dairy premium fund. (Amendment printed SJ 5/15/19)

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

HB 146, relative to the counting of defective ballots. (Amendment printed SJ 5/2/19)

Rep. Carson moved that the House concur and spoke in favor.
Motion adopted.

HB 137, establishing a commission to examine the effects of wake boats in the state of New Hampshire. (Amendment printed SJ 5/2/19)

Rep. Suzanne Smith moved that the House concur and spoke in favor.
Motion adopted.

HB 228, extending the commission to study the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them and relative to the New Hampshire rivers management and protection program. (Amendment printed SJ 5/15/19)

Rep. Suzanne Smith moved that the House concur and spoke in favor.
Motion adopted.

HB 645-FN, establishing a dock registration procedure. (Amendment printed SJ 5/15/19)

Rep. Suzanne Smith moved that the House concur and spoke in favor.
Motion adopted.

HB 549-FN, establishing gold star family decals for motor vehicles. (Amendment printed SJ 5/15/19)

Rep. Sykes moved that the House concur and spoke in favor.
Motion adopted.

HB 669-FN, relative to gender identity information included on drivers' licenses and nondrivers' identification cards. (Amendment printed SJ 5/15/19)

Rep. Sykes moved that the House concur and spoke in favor.
Motion adopted.

HB 534-FN, relative to certain major state projects. (Amendment printed SJ 5/15/19)

Rep. Cloutier moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Edgar, Graham, Jack and Abbott.

HB 592, relative to OHRV operation and license. (Amendment printed SJ 5/15/19)

Rep. Sykes moved that the House nonconcur and request a Committee of Conference.
Motion adopted.

The Speaker appointed Reps. Sykes, Pickering, O'Brien and Steven Smith.

CONSENT CALENDAR

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

Consent Calendar adopted.

SB 131, reestablishing a commission to study grandfamilies in New Hampshire. **OUGHT TO PASS.**

Rep. Kimberly Rice for Children and Family Law. The Grandfamilies Commission has been in existence for only two years. The committee feels it is imperative for this commission to continue in light of current events, with the continuing problem of opioid addiction, and more and more grandparents raising their grandchildren. The commission studies problems facing these new family dynamics, and helps address resources or the lack thereof. Vote 18-1.

SB 261, relative to grandparents' access to preventive and protective child care services. **OUGHT TO PASS.**

Rep. Mary Jane Mulligan for Children and Family Law. This bill provides that childcare offered as a preventive and protective service through the Department of Health and Human Services shall be available to grandparents who are the legal guardians or primary caretakers of their grandchild (or grandchildren). The bill also requires preventive and protective childcare providers to be trained in trauma-informed care. Vote 18-0.

SB 141, establishing a committee to study violence against school personnel. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sue Mullen for Education. This bill, as amended, establishes a committee to study violence in schools and its effects on teachers, staff, and students. The extent of the issue, changes over time in rate and type, and the causes of such behavior will be examined. The adequacy will be examined of existing laws, effective interventions, and appropriate administrative responses and the availability of effective interventions will also be considered. Vote 17-0.

Amendment (1824h)

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

AN ACT establishing a committee to study violence in schools.

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

1 Findings. The general court makes the following findings:

I. There has been rising concern about violence in the schools of New Hampshire and the nation, along with its effects on teachers, staff, and students.

II. Effective legislative activities in the area of public education requires a thorough understanding of the challenges involving student behavior facing our public schools.

2 Committee Established. There is established a committee to study violence in New Hampshire schools.

3 Membership and Compensation.

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

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

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

4 Duties.

I. The committee shall examine the following issues:

(a) The extent to which violence and other problematic student behavior are an issue in New Hampshire schools.

(b) Changes over time in the rate and types of violent and other problematic student behavior.

(c) The causes of such behavior.

(d) The adequacy of existing laws, regulations, policies, and practices to address violence and its causes, effective interventions, and appropriate administrative responses. The review shall include RSA 135-F, RSA 193, RSA 193-D, RSA 281-A:64, Ed 200-1200, and LAB 600 and 1400.

(e) The availability of effective interventions to prevent and respond to dangerous and other problem student behaviors and improve school climate.

II. During its examination, the committee shall:

(a) Review available research and data.

(b) Accept testimony from school personnel and advocacy organizations, along with experts in the fields of education, school climate and safety, and student behavioral interventions.

(c) Review other states' educator safety laws, including but not limited to New York, Massachusetts, Michigan, Nevada, Louisiana, and Texas.

III. Following its review, the committee shall make recommendations for further legislation to improve school climate and safety for students, faculty, and staff in New Hampshire schools. It shall also make recommendations for improved reporting and data collection, if its review finds that such improvements are necessary.

5 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 senate 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.

6 Report. The committee shall report 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 on or before November 1, 2019.

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

AMENDED ANALYSIS

This bill establishes a committee to study violence in schools.

SB 282-FN, relative to suicide prevention education in schools. **OUGHT TO PASS WITH AMENDMENT.** Rep. David Doherty for Education. Suicide among students has become an increasing problem. Most school personnel have little or no experience in dealing with students who exhibit suicidal tendencies. This bill will require training for those school employees who have daily contact with students; including faculty, staff, and designated school volunteers. The hope is that this training will enable these professionals to recognize potential situations which may require further intervention. Vote 17-0.

Amendment (1845h)

Amend RSA 193-J:2, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Training school faculty and staff, including contracted personnel and designated school volunteers, in youth suicide risk factors, warning signs, protective factors, response procedures, referrals, post-intervention, and resources available within the school and community consistent with the provisions of paragraph II.

Amend RSA 193-J:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Each school district and chartered public school shall, within 9 months of the effective date of this chapter, require all school faculty and staff, including contracted personnel, to receive at least 2 hours of training in suicide awareness and prevention annually. Such training may include, but not be limited to, youth suicide risk factors, warning signs, protective factors, response procedures, referrals, post-intervention, and resources available within the school and community. The training may be accomplished within the framework of existing in-service training programs or offered as part of ongoing professional development activities. School districts and chartered public schools shall allow the use of self-training materials in fulfilling the annual training requirements of this paragraph and each school district and chartered public school may determine how to both administer the annual training requirements and ensure that such training requirements are met. This paragraph may apply to all or some school volunteers in accordance with school district policy.

SB 104-L, relative to the postponement of city, town, village, and school district elections. **OUGHT TO PASS.** Rep. Connie Lane for Election Law. This bill provides the procedures for postponement of town, city, village, and school district elections in the event of a weather or other emergency. The procedures provide the moderator with clear authority and guidance on how to postpone elections without compromising their integrity. This legislation is a melding of SB 104 and HB 408, which was retained by the House Election Law Committee after a lengthy bipartisan effort to address the concerns of the towns and the Secretary of State. The bill is the result of numerous conversations between the Secretary of State's office, town moderators and the New Hampshire Municipal Association, all of whom reached consensus on the language of the bill. Vote 20-0.

SB 106, relative to the definition of political advocacy organization. **OUGHT TO PASS.**

Rep. William Pearson for Election Law. This bill requires organizations that spend over \$2,500 annually on political advocacy, and that distribute those political communications within 60 days of an election, to register with the Secretary of State. The committee continues to believe that it is important for New Hampshire citizens to know where the political advocacy in their state is coming from and supports this effort to bring more transparency to the process. Vote 20-0.

SB 26, relative to the New Hampshire health care quality assurance commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Polly Campion for Health, Human Services and Elderly Affairs. This legislation changes the name of the New Hampshire Health Care Quality Assurance Commission to the New Hampshire Health Care Quality and Safety commission to highlight the focus of patient safety in the commission's work. Furthermore, the bill makes the commission permanent in recognition of the importance and success of the work the commission has done since its enactment in 2005. In addition, this bill adds members from specialty hospitals and the CEO of the New Hampshire Hospital to further enrich the work of the commission. The committee amended the bill to clarify the membership. Vote 22-0.

Amendment (1665h)

Amend RSA 151-G:1, II(d) as inserted by section 2 of the bill by replacing it with the following:

(d) The state epidemiologist, department of health and human services, *or designee*.

SB 33, relative to the therapeutic use of cannabis. **OUGHT TO PASS.**

Rep. Susan Ticehurst for Health, Human Services and Elderly Affairs. A report on the data collected under the Therapeutic Use of Cannabis Program is issued annually. The Commissioner of Health and Human Services is required to deliver this report to the Health and Human Services Oversight Committee, the Board

of Medicine, and the Board of Nursing. The purpose of the report, as stated in statute, is for analysis and research to inform future policy, educational, and clinical decisions. However, the current law does not allow the commissioner to release the data to research organizations, such as Dartmouth Health Center. This bill would allow the release of the data, with the approval of the commissioner or designee, to individuals or entities for the purposes of public health, health care operations, or research if, and only if, such release is consistent with all applicable HIPAA standards for privacy and confidentiality. Making de-identified data available to researchers is in the public's best interest, given the demand for therapeutic cannabis for a widening array of conditions and the lack of federal research. Vote 21-1.

SB 86, establishing a commission to study programs for serving individuals with certain developmental and mental health disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gerri Cannon for Health, Human Services and Elderly Affairs. This bill amends RSA 171-A and identifies the list of organizations and members required to create a commission to study programs for serving individuals who are being served in New Hampshire's developmental services system and who also exhibit high-risk or criminal behaviors. The commission will review existing NH laws and rules regarding the care of individuals with developmental disabilities, psychiatric diagnoses and high risk or criminal behaviors. The commission will assess the size of the patient population and the range of diagnoses, as well as the range of services they are being offered. The commission will make recommendations concerning the best service system delivery and how system service gaps will be addressed. Findings and any recommendations for proposed legislation will be reported on or before November 30, 2019. The amendment removes the representative from the NH Disability Rights Center from the commission, per their request. It requires the commission to consider the requirements of 42 C.F.R. section 441.301(c)(4), requiring that certain Medicaid-funded services be provided in settings that are integrated with the community beginning in 2022. Vote 21-0.

Amendment (1664h)

Amend RSA 171-A:34, II(a)(10)-(14) as inserted by section 1 of the bill by replacing them with the following:

(10) A psychologist licensed under RSA 329-B, appointed by the Community Support Network, Inc. (CSNI).

(11) A representative of the New Hampshire council on developmental disabilities, appointed by the council.

(12) A representative of the Brain Injury Association of New Hampshire, appointed by the association.

(13) A representative of the New Hampshire Medical Society, appointed by the society.

Amend RSA 171-A:34, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Make recommendations for accomplishing best service system delivery and addressing service system gaps for individuals with psychiatric diagnoses and/or high risk behaviors, including criminal behaviors, currently in the developmental services system. Commission recommendations may include, but shall not be limited to: proposed legislation; suggested rulemaking; department planning, including inter-department collaboration and memoranda of understanding; and nongovernmental organization roles. In formulating its recommendations, the commission shall consider the requirements of 42 C.F.R. section 441.301(c)(4), which requires that certain Medicaid-funded services be provided in settings that are integrated with the community beginning in 2022.

Amend RSA 171-A:34, V as inserted by section 1 of the bill by replacing it with the following:

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

SB 87, relative to the syringe service programs. **OUGHT TO PASS.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. Current statute requires syringe programs to be self-funded, which has been interpreted as precluding accepting federal funds or other indicated grants. This bill clarifies that such federal funds or grants may be accepted. This bill also allows the use of general funds only in the presence of a state emergency as deemed by the Department of Health and Human Services. Vote 22-0.

SB 97, relative to special health care services licenses and establishing a committee to study providing certain health care services while ensuring increased access to affordable health care in rural areas of the state. **OUGHT TO PASS.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. This bill addresses the difficult balance between the need for cutting health care costs by allowing competition and the need for maintaining critical emergency services provided by Critical Access Hospitals (CAHs) in our rural areas. CAHs provide the time-critical services of stabilization of a trauma patient or the initial management of a seriously ill patient such as a patient with an evolving stroke who needs immediate treatment. Hospitals lose money providing emergency trauma care due to the high percentage of uninsured and Medicaid patients accessing these services. They need the reimbursement from better-paying services such as ambulatory urgent care to subsidize

the services which lose money. The opening of a for-profit ambulatory urgent care facility in the vicinity of a CAH might siphon off the well-remunerated services and pose an existential threat to the CAHs. On the other hand, promoting competition for the non-emergency services may result in lower costs of those services for patients. This bill establishes a committee to explore the best way to foster competition while ensuring the survival of our critical access hospitals and the services they provide. Vote 21-0.

SB 119, directing hospitals to develop an operational plan for the care of patients with dementia. **OUGHT TO PASS.**

Rep. Joe Schapiro for Health, Human Services and Elderly Affairs. One of the unfortunate consequences of increased longevity and a rapidly aging demographic in our state is an increasing incidence of Alzheimer's disease and other forms of dementia. This bill ensures that all New Hampshire hospitals will develop and implement an operational plan that recognizes and effectively manages patients with dementia by January 1, 2023. Currently, many, but not all, hospitals have such a plan. This bill is supported by the New Hampshire Hospital Association. Vote 19-2.

SB 177, relative to the use of physical restraints on persons who are involuntarily committed. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill, as amended, allows the transport of individuals to New Hampshire Hospital without the use of physical restraints, when appropriate. The health care provider makes the initial determination as to the appropriate method of transport, whether by ambulance or by law enforcement. The transporting agency then determines if physical restraints are necessary to protect the safety of the person being transported, the personnel conducting the transport, or the safety of the public or property. The committee believes this language appropriately awards the initial decision to the health care provider ordering the emergency involuntary admission, but allow the persons transporting the patient the decision to use restraints if necessary for safety. The language of the amendment also ensures that changes to this statute will not be necessary if changes are made to the list of providers who may make the certification. Vote 21-0.

Amendment (1656h)

Amend RSA 135-C:29, II and III as inserted by section 1 of the bill by replacing them with the following:

II. The health care provider who is authorized to order involuntary emergency admission under RSA 135-C:28, I shall determine which transport option should be used to transport the person to New Hampshire hospital or the designated receiving facility. The transport options shall be by ambulance or by law enforcement. The transporting agency shall deliver the person to the designated receiving facility or New Hampshire hospital and shall determine whether restraint is necessary to protect the safety of the person, personnel conducting the transport, property, or the public. In the case of ambulance transport, such determination shall be in writing and shall state the factual basis for the conclusion that physical restraints are necessary. Physical restraints shall be used only to transport a person being admitted to New Hampshire hospital or a designated receiving facility, if necessary, to protect the safety of the person, personnel conducting the transport, property, or the public. For the purpose of this paragraph, "physical restraints" means the use of mechanical devices or other means to restrict the movement of a person or the movement or normal function of a portion of his or her body.

III. When the person being admitted to New Hampshire hospital or a designated receiving facility is a child under age 18, the health care provider shall consult with the parent, guardian, or legal custodian of the child prior to making the determination required under paragraph II.

SB 178, relative to telemedicine for spectacle and contact lenses. **OUGHT TO PASS.**

Rep. Richard Osborne for Health, Human Services and Elderly Affairs. This bill prescribes the format, appropriate prescriptions and allowed procedures in a telemedicine visit in optometry. Included are ophthalmic prescriptions for lenses and contact lens. The provider is required to provide the in-person standard of care, including medical history and diagnosis to ensure patient safety. Vote 21-0.

SB 258, relative to telemedicine and telehealth services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. Telemedicine is critical to providing specialty services in the areas of the state where specialists are unavailable, and allows access to knowledgeable specialists for those with rare diseases. It is integral to the development of multi-hospital provider networks and for critical emergency services such as the tele-stroke program. This bill updates and clarifies the NH telemedicine statutes. It adds definitions and incorporates references to federal requirements to the statute on Medicaid coverage of telehealth services, and adds definitions to the NH Telemedicine Act. The committee amendment fixes two drafting errors, and extends the effective date for parts 3 and 4 to January 1, 2020, as requested by insurers. Vote 21-0.

Amendment (1805h)

Amend RSA 167:4-d as inserted by section 1 of the bill by replacing it with the following:

167:4-d Medicaid Coverage of Telehealth Services.

I. It is the intent of this section to recognize the application of telehealth for covered services provided within the scope of practice of a physician or other health care provider as a method of delivery of medical care by which an individual at an originating site shall receive medical services which are clinically appropriate for delivery through telehealth from a health care provider at a distant site without in-person contact with the provider.

II. In this section:

(a) "Telehealth services" shall comply with 42 C.F.R. section 410.78, except for 42 C.F.R. section 410.78(b)(4). The use of the term "telemedicine" shall comply with the Centers for Medicare and Medicaid Services requirements governing the aforementioned telehealth services.

(b) "Distant site" means the location of the health care provider delivering services through telemedicine at the time the services are provided.

(c) "Originating site" means the location of the patient, whether or not accompanied by a health care provider, at the time services are provided by a health care provider through telemedicine, including, but not limited to, a health care provider's office, a hospital, or a health care facility, or the patient's home or another nonmedical environment such as a school-based health center, a university-based health center, or the patient's workplace.

(d) "Remote patient monitoring" means the use of electronic technology to remotely monitor a patient's health status through the collection and interpretation of clinical data while the patient remains at an originating site. Remote patient monitoring may or may not take place in real time. Remote patient monitoring shall include assessment, observation, education and virtual visits provided by all covered providers including licensed home health care providers.

(e) "Store and forward," as it pertains to telemedicine and as an exception to 42 C.F.R. section 410.78, means the use of asynchronous electronic communications between a patient at an originating site and a health care service provider at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients. This includes the forwarding and or transfer of stored medical data from the originating site to the distant site through the use of any electronic device that records data in its own storage and forwards its data to the distant site via telecommunication for the purpose of diagnostic and therapeutic assistance.

III.(a) Coverage under this section shall include the use of telehealth or telemedicine for Medicaid-covered services provided within the scope of practice of a physician or other health care provider as a method of delivery of medical care:

(1) Which is an appropriate application of telehealth services provided by physicians and other health care providers, as determined by the department based on the Centers for Medicare and Medicaid Services regulations, and also including persons providing psychotherapeutic services as provided in He-M 426.08 and 09;

(2) By which telemedicine services for primary care, remote patient monitoring, and substance use disorder services shall only be covered in the event that the patient has already established care at an originating site via face-to-face in-person service; and

(3) By which an individual shall receive medical services from a physician or other health care provider who is an enrolled Medicaid provider without in-person contact with that provider.

(b) Nothing in this section shall be construed to prohibit the Medicaid program from providing coverage for only those services that are medically necessary and subject to all other terms and conditions of the coverage.

IV. This section shall be conditioned upon review and approval of a state plan amendment submitted by the department to the Centers for Medicare and Medicaid Services, as deemed necessary.

V. The department shall adopt rules, pursuant to RSA 541-A, necessary to carry out the purposes of this section.

Amend RSA 415-J:2, II-b as inserted by section 3 of the bill by replacing it with the following:

II-b. "Remote patient monitoring" means the use of electronic technology to remotely monitor a patient's health status through the collection and interpretation of clinical data while the patient remains at an originating site. Remote patient monitoring may or may not take place in real time. Remote patient monitoring shall include assessment, observation, education, and virtual visits provided by all covered providers including licensed home health care providers.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect January 1, 2020.

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

SB 127, relative to the Hampton Circuit Court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jason Janvrin for Judiciary. This bill as amended would do three things: 1) In statute, call for Hampton District Court to be in Hampton. It is now at its new permanent home after many years at its "temporary"

location in Seabrook. 2) It would change the jurisdiction for Hampton Court to include Family Division cases for the district. 3) It would move jurisdiction of Family Division for three towns from Portsmouth to Brentwood. Vote 18-0.

Amendment (1608h)

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

AN ACT relative to the Hampton judicial district and establishing the Hampton district court as a site for judicial branch family division cases.

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

1 Judicial Districts; Hampton District. Amend RSA 502-A:1, II to read as follows:

II. HAMPTON DISTRICT. The Hampton district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, and Seabrook. The district division for the district shall be ~~temporarily~~ located in ~~Seabrook~~ **Hampton**, holding sessions regularly therein and elsewhere in the district as justice may require.

2 Judicial Branch Family Division; Sites. Amend RSA 490-D:4, III-IV to read as follows:

III. The courthouses in Rockingham county which will house the judicial branch family division shall be the court facility in Brentwood, the Portsmouth District Court, the Salem District Court, the Candia District Court, ~~and~~ the Derry District Court, **and the Hampton District Court**.

IV.(a) Matters arising in municipalities located within the Portsmouth district~~, the Hampton district, and the towns of Newfields, Newmarket, and Stratham~~ shall be heard in the Portsmouth District Court.

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem District Court.

(c) Matters arising in municipalities located within the Derry district shall be heard in the Derry District Court.

(d) Matters arising in municipalities located within the Exeter district ~~(except for the towns of Newfields, Newmarket, and Stratham)~~, and the Plaistow district shall be heard in the court facility in Brentwood.

(e) Matters arising in municipalities located within the Candia district shall be heard in the Candia District Court.

(f) Matters arising in municipalities located within the Hampton district shall be heard in the Hampton District Court.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2020.

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

AMENDED ANALYSIS

This bill amends the statute governing the Hampton judicial district and establishes the Hampton district court as a site for judicial branch family division cases.

SB 211, relative to reporting requirements for state agencies owning real property. **OUGHT TO PASS.**

Rep. Michael Edgar for Public Works and Highways. The bill was written to ensure that the state has an accurate list of all property which it owns. Each state agency shall create a report identifying all real property owned by that agency. For each building or parcel of land leased to a third party by the agency, the report shall include the lease terms. Each agency shall file the report with the Commissioner of the Department of Administrative Services. Then the commissioner shall compile the reports from each agency, and file a consolidated set of such reports with the governor and five specifically-listed legislators. Finally, the commissioner shall develop a standard format for agencies to use in submitting their reports. Vote 15-0.

SB 214, relative to transportation projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Ebel for Public Works and Highways. Abatement of traffic noise is a continuing issue for many who live in close proximity to major highways in our state. Like many transportation-related needs in New Hampshire, funding for the Department of Transportation's (DOT) noise abatement program is challenging. The committee learned during the hearing that DOT just recently completed a comprehensive study of its type II noise abatement program and no additional action can be taken without funding. Therefore, as amended, this bill requires DOT to consider the program, including project eligibility and costs, as revenue is available. The bill also clarifies that in pursuing transportation projects DOT will mitigate for the effects of the projects on historical resources. Vote 14-0.

Amendment (1979h)

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

1 Department of Transportation. The department shall, in accordance with its noise abatement policy, consider its type II noise abatement program, including projects eligible and related costs, as part of the state 10-year transportation improvement plan process, provided revenue becomes available for the program.

2 Layout of State Highways; Acquisition of Property; Historical Effects. Amend RSA 230:13, II(b) to read as follows:

(b) Construct, improve, and maintain transportation projects as directed by law and provide mitigation for existing or potential [environmental] effects of transportation projects ***on environmental and historical resources.***

AMENDED ANALYSIS

This bill requires the department of transportation to consider its type II noise abatement policy. The bill also permits the commissioner of transportation to acquire private or public property to mitigate the effects of transportation projects on environmental and historical resources.

SB 164, establishing a committee to study unprotected drinking water sources and estimating the costs of protecting such sources. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. Contamination of drinking water impacts human health, environmental quality, and economic stability, often with irreparable damage. This bill creates a committee to work with the Department of Environmental Services (DES) to determine high priority drinking water sources in the state and identify resources to protect them. The bill's amendment clarifies the committee's role in identifying resources and ensures the terminology is consistent with DES. Vote 17-0.

Amendment (1743h)

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

AN ACT establishing a committee to study unprotected drinking water sources.

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

1 Committee Established. There is established a committee to study unprotected drinking water sources.

2 Membership and Compensation.

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

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

(b) Four members of the house of representatives, 2 appointed by the speaker of the house of representatives and 2 appointed by the house minority leader.

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

III. The committee shall solicit advice and testimony from the following organizations, entities, and individuals and any other individual or organization with information relevant to the committee's study:

(a) The state treasurer.

(b) Representatives of the department of environmental services.

(c) Representatives of a state or regional land trust.

(d) Representatives of the New Hampshire Water Works Association.

(e) Representatives of the New Hampshire Association of Conservation Commissions.

(f) Members of the public who have business experience related to the creation and/or delivery of clean and safe drinking water.

(g) Members of the public who represent citizens receiving their drinking water from private wells.

(h) A municipal official from a municipality without a public drinking water system.

(i) Any other stakeholders, nonprofit organizations, and other parties with an interest in the purpose of the water supply land protection grant program.

3 Duties. The committee shall:

I. Study the ways in which drinking water resources are contaminated from any source.

II. Work with the department of environmental services to determine and catalog all known unprotected high priority drinking water resources as outlined in the Drinking Water Land Protection Plan for New Hampshire Progress Report dated November 7, 2017.

III. Identify potential funding mechanisms, including sources of dedicated funding, for the future protection of high priority drinking water resources.

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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house 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 unprotected drinking water sources.

SB 203, making modifications to legal requirements for wetlands and environmental council administrative appeals. **OUGHT TO PASS.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill makes modifications to certain legal requirements for wetlands and other environmental council administrative appeals from decisions made by the Department of Environmental Services (DES). It provides clear authority for environmental appeal remands to the department which is not evident in current statute. Current statute also dictates that councils issue their decisions within 90 days of a hearing on the merits of an appeal which is often incompatible with their monthly meeting schedule. The bill waives for an agency the statutory requirement to prepare a biennial fiscal year report in the instance where the agency is already required to issue more frequent reports, thereby avoiding duplicative efforts. And finally, this bill also addresses the requirement that the Wetlands Council meet quarterly with the Commissioner of DES by allowing the option to meet with a designee of the commissioner instead. Vote 20-0.

SB 54-FN, relative to the road toll bond requirements for licensed fuel distributors. **OUGHT TO PASS.**

Rep. Daniel Pickering for Transportation. This bill allows for the release or reduction of the surety bond for road toll liability for licensed fuel distributors who have demonstrated 3 consecutive years of compliance with all licensing, reporting, and payment requirements. It also provides that any distributor that does not continue in compliance can be required to meet the bond requirement. This bill is supported by the Department of Safety and is similar to bills enacted in Vermont, Massachusetts, and Maine. Vote 16-0.

SB 92, relative to transfer of vehicle ownership. **OUGHT TO PASS.**

Rep. Suzanne Vail for Transportation. This bill requires the lessee of a vehicle to be listed on the vehicle registration certificate first, with the leasing company second, so that when a lessee transfers the vehicle registration to a purchased car, they receive a credit toward the transfer, and the transferred registration expires on the owner's birthday month. This bill was requested by the Department of Safety and will level the playing field across the board with all registrations. Vote 16-0.

SB 186, permitting a qualified veteran to obtain an additional set of special number plates. **OUGHT TO PASS.**

Rep. Laura Telerski for Transportation. Currently, veterans may receive one set of special number plates for free. This bill allows one additional set upon payment of the regular fee. The committee was unanimous in its vote to provide this benefit to New Hampshire veterans. Vote 19-0.

SB 188, relative to shore lights. **OUGHT TO PASS.**

Rep. Michael O'Brien for Transportation. This bill was brought forward to the committee by the Marine Patrol. With the advent of inexpensive LED lights, more landowners are identifying docks and other structures using colors that are designated for vessels under way. This causes confusion to the operator of other vessels and creates a potential hazard to navigation. This bill will allow the Marine Patrol to make a determination if the lights would affect safety. These changes would also protect property owners' rights, and aid in the safe operation of vessels at night. Vote 17-1.

SB 212, relative to limited driving privilege after revocation or suspension. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. This bill, as amended, allows first-time offenders of RSA 265-A:2 (DUI) to petition the court for limited driving privileges so that they may work or attend health appointments. The committee amendment fixed language that implied that the court could issue the license. Vote 19-0.

Amendment (1778h)

Amend the introductory paragraph of RSA 263:57-b, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding any provision of law to the contrary, if a person is convicted of a first offense under RSA 265-A:2, I, not including any conviction involving driving a commercial motor vehicle, he or she may petition the court for ~~[a restoration of his or her operator's license with]~~ limited driving privileges. To qualify for consideration, the person shall submit proof of financial responsibility in accordance with RSA 265-A:28 and an application that demonstrates the need for the license. Satisfactory evidence of at least one of the following must be presented, including satisfactory proof from the employer, program, medical treatment facility, state-approved educational institution, or other destination:

SB 215, relative to learning to drive and commercial motor vehicles designed to transport passengers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura Telerski for Transportation. This bill, as amended, makes a necessary change to clarify that in a commercial vehicle, an instructor may sit adjacent to a learning driver instead of "beside." This clarification is needed because some new commercial vehicles do not have a seat beside the driver and the instructor would be behind/adjacent to the driver. Additionally, this bill clarifies the number of passengers in a vehicle which would then require a commercial driver license. Vote 19-0.

Amendment (1846h)

Amend the bill by replacing section 1 with the following:

1 Drivers' Licenses; Conditions and Requirements for a License; Exception for Persons Learning to Drive. Amend RSA 263:25, I to read as follows:

I. Except as provided in paragraph II, a person who does not possess a driver's license may drive a motor vehicle while being taught to drive, when accompanied by a person holding a driver's license of the appropriate class and type for the vehicle being driven, who is occupying the seat beside, or, ~~in the case of a bus~~ **in the case of a commercial vehicle**, immediately adjacent to, the person who is being taught to drive. This exception shall not apply to persons whose driving privileges or driver's licenses have been suspended or revoked for cause, persons less than 15-1/2 years of age, and persons learning to drive commercial motor vehicles unless they meet the requirements of paragraph II. For all unlicensed drivers the person accompanying them shall be a certified driving instructor, parent, legal guardian, or responsible adult who is 25 years of age or older and who is a licensed driver. The person accompanying the unlicensed driver shall be liable for the violation of any provision of this title or rules adopted hereunder committed by such unlicensed driver. A person who is learning to drive pursuant to the provisions of this section shall have in his **or her** possession proof of the fact he **or she** meets the age requirement.

AMENDED ANALYSIS

This bill requires a licensed driver to occupy the seat adjacent to a person learning to drive a commercial vehicle, and clarifies the minimum number of passengers a commercial vehicle is designed to transport for purposes of penalties for driving while subject to an out-of-service order.

MOTION TO REMOVE FROM THE TABLE

Rep. Almy moved that **HR 8**, affirming revenue estimates for fiscal years 2019, 2020, and 2021, be removed from the table.

Motion adopted.

Rep. Almy offered floor amendment (2195h).

Floor Amendment (2195h)

Amend the resolution by replacing all after the title with the following:

Whereas, the house ways and means committee has considered what the unrestricted revenue estimates should be for fiscal years 2019, 2020, 2021 and has presented those estimates to the house of representatives;

Resolved by the House of Representatives:

That the house of representatives wishes to go on record as affirming the following revenue estimates for fiscal years 2019, 2020, and 2021.

Committee estimates are based on current law and economic conditions.

	FY 2019	FY 2020	FY 2021
GEN'L & EDUCATION			
TRUST FUND:			
(Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate
Business Profits Tax	\$392.300	\$529.200	\$484.100
<u>Business Enterprise Tax</u>	<u>261.700</u>	<u>327.800</u>	<u>299.800</u>
Subtotal	654.000	857.000	783.900
Meals & Rooms Tax	346.500	350.000	368.500
Tobacco Tax	214.500	203.100	198.000
Liquor Sales	146.900	133.600	129.500
Interest & Dividends Tax	98.000	111.400	111.400
Insurance Tax	117.500	138.500	125.100
Communications Tax	40.700	41.300	38.400
Real Estate Transfer Tax	164.300	154.000	156.300
Court Fines & Fees	13.200	12.700	12.900
Securities Revenue	46.500	43.000	43.500
Utility Consumption Tax	3.000	3.000	0.000
Beer Tax	13.200	13.000	13.100
Other	74.800	68.800	68.400
Lottery Transfers	88.000	96.000	96.000
Tobacco Settlement	35.000	44.600	39.700
Utility Property Tax	43.400	40.000	40.400
Statewide Property Tax	363.100	363.100	363.100
Medicaid Recoveries	9.100	3.800	3.600
TOTAL GEN'L & EDUCATION			
TRUST FUNDS	\$2,471.700	\$2,676.900	\$2,591.800
			\$2,583.200

HIGHWAY FUNDS: (Dollars in Millions)	Official Estimate	FY 2019 Committee Estimate	FY 2020 Committee Estimate	FY 2021 Committee Estimate
Road Toll	\$126.300	\$129.000	\$130.200	\$132.300
Motor Vehicle Fees	115.700	120.000	120.200	114.600
Miscellaneous	0.200	0.100	0.200	0.200
TOTAL HIGHWAY FUNDS	\$242.200	\$249.100	\$250.600	\$247.100
FISH AND GAME FUNDS: (Dollars in Millions)	Official Estimate	FY 2019 Committee Estimate	FY 2020 Committee Estimate	FY 2021 Committee Estimate
Fish & Game Licenses	\$9.600	\$9.600	\$9.700	\$9.700
Fines & Miscellaneous	1.800	1.800	3.200	3.200
TOTAL FISH & GAME FUNDS	\$11.400	\$11.400	\$12.900	\$12.900

Rep. Almy spoke in favor.
Floor amendment adopted.

MOTION TO LAY ON THE TABLE

Rep. Almy moved that **HR 8**, affirming revenue estimates for fiscal years 2019, 2020, and 2021, be laid on the table.

Motion adopted.

REGULAR CALENDAR

SB 118, establishing a child fatality review committee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Skip Berrien for the Majority of Children and Family Law. This legislation codifies the Child Fatality Review Committee which currently functions under a 1995 executive order. The Department of Health and Human Services in conjunction with the Office of the Medical Examiner establishes this committee with 25 members. The committee identifies patterns and risks of preventable deaths and makes recommendations regarding policies and practices. Vote 12-6.

Rep. Deanna Jurius for the Minority of Children and Family Law. This bill seeks to establish a standing child fatality review committee, which had previously operated under a 1995 executive order. The minority agrees with the majority about the importance of this standing committee to continue its work investigating child fatalities in our state; however, there were several unanswered questions raised regarding the housing of the committee and the subpoena power of the committee. Rather than rushing through an amendment process without hearing from stakeholders, the minority agreed that more time was needed to iron out concerns, the largest of which was that it is inappropriate to house the review committee in the Department of Health and Human Services.

Floor Amendment (1849h)

Amend RSA 132:41, I as inserted by section 1 of the bill by replacing it with the following:

I. The office of the child advocate, in conjunction with the office of the chief medical examiner and in accordance with RSA 611-B, shall establish a child fatality review committee to conduct comprehensive, multidisciplinary reviews of preventable infant, child, and youth deaths in New Hampshire for the purpose of identifying factors associated with the deaths and to make recommendations for system changes to improve services for infants, children, and youth.

Amend RSA 132:41, III(o) - (y) as inserted by section 1 of the bill by replacing them with the following:

- (o) An early childhood education specialist, appointed by the commissioner of the department of education.
- (p) A maternal and child health specialist, appointed by the director of the office of the child advocate.
- (q) A representative of a child advocacy center, appointed by the director of the office of the child advocate.
- (r) A representative of Court Appointed Special Advocates (CASA), appointed by the director of CASA.
- (s) A psychiatrist or psychologist licensed in this state, appointed by the director of the office of the child advocate.
- (t) A representative of a parent advocacy organization, appointed by the director of the office of the child advocate.
- (u) An epidemiologist from a New Hampshire college or university, appointed by the director of the office of the child advocate.
- (v) A domestic violence specialist, appointed by the director of the office of the child advocate.
- (w) A representative of a statewide law enforcement officers' advisory council, appointed by the director of the office of the child advocate.
- (x) A representative of a family resource center or home visiting program, appointed by the director of the office of the child advocate.

(y) A member of the public, appointed by the governor.

Amend RSA 132:41, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The committee may request such records, documents, reports, reviews, recommendations, correspondence, data, and other evidence that the committee deems relevant to its objectives.

AMENDED ANALYSIS

This bill establishes a child fatality review committee.

Floor amendment adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Ley moved that the House reconsider its action whereby, on a voice vote, the House adopted FA 1849h on **SB 118**, establishing a child fatality review committee.

Motion adopted.

The question now being adoption of majority committee amendment (1816h).

Majority Amendment (1816h)

Amend RSA 132:41, III(j) as inserted by section 1 of the bill by replacing it with the following:

(j) One representative of the judicial branch, appointed by the chief justice of the supreme court.

Amend RSA 132:41, III(m) as inserted by section 1 of the bill by replacing it with the following:

(m) The director of the division of fire standards and training and emergency medical services, department of safety, or designee.

Majority committee amendment adopted.

Rep. Yokela offered floor amendment (1849h).

Floor Amendment (1849h)

Amend RSA 132:41, I as inserted by section 1 of the bill by replacing it with the following:

I. The office of the child advocate, in conjunction with the office of the chief medical examiner and in accordance with RSA 611-B, shall establish a child fatality review committee to conduct comprehensive, multidisciplinary reviews of preventable infant, child, and youth deaths in New Hampshire for the purpose of identifying factors associated with the deaths and to make recommendations for system changes to improve services for infants, children, and youth.

Amend RSA 132:41, III(o) - (y) as inserted by section 1 of the bill by replacing them with the following:

(o) An early childhood education specialist, appointed by the commissioner of the department of education.

(p) A maternal and child health specialist, appointed by the director of the office of the child advocate.

(q) A representative of a child advocacy center, appointed by the director of the office of the child advocate.

(r) A representative of Court Appointed Special Advocates (CASA), appointed by the director of CASA.

(s) A psychiatrist or psychologist licensed in this state, appointed by the director of the office of the child advocate.

(t) A representative of a parent advocacy organization, appointed by the director of the office of the child advocate.

(u) An epidemiologist from a New Hampshire college or university, appointed by the director of the office of the child advocate.

(v) A domestic violence specialist, appointed by the director of the office of the child advocate.

(w) A representative of a statewide law enforcement officers' advisory council, appointed by the director of the office of the child advocate.

(x) A representative of a family resource center or home visiting program, appointed by the director of the office of the child advocate.

(y) A member of the public, appointed by the governor.

Amend RSA 132:41, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The committee may request such records, documents, reports, reviews, recommendations, correspondence, data, and other evidence that the committee deems relevant to its objectives.

AMENDED ANALYSIS

This bill establishes a child fatality review committee.

Rep. Berrien spoke against.

Rep. Yokela spoke in favor and requested a roll call; not sufficiently seconded.

On a division vote, with 140 members having voted in the affirmative, and 226 in the negative, floor amendment (1849h) failed.

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

Rep. Jurius spoke against.

Rep. Berrien spoke in favor.

Majority committee report adopted and ordered to third reading.

SB 140, relative to credit for alternative, extended learning, and work-based programs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for the Majority of Education. This bill places the authority with local school boards to grant academic credit for alternative, extended learning, and work-based programs. The Department of Education (DOE) is working with local for-profit and non-profit organizations to expand the opportunities for students to earn high school credit through participation in these programs. Extended learning opportunities already exist in many school districts across the state and this effort by the DOE will provide more students with more choices when it comes to learning outside the classroom. However, not every alternative, extended learning, or work-based program may be suitable to meet graduation requirements established by the local school board. This bill preserves local control by enabling school boards to determine when a student can be awarded academic credit for participation in these programs. Vote 12-8.

Rep. Glenn Cordelli for the Minority of Education. This bill effectively repeals the Learn Everywhere program that allows the State Board of Education to grant credits for learning programs outside the classroom. There are many organizations in New Hampshire that provide curriculum related learning opportunities across school district boundaries. Individual districts may grant "extended learning" credits for programs enrolling their students. For many organizations, such as the Boys and Girls Club or Civil Air Patrol, that teach/train students from multiple districts, individual applications to each district would be a hardship if not impossible. The Learn Everywhere program makes it possible. This program recognizes that much learning takes place outside the classroom and provides credits to students. It would be a disservice to students to repeal the program.

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

Rep. Myler spoke in favor.

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

YEAS 224 - NAYS 146

YEAS - 224

BELKNAP

Huot, David	Beaudoin, Richard	St. Clair, Charlie
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CARROLL

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

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Eaton, Daniel	Faulkner, Barry	Fenton, Donovan	Gomarlo, Jennie
Harvey, Cathryn	Ley, Douglas	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	Lafamme, Larry	Merner, Troy	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	Stavis, Laurel	Stringham, Jerry
Smith, Suzanne	Sykes, George	Weston, Joyce	

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Backus, Robert	Balch, Chris
Beaulieu, Jane	Bergeron, Paul	Bernet, Jennifer	Bordy, William
Bosman, James	Bouchard, Donald	Chretien, Jacqueline	Cleaver, Skip
Cohen, Bruce	Connors, Erika	Cornell, Patricia	Cote, David
Dargie, Paul	Desjardin, Kathy	DiSilvestro, Linda	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
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Jeudy, Jean
Komi, Richard
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

King, Mark
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Buchanan, Ryan
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

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen
Warner, Anne

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Bunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

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

Chase, Wendy
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Treleven, Susan

Conley, Casey
Frost, Sherry
Horriggan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 146

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Tilton, Franklin

Bean, Harry
Howard, Raymond
Plumer, John
Varney, Peter

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burns, Charles
Fedolfi, Jim
Graham, John
Hopper, Gary

Griffin, Barbara
Burt, John
Flanagan, Jack
Greene, Bob
Ober, Lynne

Barry, Richard
Camarota, Linda
Gagne, Larry
Gunski, Michael
Lascelles, Richard

Boehm, Ralph
Danielson, David
Gould, Linda
Hinch, Richard
McLean, Mark

Notter, Jeanine
Ober, Russell
Somero, Paul
Whittemore, James

Nunez, Hershel
Renzullo, Andrew
Lekas, Tony
Wilhelm, Matthew

Proulx, Mark
Rice, Kimberly
Ulery, Jordan

Prout, Andrew
Shaw, Barbara
Warden, Mark

MERRIMACK

Allard, James
Klose, John
Testerman, Dave

Forsythe, Robert
Marple, Richard
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Wolf, Dan

Horn, Werner
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Fowler, William
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Abrami, Patrick
Barnes, Arthur
Davis, Dan
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McKinney, Betsy
Morrison, Sean
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Elliott, Robert
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

STRAFFORD

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

McNally, Jody
Beaudoin, Steven

SULLIVAN

Aron, Judy
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

Rollins, Skip

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

SB 196, relative to non-academic surveys administered by a public school to its students. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mel Myler for the Majority of Education. This bill makes changes to the requirements for school district policies governing the administration of non-academic surveys or questionnaires. The policies will allow parents or guardians to opt-out of participation either in writing or electronically. Schools must make available such surveys or questionnaires available at the school or on the school's website at least 10 days prior to distribution to students. The bill is in response to the dramatic drop in participation in surveys with response rates going from the 80% range down to the 20% range. Schools are required to teach about drug and alcohol abuse, to advocate against its use, but are discouraged from asking questions about it or gather data. The legislature has passed legislation calling for drug and alcohol education in each grade level, and Governor Sununu has indicated that schools need to do more to combat the opioid crisis through educating our youth, but the processes needed to fulfill these obligations are made much more difficult through previous legislation that has hampered their ability to do so. Schools are also continually, and rightly, exhorted to create a positive school climate and to address the needs of students. Obtaining active parental consent is a complex process, which can lead to low participation rates. Low participation rates may introduce biases in the data, which can then lead to mistaken assumptions about the population being surveyed. This bill enables educators to gather the data necessary to make the appropriate curriculum and program decisions to benefit their students, their communities, and to fulfill the ever-increasing obligations from state and federal legislation. If there are particular issues in a community, then they can and should be handled at the community level by those dealing directly with the concern. Vote 11-9.

Rep. Glenn Cordelli for the Minority of Education. Existing law states a clear policy that no student shall be required to volunteer or submit to a non-academic survey without the written consent of a parent or legal guardian unless the student is an emancipated minor. The exception is the Youth Risk Behavior Survey which requires parents to opt-out. This bill eliminates the opt-in requirement which means that our students may be subjected to numerous invasive surveys without the knowledge of parents. For the protection of our students, it is important to keep existing law which was the result of a bi-partisan study committee in 2017.

Majority Amendment (1802h)

Amend RSA 186:11, IX-d as inserted by section 1 of the bill by replacing it with the following:

IX-d. Require school districts to adopt a policy governing the administration of non-academic surveys or questionnaires to students. The policy shall require school districts to notify a parent or legal guardian of a

non-academic survey or questionnaire and its purpose **by written notice given via the student. In addition to the written notice, the school district may provide notice electronically.** ~~[The policy shall provide that no student shall be required to volunteer for or submit to a non-academic survey or questionnaire, as defined in this paragraph, without written consent of a parent or legal guardian unless the student is an adult or an emancipated minor. The policy shall include an exception from the consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The policy shall also allow a parent or legal guardian to opt-out of the youth risk behavior survey developed by the Centers for Disease Control and Prevention.]~~ The school district shall make such surveys or questionnaires available, at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. **The policy shall also allow a parent or legal guardian to opt out of the non-academic survey or questionnaire either in writing or electronically.** In this paragraph, "non-academic survey or questionnaire" means surveys, questionnaires, or other documents designed to elicit information about a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Shaw offered floor amendment (1848h).

Floor Amendment (1848h)

Amend RSA 186:11, IX-d as inserted by section 1 of the bill by replacing it with the following:

IX-d. Require school districts to adopt a policy governing the administration of non-academic surveys or questionnaires to students. The policy shall require school districts to notify a parent or legal guardian of a non-academic survey or questionnaire and its purpose **by email or text, if available, in addition to any written notice given via the student.** The policy shall provide that no student shall be required to volunteer for or submit to a non-academic survey or questionnaire, as defined in this paragraph, without written consent, **which may include email or text,** of a parent or legal guardian unless the student is an adult or an emancipated minor. The policy shall include an exception from the consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The policy shall also allow a parent or legal guardian to opt-out of the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The school district shall make such surveys or questionnaires available, at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. In this paragraph, "non-academic survey or questionnaire" means surveys, questionnaires, or other documents designed to elicit information about a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics.

AMENDED ANALYSIS

This bill requires a school district's policy governing non-academic surveys to require the district to notify a parent or guardian by email or text.

Rep. Shaw spoke in favor.

Rep. Tanner spoke against.

Rep. Camarota requested a roll call; sufficiently seconded.

YEAS 155 - NAYS 215

YEAS - 155

BELKNAP

Aldrich, Glen
Fields, Dennis
Plumer, John
Tilton, Franklin

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Varney, Peter

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Mackie, Jonathan
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward
Nordgren, Sharon

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burns, Charles
Fedolfi, Jim
Graham, John
Hopper, Gary
Notter, Jeanine
Ober, Russell
Shaw, Barbara
Warden, Mark

Griffin, Barbara
Burt, John
Flanagan, Jack
Greene, Bob
Ober, Lynne
Nunez, Hershel
Renzullo, Andrew
Somero, Paul
Whittemore, James

Barry, Richard
Camarota, Linda
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Proulx, Mark
Rice, Kimberly
Lekas, Tony

Boehm, Ralph
Danielson, David
Gould, Linda
Hinch, Richard
McLean, Mark
Prout, Andrew
Rung, Rosemarie
Ulery, Jordan

MERRIMACK

Allard, James
Klose, John
Seaworth, Brian
Wolf, Dan

Forsythe, Robert
Marple, Richard
Testerman, Dave

Hill, Gregory
Pearl, Howard
Turcotte, Alan

Horn, Werner
Richards, Beth
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McKinney, Betsy
Morrison, Sean
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Costable, Michael
Desilets, Joel
Elliott, Robert
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Abramson, Max
Bershtein, Alan
Davis, Dan
DeSimone, Debra
Fowler, William
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torousian, Peter
Webb, James

Acton, Dennis
Cali-Pitts, Jacqueline
Thomas, Douglas
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

STRAFFORD

Cannon, Gerri
Kittredge, Mac
Rooney, Abigail

Chase, Wendy
McNally, Jody
Beaudoin, Steven

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

Horgan, James
Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

Rollins, Skip

**NAYS - 215
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Knirk, Jerry

Burroughs, Anita
Woodcock, Stephen

Butler, Edward

DesMarais, Edith

CHESHIRE

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

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

Berch, Paul
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
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
Ruprecht, Dennis
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
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
 Beaulieu, Jane
 Bosman, James
 Cohen, Bruce
 Dargie, Paul
 Espitia, Manny
 Griffith, Willis
 Heath, Mary
 Jack, Martin
 Klein-Knight, Nicole
 Long, Patrick
 McGhee, Kat
 Nutter-Upham, Frances
 Pickering, Daniel
 Newman, Ray
 Snow, Kendall
 Stevens, Deb
 Vail, Suzanne
 Williams, Kermit

Bouldin, Andrew
 Bergeron, Paul
 Bouchard, Donald
 Connors, Erika
 Desjardin, Kathy
 Davis, Fred
 Hall, Brett
 Herbert, Christopher
 Jeudy, Jean
 Komi, Richard
 Murray, Megan
 Mombourquette, Donna
 Nutting-Wong, Allison
 Piedra, Israel
 Radhakrishnan, Julie
 Sofikitis, Catherine
 Smith, Timothy
 Van Houten, Constance
 Woodbury, David

Backus, Robert
 Bernet, Jennifer
 Chretien, Jacqueline
 Cornell, Patricia
 DiSilvestro, Linda
 Freitas, Mary
 Hamer, Heidi
 Indruk, Greg
 King, Mark
 Langley, Diane
 Mangipudi, Latha
 Mullen, Sue
 Pedersen, Michael
 Porter, Marjorie
 Riel, Cole
 St. John, Michelle
 Telerski, Laura
 Thomas, Wendy

Balch, Chris
 Bordy, William
 Cleaver, Skip
 Cote, David
 Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Schmidt, Janice
 Klee, Patricia
 Leishman, Peter
 Martin, Joelle
 Murphy, Nancy
 Petrigno, Peter
 Query, Joshua
 Newman, Sue
 Stack, Kathryn
 Toomey, Dan
 Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
 Ebel, Karen
 Karrick, David
 McWilliams, Rebecca
 Rodd, Beth
 Schultz, Kristina
 Wazir, Safiya

Buchanan, Ryan
 Ellison, Arthur
 Lane, Connie
 Moffett, Howard
 Rogers, Katherine
 Soucy, Timothy
 Wells, Kenneth

Carson, Clyde
 Fox, Samantha
 Luneau, David
 Myler, Mel
 Saunderson, George
 Wallner, Mary Jane
 Woods, Gary

Doherty, David
 Fulweiler, Joyce
 MacKay, James
 Pimentel, Roderick
 Schuett, Diane
 Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 Edgar, Michael
 Grote, Jaci
 Lovejoy, Patricia
 McConnell, Liz
 Somssich, Peter

Berrien, Skip
 Coursin, David
 Eisner, Mary
 Murray, Kate
 Maggiore, Jim
 Meuse, David
 Vallone, Mark

Bunker, Lisa
 Cushing, Robert Renny
 Gilman, Julie
 Le, Tamara
 Malloy, Dennis
 Pantelakos, Laura
 Ward, Gerald

Bushway, Patricia
 DiLorenzo, Charlotte
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Read, Ellen
 Warner, Anne

STRAFFORD

Bixby, Peter
 Fontneau, Timothy
 Higgins, Peg
 Levesque, Cassandra
 Rich, Cecilia
 Treleven, Susan

Conley, Casey
 Frost, Sherry
 Horrigan, Timothy
 Smith, Marjorie
 Salloway, Jeffrey
 Vincent, Kenneth

Ellis, Donna
 Gourgue, Amanda
 Keans, Sandra
 Opderbecke, Linn
 Sandler, Catt
 Wall, Janet

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

SULLIVAN

Cloutier, John
 Sullivan, Brian

Merchant, Gary
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

and floor amendment (1848h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
 Rep. Boehm spoke against and yielded to questions.

Rep. Mullen spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 218 - NAYS 150

YEAS - 218**BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
 Knirk, Jerry

Burroughs, Anita
 Ticehurst, Susan

Butler, Edward
 Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
 Eaton, Daniel

Ames, Richard
 Faulkner, Barry

Berch, Paul
 Fenton, Donovan

Bordenet, John
 Gomarlo, Jennie

Harvey, Cathryn
Morrill, David
Thompson, Craig

Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Mann, John
Swinburne, Sandy
Pearson, William

Meador, David
Tatro, Bruce
Weber, Lucy

COOS

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

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
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Telerski, Laura
Thomas, Wendy

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Walz, Mary Beth
Woods, Gary

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schultz, Kristina
Wazir, Safiya

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

Berrien, Skip
Coursin, David
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Read, Ellen
Warner, Anne

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

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

Chase, Wendy
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Conley, Casey
Frost, Sherry
Horriggan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 150**BELKNAP**

Aldrich, Glen
Fields, Dennis
Plumer, John
Tilton, Franklin

Bean, Harry
Howard, Raymond
Beaudoin, Richard
Varney, Peter

Comtois, Barbara
Jurius, Deanna
Spanos, Peter

Feeney, George
Mackie, Jonathan
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burns, Charles
Fedolfi, Jim
Graham, John
Hopper, Gary
McLean, Mark
Prout, Andrew
Rung, Rosemarie
Ulery, Jordan

Griffin, Barbara
Burt, John
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Ober, Russell
Shaw, Barbara
Warden, Mark

Barry, Richard
Camarota, Linda
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Renzullo, Andrew
Somero, Paul
Whitemore, James

Boehm, Ralph
Danielson, David
Gould, Linda
Hinch, Richard
Murray, Megan
Proulx, Mark
Rice, Kimberly
Lekas, Tony

MERRIMACK

Allard, James
Klose, John
Testerman, Dave

Forsythe, Robert
Marple, Richard
Turcotte, Alan

Hill, Gregory
Pearl, Howard
Walsh, Thomas

Horn, Werner
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McKinney, Betsy
Morrison, Sean
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Costable, Michael
Desilets, Joel
Elliott, Robert
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Abramson, Max
Bershtein, Alan
Davis, Dan
DeSimone, Debra
Fowler, William
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Acton, Dennis
Cali-Pitts, Jacqueline
Thomas, Douglas
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

STRAFFORD

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

McNally, Jody
Beaudoin, Steven

SULLIVAN

Aron, Judy
Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

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

The House recessed at 12:45 p.m.

RECESS

The House reconvened at 2:00 p.m.

(Speaker Shurtleff in the Chair)**REGULAR CALENDAR CONT'D**

SB 67, relative to the definitions of resident and residency. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Wayne Moynihan for the Majority of Election Law. The effect of this bill is to modify the definition of residency in the NH statutes to enable constitutionally-eligible voters to vote in NH without having to incur financial costs to do so. The bill ensures that a person cannot be accused of violating motor vehicle laws if he or she does vote. The bill clarifies that a person who has their place of abode, home, and domicile address here, and who has demonstrated the intent to make NH his or her "principle place of physical presence to the exclusion of all others," but who also may know or believe that at some point in the future they may or will move away from NH, may nonetheless vote where they are living without having to pay fees and obtain a NH driver's license, or to register a car that they may own in NH. Examples of people affected by this are college professors, hospital residents, full time college students, military personnel who may choose to register and vote in NH while assigned here, and other such citizens employed in NH on fixed term contracts. This bill creates a carve-out for such citizens in the definition of "resident" and "residence" in RSA 21:6. This chapter in the statutes is where definitions are set out in law for purposes of statutory construction. There are hundreds of places in the NH statutes, including the motor vehicle laws, where the terms "resident" and "residency" are used, and which refer back to RSA 21:6 for the definition. Vote 12-8.

Rep. Peter Hayward for the Minority of Election Law. The minority believes that this legislation should be found Inexpedient to Legislate. The proposed language has too many inconsistencies and needs significant modifications. RSA 21:6 is an inappropriate section to address motor vehicle statutes. Motor vehicle rules, regulations, and exceptions belong solely in the motor vehicle statutes. The references to military personnel are incorrect, military are not an "included" group as they are governed by federal statute which supersedes state law. RSA 654:2 describes the definitions of 'temporary absence' or 'presence for voting purposes' and is the only appropriate location to describe such.

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

Rep. Moynihan spoke in favor.

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

YEAS 215 - NAYS 138**YEAS - 215****BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Weber, Lucy

Ames, Richard
Faulkner, Barry
Ley, Douglas
Schapiro, Joe

Berch, Paul
Fenton, Donovan
Mann, John
Swinburne, Sandy

Bordenet, John
Gomarlo, Jennie
Morrill, David
Pearson, William

COOS

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

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
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry

Espitia, Manny
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Thomas, Wendy

Davis, Fred
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Wazir, Safiya

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Turcotte, Alan
Wells, Kenneth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Bunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Vallone, Mark

Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Spang, Judith

Cannon, Gerri
Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 138

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
Sylvia, Michael

Bean, Harry
Howard, Raymond
Plumer, John
Tilton, Franklin

Comtois, Barbara
Jurius, Deanna
Beaudoin, Richard

Feeney, George
Lang, Timothy
Spanos, Peter

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

COOS

Hunt, John

O'Day, John

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burns, Charles
Flanagan, Jack
Graham, John
Hopper, Gary

Griffin, Barbara
Burt, John
Freitas, Mary
Greene, Bob
Ober, Lynne

Barry, Richard
Camarota, Linda
Gagne, Larry
Gunski, Michael
Lascelles, Richard

Boehm, Ralph
Danielson, David
Gould, Linda
Hinch, Richard
Marzullo, JP

McLean, Mark
Prout, Andrew
Ulery, Jordan

Notter, Jeanine
Ober, Russell
Warden, Mark

Nunez, Hershel
Renzullo, Andrew
Whittemore, James

Proulx, Mark
Somero, Paul

MERRIMACK

Allard, James
Marple, Richard
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Wolf, Dan

Horn, Werner
Seaworth, Brian
Yakubovich, Michael

Klose, John
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Elliott, Robert
Hobson, Deborah
Janvrin, Jason
Love, David
McBride, Everett
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Toriosian, Peter
Webb, James

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Green, Dennis
Osborne, Jason
Khan, Aboul
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Morrison, Sean
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

STRAFFORD

Hayward, Peter
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

McNally, Jody
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Laware, Thomas

Lucas, Gates

Rollins, Skip

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

The House recessed at 2:13 p.m.

RECESS

The House reconvened at 2:20 p.m.

(Speaker Shurtleff in the Chair)

REGULAR CALENDAR CONT'D

SB 68, relative to the centralized voter registration database. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Pearson for the Majority of Election Law. This bill allows for the limited release of information from the centralized voter registration database when required for judicial proceedings concerning voter infringement. The information will remain private via a protective order and will only be made available to the court when "it is reasonably necessary to determine whether the right to vote is being infringed on and to protect the right to vote from such infringements." The majority believes this to be a noble and worthwhile goal. The majority also trusts New Hampshire courts to honor the private nature of the information--as the courts do every day with cases involving minors. Vote 12-8.

Rep. Kathleen Hoelzel for the Minority of Election Law. The minority believes that this bill eliminates the privacy interests of New Hampshire citizens in the belief that court protective orders are sufficient to protect those interests. Current law protects the release of voter information because that information is deemed personal and protected. These legal protections have been adopted over multiple sessions of the legislature, and ensure that the existence of a lawsuit does not open the door to disclosure unbeknownst to the persons whose information is being disclosed. The supporters of this bill mistakenly believe that a court is able to review the volume of data at issue here, the centralized voter data base containing thousands of names and multiple fields of information, and make a determination as to releasing certain information. The reality is that the court will likely order that the attorneys, or another third party, review the information to determine what may be relevant. Then, if the information is ordered to be produced, both sides have full access to it. There is no way to ensure that such information when in the hands of third parties is not copied or disseminated. While indeed certain court proceedings are confidential, in those instances the entire proceeding is confidential. If the information is determined to be relevant and is used in a court proceeding, the result will be public disclosure - the very thing this bill recognizes should be avoided.

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

Rep. William Pearson spoke in favor.

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

YEAS 214 - NAYS 141**YEAS - 214
BELKNAP**

Huot, David

CARROLLBurroughs, Anita
Ticehurst, SusanButler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIREAbbott, Michael
Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Pearson, WilliamAmes, Richard
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Weber, LucyBerch, Paul
Fenton, Donovan
Mann, John
Swinburne, SandyBordenet, John
Gomarlo, Jennie
Morrill, David
Thompson, Craig**COOS**Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

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
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Wilhelm, MatthewBouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, KermitBackus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, DavidBalch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Thomas, Wendy**MERRIMACK**Bartlett, Christy
Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schultz, Kristina
Walz, Mary BethBuchanan, Ryan
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Wazir, SafiyaCarson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Turcotte, Alan
Wells, KennethDoherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary**ROCKINGHAM**Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, EllenBerrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, PeterBunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Vallone, MarkBushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald**STRAFFORD**Bixby, Peter
Ellis, DonnaCannon, Gerri
Fargo, KristinaChase, Wendy
Fontneau, TimothyConley, Casey
Gourgue, Amanda

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

Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Treleven, Susan

Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Vincent, Kenneth

Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 141

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
St. Clair, Charlie

Bean, Harry
Howard, Raymond
Plumer, John
Sylvia, Michael

Comtois, Barbara
Jurius, Deanna
Beaudoin, Richard
Tilton, Franklin

Feeney, George
Lang, Timothy
Spanos, Peter

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

Von Plinsky, Sparky

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burns, Charles
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Ober, Russell
Somero, Paul

Griffin, Barbara
Burt, John
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Radhakrishnan, Julie
Ulery, Jordan

Barry, Richard
Camarota, Linda
Gould, Linda
Hinch, Richard
Marzullo, JP
Proulx, Mark
Renzullo, Andrew
Warden, Mark

Boehm, Ralph
Danielson, David
Graham, John
Hopper, Gary
McLean, Mark
Prout, Andrew
Shaw, Barbara
Whittemore, James

MERRIMACK

Allard, James
Marple, Richard
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Wolf, Dan

Horn, Werner
Seaworth, Brian
Yakubovich, Michael

Klose, John
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Fowler, William
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, James

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Green, Dennis
Osborne, Jason
Khan, Aboul
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Edwards, Jess
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Morrison, Sean
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Elliott, Robert
Hobson, Deborah
Janvrin, Jason
Love, David
McBride, Everett
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh

STRAFFORD

Hayward, Peter
Perreault, Mona
Wuelper, Kurt

Horgan, James
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

McNally, Jody
Beaudoin, Steven

SULLIVAN

Aron, Judy
Stapleton, Walter

Laware, Thomas

Lucas, Gates

Rollins, Skip

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

SB 88-FN, relative to registry identification cards under the use of cannabis for therapeutic purposes law.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Joe Schapiro for the Majority of Health, Human Services and Elderly Affairs. This bill eliminates a provision in the use of therapeutic cannabis law which requires a three-month provider patient relationship prior to a provider certifying a patient with a qualifying medical condition. Given that some providers are understandably uncomfortable facilitating the use of therapeutic cannabis, some patients were being forced to give up a medical provider who they otherwise liked and to wait an additional three months. It should be noted that there is no such provision for providing medications, including opioids. While there was considerable discussion related to the possibility that this change could encourage medical practices focused solely on quick and unethical certifying of patients with a qualifying condition, the bipartisan majority of the committee felt that such abuses would be closely monitored and that fair and timely access is a priority. In addition, this bill mandates that the department will issue weekly, rather than monthly, reports of numbers and specific identification numbers of qualifying patients to alternative treatment centers. Vote 18-3.

Rep. Mark Pearson for the Minority of Health, Human Services and Elderly Affairs. This bill removes the requirement that an individual seeking certification for medical marijuana must, in most cases, have a patient-provider relationship of at least three months. The minority believes this removal will lead to "doctor-shopping," in which individuals seeking the legal use of marijuana would shop around to obtain certification from a provider very willing to provide it, even though that provider does not know the patient. Sometimes a provider, in an ongoing professional relationship and who, therefore, knows the patient well, needs to give a compassionate, wise "no" to the request for certification. The minority is concerned that some providers who are in favor of recreational marijuana may grant certification to anyone wishing it, so as to foster recreational marijuana by the back door.

Majority Amendment (1667h)

Amend RSA 126-X:1, XVII as inserted by section 2 of the bill by replacing it with the following:

XVII. "Written certification" means documentation of a qualifying medical condition by a provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of issuing registry identification cards, after having completed a full assessment of the patient's medical history and current medical condition made in the course of a provider-patient relationship [of at least 3 months in duration. The 3-month requirement for the provider-patient relationship required in this paragraph shall not apply if the provider issuing the written certification certifies that the onset of the patient's qualifying medical condition occurred within the past [3 months] and the certifying provider is primarily responsible for the patient's care related to his or her qualifying medical condition, or if the patient is enrolled in hospice care or is medically eligible for hospice care with a prognosis of 6 months or less but has chosen to seek palliative or curative treatment, or both]. The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the certifying provider's name, medical specialty, and signature shall be specified on the written certification. Majority committee amendment adopted.

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

Rep. Mark Pearson spoke against.

Rep. Schapiro spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 263 - NAYS 90

YEAS - 263

BELKNAP

Aldrich, Glen
Sylvia, Michael

Howard, Raymond

Huot, David

St. Clair, Charlie

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Marsh, William

Comeau, Ed
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
O'Day, John
Thompson, Craig

Ames, Richard
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Von Plinsky, Sparky

Berch, Paul
Fenton, Donovan
Mann, John
Schapiro, Joe
Pearson, William

Bordenet, John
Gomarlo, Jennie
Morrill, David
Swinburne, Sandy
Weber, Lucy

COOS

Craig, Kevin
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan

Adjutant, Joshua
Dontonville, Roger
French, Elaine

Almy, Susan
Egan, Timothy
Josephson, Timothy

Campion, Polly
Fellows, Sallie
Maes, Kevin

Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Barry, Richard
Bordy, William
Chretien, Jacqueline
Cornell, Patricia
Desjardin, Kathy
Davis, Fred
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Marzullo, JP
Mullen, Sue
Nutting-Wong, Allison
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Wilhelm, Matthew

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cleaver, Skip
Cote, David
DiSilvestro, Linda
Freitas, Mary
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Murray, Megan
McGhee, Kat
Murphy, Nancy
O'Brien, Michael
Piedra, Israel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Thomas, Wendy
Williams, Kermit

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Cohen, Bruce
Danielson, David
Dutzy, Sherry
Goley, Jeffrey
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
McLean, Mark
Nunez, Hershel
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Warden, Mark
Woodbury, David

Balch, Chris
Bernet, Jennifer
Burt, John
Connors, Erika
Dargie, Paul
Espitia, Manny
Graham, John
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Mombourquette, Donna
Nutter-Upham, Frances
Petrigno, Peter
Prout, Andrew
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Whittemore, James

MERRIMACK

Bartlett, Christy
Ebel, Karen
Klose, John
Moffett, Howard
Richards, Beth
Schuett, Dianne
Turcotte, Alan
Wells, Kenneth

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Myler, Mel
Rodd, Beth
Schultz, Kristina
Wallner, Mary Jane
Wolf, Dan

Carson, Clyde
Fox, Samantha
Luneau, David
Pearl, Howard
Rogers, Katherine
Seaworth, Brian
Walz, Mary Beth
Woods, Gary

Doherty, David
Karrick, David
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Bushway, Patricia
Coursin, David
DiLorenzo, Charlotte
Gilman, Julie
Osborne, Jason
Khan, Aboul
Griffin, Mary
McBride, Everett
Pantelakos, Laura
Somssich, Peter
Yokela, Josh

Abramson, Max
Berrien, Skip
Cahill, Michael
Cushing, Robert Renny
Doucette, Fred
Grossman, Gaby
Janigian, John
Le, Tamara
Maggiore, Jim
McConnell, Liz
Prudhomme-O'Brien, Katherine
Verville, Kevin

Acton, Dennis
Bershtein, Alan
Cali-Pitts, Jacqueline
Davis, Dan
Edgar, Michael
Grote, Jaci
Janvrin, Jason
Loughman, Tom
Malloy, Dennis
Meuse, David
Read, Ellen
Ward, Gerald

Altschiller, Debra
Bunker, Lisa
Costable, Michael
Desilets, Joel
Eisner, Mary
Harb, Robert
Murray, Kate
Lovejoy, Patricia
McBeath, Rebecca
Morrison, Sean
Roy, Terry
Webb, James

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Sandler, Catt
Wall, Janet

Cannon, Gerri
Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Chase, Wendy
Fontneau, Timothy
Horrigian, Timothy
Smith, Marjorie
Rooney, Abigail
Treleaven, Susan

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Salloway, Jeffrey
Vincent, Kenneth

SULLIVAN

Aron, Judy
O'Hearne, Andrew
Tanner, Linda

Cloutier, John
Oxenham, Lee

Lucas, Gates
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

NAYS - 90 BELKNAP

Bean, Harry
Jurius, Deanna
Beaudoin, Richard

Comtois, Barbara
Lang, Timothy
Spanos, Peter

Feeney, George
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John

CARROLL

Cordelli, Glenn

Crawford, Karel

MacDonald, John

Nelson, Bill

CHESHIRE

Hunt, John

COOS

Furbush, Michael

Merner, Troy

Thomas, Yvonne

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGHAlexander, Joe
Camarota, Linda
Greene, Bob
Lascelles, Richard
Renzullo, AndrewGriffin, Barbara
Flanagan, Jack
Gunski, Michael
Notter, Jeanine
Somero, PaulBoehm, Ralph
Gagne, Larry
Hinch, Richard
Proulx, Mark
Ulery, JordanBurns, Charles
Gould, Linda
Ober, Lynne
Ober, Russell**MERRIMACK**Allard, James
Marple, RichardFulweiler, Joyce
McWilliams, RebeccaHill, Gregory
Testerman, DaveHorn, Werner
Walsh, Thomas**ROCKINGHAM**Abrami, Patrick
DeClercq, Edward
Green, Dennis
Kolodziej, Walter
McMahon, Charles
Potucek, John
Sytek, John
Wallace, ScottBaldasaro, Al
DeSimone, Debra
Hobson, Deborah
Love, David
Melvin, Charles
Pratt, Kevin
Torosian, Peter
Welch, DavidChirichiello, Brian
Edwards, Jess
Hoelzel, Kathleen
Pearson, Mark
Packard, Sherman
Pearson, Stephen
True, Chris
Weyler, KennethThomas, Douglas
Elliott, Robert
Katsakiores, Phyllis
Major, Norman
Piemonte, Tony
Spillane, James
Vallone, Mark**STRAFFORD**Hayward, Peter
Perreault, MonaHorgan, James
Pitre, JosephKittredge, Mac
Beaudoin, StevenMcNally, Jody
Wuelper, Kurt**SULLIVAN**

Laware, Thomas

Rollins, Skip

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

SB 36, creating a cause of action for certain constitutional deprivations of right. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. David Woodbury for the Majority of Judiciary. This bill establishes a right to sue for persons who have suffered a deprivation of rights under the New Hampshire Constitution. For 150 years, federal law has given persons deprived of rights under the United States Constitution the right to recover. In some cases, the NH Constitution gives claimants greater and different rights than those granted by the US Constitution but did not provide for recovery. This bill allows recovery in the NH Courts. The language of the bill as amended tracks United States civil rights statutes and its intent is to be interpreted in a similar manner to provide an equivalent state law result. Vote 12-7.

Rep. Barbara Griffin for the Minority of Judiciary. This bill came to the committee as a one paragraph, 134-word effort to provide citizens a cause of action for violation of New Hampshire constitutional rights that were otherwise without remedy. It became a bill of 11 paragraphs and 995 words that provides relief, regardless of other statutory remedies available with one exception only. Problems with the original bill were identified by the Department of Corrections, NHMA, and the Department of Justice. Concern of the award of attorney's fees, while ultimately made discretionary in the amended bill, have according to the minority, a bar set so low that attorney's fees would almost always be awarded to a prevailing party. Current statutory remedies for violations of constitutional interests, such as the taking of property for the layout of a road, do not provide for the award of attorney's fees. In a case addressing such an issue, *Rockhouse v. Conway*, 127 NH 593 (1986) our state Supreme Court expressed just those concerns. In regard to the issue of claims covered in law now, the amended bill carves out an exception for claims brought by prisoners. Those claims of constitutional harm will still need to follow the process set in statute both as to venue and damages. However, now persons making a claim for another constitutional harm can choose between venues and select one that serves their purpose better, and may award attorney's fees. Current examples of actions that do not allow for attorney's fees are the appeal of planning board or zoning decision, and damages and actions for the layout of a road. A Right-to-Know violation provides for attorney's fees only if the defendant knew the conduct was illegal; under this bill a Right-to-Know violation claim would include an award of attorneys' fees unless the court

determined that the award of fees was unjust. The minority recognizes the value of the exemption for claims made against the Department of Corrections and believes it should be afforded to other persons or entities that are currently covered by law. That minority proposes an amendment that this bill would not apply to any case in which the plaintiff has an alternate statutory remedy.

Majority Amendment (1931h)

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

1 New Chapter; New Hampshire Civil Rights Act. Amend RSA by inserting after chapter 541-D the following new chapter:

**CHAPTER 541-E
NEW HAMPSHIRE CIVIL RIGHTS ACT**

541-E:1 Civil Action for Deprivation of State Constitutional Rights. Every natural person who, under color of any statute, ordinance, regulation, custom, or usage of this state or any of its political subdivisions, subjects, or causes to be subjected, any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the New Hampshire constitution shall be liable in superior court for any actual damages to the injured party. Any lawsuit brought under this section shall be filed no later than 3 years after the date of the alleged violation, subject only to the provisions of RSA 508:4, I. In any action or proceeding seeking to enforce this section, the court, in its discretion, may allow the prevailing party reasonable attorney's fee and costs. In adjudicating a request for reasonable attorney's fees and costs under this section, the court should award such reasonable attorney's fees and costs to a prevailing party unless the court concludes that special circumstances would render such an award unjust, including if a plaintiff engaged in outrageous or bad faith conduct or a grant of the award would impose unjust hardship. In any action in the superior court pursuant to this section, there shall be a right to a jury trial. For any claim brought under this section, the defense and indemnification provisions of RSA 99-D:2 and RSA 31:106 shall apply. Nothing in this section waives any privileges or immunities from suit established by law. The provisions of RSA 623-B and RSA 541-E:2 shall apply to any claim brought under this section by an inmate who is confined in any jail, prison, or other correctional facility.

541-E:2 Claims Brought By Inmates For Damages Under the New Hampshire Constitution.

I. No claim shall be brought with respect to prison conditions under this section by an inmate as defined by RSA 623-B:1 who is confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

II. In any claim brought by an inmate under RSA 541-E:1 who is confined to any jail, prison, or other correctional facility in which attorney's fees are authorized, such fees shall not be awarded, except to the extent that:

(a) The fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights under the New Hampshire constitution; and

(b) The amount of the fee is proportionately related to the court ordered relief for the found violation or the fee was directly and reasonably incurred in enforcing the relief ordered for the violation.

III. Whenever a monetary judgment is awarded pursuant to paragraph II, a portion of the judgment, not to exceed 25 percent, shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant.

IV. Nothing in this section shall prohibit an inmate from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this section, if the fee is paid by the individual rather than by the defendant pursuant to RSA 541-E:1.

V. No civil claim for damages under RSA 541-E:1 may be brought by an inmate confined to jail, prison, or other correctional facility for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act.

VI. To the extent practicable, in any claim brought with respect to prison conditions under RSA 541-E:1 by an inmate confined to a jail, prison, or other correctional facility, pretrial proceedings in which the inmate's participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the inmate from the facility in which the inmate is confined. Subject to the agreement of the official of the state or local unit of government with custody over the inmate, hearings may be conducted at the facility in which the inmate is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.

VII. A defendant may waive the right to reply to any claim brought by an inmate confined to jail, prison, or other correctional facility under RSA 541-E:1 unless ordered to respond by the court. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed. The court may require any defendant to reply to a claim brought under RSA 541-E:1 if it finds, after a review under RSA 623-B:3, II, that the plaintiff has a reasonable opportunity to prevail on the merits.

2 Indemnification; Civil Rights Suits; Cross Reference. Amend RSA 31:106 to read as follows:

31:106 Indemnification; Civil Rights Suits. All cities, towns, counties, village districts and precincts, school districts, chartered public schools, school administrative units, and other municipal corporations and political subdivisions shall indemnify and save harmless any person employed by it and any member or officer of its governing board, administrative staff, or agencies including but not limited to selectmen, school board members, chartered public school trustees, city councilors and aldermen, town and city managers, regional planning commissioners, town and city health officials, overseers of public welfare, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of any act or omission constituting a violation of the civil rights of an employee, teacher or student, or any other person under any federal law **or RSA 541-E** if such act or omission was not committed with malice, and if the indemnified person at the time of such act or omission was acting within the scope of employment or office.

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

AMENDED ANALYSIS

This bill creates a cause of action for persons deprived of civil rights by persons acting under color of state law.

This bill also allows inmates in jail, prison, or another correctional facility to bring a claim for violation of certain civil rights.

MOTION TO LAY ON THE TABLE

Rep. Walz moved that **SB 36**, creating a cause of action for certain constitutional deprivations of right, be laid on the table.

On a division vote, with 179 members having voted in the affirmative, and 174 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

SB 296-FN, relative to live medical testimony in courts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Debra Altschiller for Judiciary. The majority recognizes the value of having medical testimony as part of court cases involving injury. It also acknowledges in cases with medical injury claims of \$25,000 or less, hiring a physician for an entire day to come testify in court has the effect of seriously cutting into the amount awarded in civil cases to a person suffering and in need of relief. This bill, as amended, allows for certain medical and dental records and reports to be admissible in civil proceedings as evidence without compelling doctors to appear in court to give live medical testimony. The option to hire a doctor to provide live testimony is still preserved, while also providing an option to use certified medical records alone in the court proceedings. This measure is supported by the NH Medical Society, the NH Association for Justice and the NH Trial Lawyers Association. The committee heard testimony that this is common practice used with success within cases handled by the NH Department of Labor. Currently small medical practices and non-profit medical centers struggle to provide services to people involved in litigation as the currently mandated court appearance can shut a practice down for an entire day. This bill does not in any way change the burden of proof nor will it apply to medical malpractice claims. The majority believes this option of using certified medical and dental records and reports will streamline the process, reduce costs to the parties and the judicial system and reduce the burdens on medical practitioners and their patients. Vote 18-2.

Amendment (1572h)

Amend RSA 516:29-c, I(a)-(d) as inserted by section 2 of the bill by replacing them with the following:

(a) The reasonable necessity of such services, treatments, or appliances, and the fair and reasonable charges for the same, provided that those matters are attested to in the record or report, or in the accompanying certification;

(b) The diagnosis and prognosis of the licensed health care provider, provided that such diagnosis or prognosis is expressly stated by the author of the record or report;

(c) The opinion of such licensed health care provider as to the proximate cause of the diagnosed condition, provided that such opinion is expressly stated by the author of the record or report; and

(d) The opinion of such licensed health care provider as to disability or incapacity, if any, proximately resulting from the diagnosed condition, provided that the opinion is expressly stated by the author of the record or report.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 100, relative to discrimination in employment based on criminal background checks. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Bordy for the Majority of Labor, Industrial and Rehabilitative Services. The majority believes this removes the barrier of the criminal history question from employment applications. This allows the applicant's skills and experience to be considered in advance of a criminal background check. This bill does not prevent the question from being asked in an interview. The hiring decision remains with the employer. Vote 12-7.

Rep. Jonathan Mackie for the Minority of Labor, Industrial and Rehabilitative Services. The stated intent of this bill is helping people with criminal records obtain employment. The minority is of the opinion that the studies prove that this legislation has had the opposite effect. It also wastes both the prospective employee's and the employer's time and money when a criminal record would make the employee unsuitable for the job. The fact the bill includes anti-discrimination language reinforces the conclusion of the studies; that similar legislation in other states has negatively affected minority employment.

Majority Amendment (1760h)

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

1 New Section; Opportunity to Compete. Amend RSA 275 by inserting after section 37-b the following new section:

275:37-c Opportunity to Compete.

I. In this section:

(a) "Applicant for employment" means any person an employer considers when identifying potential employees, through any means including, but not limited to, recruitment, solicitation, or seeking personal information, or any person who requests consideration for employment by an employer, or who requests information from an employer related to seeking employment, and includes any person who is currently an employee of the employer.

(b) "Criminal record" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, release, or conviction including, but not limited to, any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation, or a sentence of conditional discharge.

(c) "Employee" means a person who is hired for a wage, salary, fee, or payment to perform work for an employer, but excludes any person employed in the domestic service of any family or person at the person's home, any independent contractors, or any directors or trustees. The term also includes interns and apprentices.

(d) "Employer" means any person, company, corporation, firm, labor organization, or association which has 1 or more employees over 20 calendar weeks and does business, employs persons, or takes applications for employment within this state, including the state or any subdivision of the state. The term shall include state and local governmental entities, job placement and referral agencies, other employment agencies, but excludes the United States or any of its departments, agencies, boards, or commissions, or any employee or agent thereof.

(e) "Employment" means any occupation, vocation, job, or work with pay, including temporary or seasonal work, contingent work, and work through the services of a temporary or other employment agency; any form of vocational apprenticeship; or any internship. The physical location of the prospective employment shall be in whole, or substantial part, within this state.

(f) "Employment application" means a form, questionnaire, or similar document or collection of documents that an applicant for employment is required by an employer to complete whether the application exists in a hard copy, electronic, or Internet medium. "Employment application" does not include criminal background checks necessary to authorize access to a federally regulated facility pursuant to federal law or regulation.

II. No public or private employer or employer's agent shall inquire about a prospective employee's prior arrests, criminal charges, or convictions on an employment application, unless the employer needs to screen applications for specific criminal convictions because it is prohibited from hiring those with such convictions under state or federal law, or a position that is exclusive to a contract or subcontract that is subject to state or federal law prohibiting the hiring of an individual with a criminal record, then the employer may inquire only about those prior arrests, criminal charges, or convictions directly implicated by applicable state or federal law.

III. As part of an employment application process, no employer or employer's agent shall conduct a criminal record check of an applicant prior to the initial interview or make any inquiry covered by paragraph II except in person or by telephone, if it is standard practice for that employer to conduct telephone interviews. In cases where there is only one applicant for an open position at the close of the application period, the employer may inquire about the applicant's criminal background in writing without the need to do an in person or telephone interview, provided that the applicant has the opportunity to provide a written response.

IV. No employer or employer's agent shall discriminate against an employment applicant based on the racial or ethnic origin of the applicant as determined by the applicant's first or last name consistent with state and federal law prohibiting discrimination.

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

AMENDED ANALYSIS

This bill prohibits discrimination in employment based on criminal background checks.

Majority committee amendment adopted.

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

Rep. Mackie spoke against.

Rep. Bordy spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 217 - NAYS 130**YEAS - 217
BELKNAP**

Huot, David

Burroughs, Anita
Ticehurst, SusanAbbott, Michael
Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Von Plinsky, SparkyLaflamme, Larry
Thomas, YvonneAbel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, SuzanneAlexander, Joe
Balch, Chris
Bordy, William
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Telerski, Laura
Thomas, WendyBartlett, Christy
Ebel, Karen
Horn, Werner
MacKay, James
Pimentel, Roderick
Saunderson, George
Turcotte, Alan
Wells, KennethActon, Dennis
Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Murray, Kate
Malloy, Dennis
Pantelakos, LauraBixby, Peter
Ellis, DonnaButler, Edward
Woodcock, StephenAmes, Richard
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Pearson, William

Moynihan, Wayne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, GeorgeBouldin, Amanda
Beaulieu, Jane
Bosman, James
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Wilhelm, MatthewBuchanan, Ryan
Ellison, Arthur
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, GaryAltschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
McBeath, Rebecca
Somssich, PeterCannon, Gerri
Fargo, Kristina

DesMarais, Edith

CARROLL**CHESHIRE**Berch, Paul
Fenton, Donovan
Mann, John
Swinburne, Sandy
Weber, Lucy**COOS**

Noel, Henry

GRAFTONAlmy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce**HILLSBOROUGH**Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Hopper, Gary
Judy, Jean
Komi, Richard
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit**MERRIMACK**Carson, Clyde
Fox, Samantha
Lane, Connie
Moffett, Howard
Rodd, Beth
Schultz, Kristina
Walz, Mary Beth**ROCKINGHAM**Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Ward, Gerald**STRAFFORD**Chase, Wendy
Fontneau, Timothy

Knirk, Jerry

Bordenet, John
Gomarlo, Jennie
Morrill, David
Thompson, Craig

Tucker, Edith

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, JerryBackus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, DavidDoherty, David
Fulweiler, Joyce
Luneau, David
Myler, Mel
Rogers, Katherine
Soucy, Timothy
Wazir, SafiyaBunker, Lisa
Coursin, David
Eisner, Mary
Janvrin, Jason
Maggiore, Jim
Meuse, David
Welch, DavidConley, Casey
Gourgue, Amanda

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

Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Keans, Sandra
Opderbecke, Linn
Sandler, Catt

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 130

BELKNAP

Aldrich, Glen
Fields, Dennis
Mackie, Jonathan
St. Clair, Charlie

Bean, Harry
Howard, Raymond
Plumer, John
Sylvia, Michael

Comtois, Barbara
Jurius, Deanna
Beaudoin, Richard
Tilton, Franklin

Feeney, George
Lang, Timothy
Spanos, Peter

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Griffin, Barbara
Burt, John
Flanagan, Jack
Greene, Bob
Notter, Jeanine
Renzullo, Andrew
Warden, Mark

Barry, Richard
Camarota, Linda
Gagne, Larry
Hinch, Richard
Nunez, Hershel
Rung, Rosemarie
Whittemore, James

Boehm, Ralph
Cohen, Bruce
Gould, Linda
Marzullo, JP
Proulx, Mark
Somero, Paul

Burns, Charles
Danielson, David
Graham, John
McLean, Mark
Prout, Andrew
Ulery, Jordan

MERRIMACK

Allard, James
Pearl, Howard
Wolf, Dan

Hill, Gregory
Seaworth, Brian
Yakubovich, Michael

Klose, John
Testerman, Dave

Marple, Richard
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Green, Dennis
Osborne, Jason
Kolodziej, Walter
Major, Norman
Morrison, Sean
Pratt, Kevin
Spillane, James
Vallone, Mark
Weyler, Kenneth

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Harb, Robert
Janigian, John
Love, David
McBride, Everett
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin
Yokela, Josh

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Wallace, Scott

Baldasaro, Al
Costable, Michael
Desilets, Joel
Elliott, Robert
Hoelzel, Kathleen
Khan, Aboul
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Webb, James

STRAFFORD

Hayward, Peter
Pitre, Joseph

Kittredge, Mac
Rooney, Abigail

McNally, Jody
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy
Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

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

SB 31, relative to membership of the New Hampshire community development advisory committee **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Clyde Carson for the Majority of Municipal and County Government. This bill accomplishes two things. First, it adds an executive director of a regional development organization to the New Hampshire Develop-

ment Advisory Committee, to be appointed by the governor. Secondly, it exempts the Community Development Finance Authority (CDFA) from the state rulemaking process. The governor proposed this in HB 2, but the Finance Committee took it out and felt it was better handled by a policy committee. The CDFA is already subject to federal regulations and the state rule making requirement delays its ability to direct funds to communities under the Community Development Block Grant program in a timely fashion. The exemption will be a direct benefit to municipal projects across the state. Vote 13-7.

Rep. Kevin Pratt for the Minority of Municipal and County Government. Community Development Finance Authority has been in operation for many years and administers the Community Development Block Grant for towns and cities. Many towns in southern NH have worked very successfully with the CDFA. The CDFA is very successfully and should not be changed.

Majority Amendment (1462h)

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

AN ACT adding a member to the New Hampshire community development advisory committee and exempting the community development finance authority from the administrative procedure act.

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

2 New Subparagraph; Administrative Procedure Act; Exemptions; Community Development Finance Authority Added. Amend RSA 541-A:21, I by inserting after subparagraph (jj) the following new subparagraph: (kk) RSA 162-L, relative to the community development finance authority.

3 New Sections; Community Development Finance Authority; Exemption From Administrative Procedure Act and Rulemaking Authority. Amend RSA 162-L by inserting after section 4 the following new sections:

162-L:4-a Exemption From Administrative Procedure Act and Rulemaking Authority. The authority shall be exempt from the provisions of RSA 541-A and may adopt rules in accordance with its own procedures to facilitate, implement, and carry out the powers, duties, and purposes of the authority enumerated in this chapter and such other and additional powers and purposes as shall be conferred upon it.

162-L:4-b Relation to Other Agencies. The financial and administrative operations of the authority shall be exempt from the rules of any department, commission, board, bureau, or agency of the state except to the extent and in the manner provided in this chapter.

4 Community Development Finance Authority; Community Development Block Grant Program; Reference Change. Amend RSA 162-L:17, IV and V to read as follows:

IV. The authority shall solicit applications from eligible municipalities. Any eligible municipality desiring to receive funds under this subdivision shall complete and submit an application in accordance with the rules adopted ~~[under RSA 162-L:16]~~ **by the authority**.

V. The authority shall evaluate the relative merits of the applications based on the rules, criteria, and procedures adopted ~~[under RSA 162-L:16]~~ **by the authority**.

5 Repeal. RSA 162-L:16, IV, relative to the adoption of rules under the administrative procedure act, is repealed.

6 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill:

I. Adds an executive director of a regional development organization to the community development advisory committee.

II. Exempts the community development finance authority from rulemaking under RSA 541-A, the administrative procedure act.

On a division vote, with 219 members having voted in the affirmative, and 127 in the negative, the majority committee amendment was adopted.

Majority committee report adopted and ordered to third reading.

SB 154, allowing municipalities to adopt a credit against property taxes for certain workforce housing, and authorizing the sale of certain property by the town of Milton. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Clyde Carson for the Majority of Municipal and County Government. This bill has two purposes. First, it establishes a committee to study tax incentives for promoting development of dense workforce housing in community centers. Affordable housing is a key factor in attracting and retaining both businesses and workers in NH. This bill will look at a range of tax incentives that might be used to increase affordable housing and make recommendations for future legislation. Secondly, the Town of Milton requires authorization from the legislature for the sale of its "old fire station." The property was gifted to the town. The Milton select board currently lacks the authority to sell the property and needs it to satisfy the NH Division of Charitable Trusts. Vote 17-3.

Rep. Mona Perreault for the Minority of Municipal and County Government. A number of questions were raised at the hearing on this bill about the long-term desirability and wisdom of addressing workforce housing issues through greater “density.” The minority feels that the sponsors should examine a broader range of housing solutions. Both the majority and minority of the committee are in agreement on the language granting authorization to sell the property in Milton. It is unfortunate that section was amended into this bill, and we recommend that it find a new vehicle so that it can be passed without excessive delay.

Majority Amendment (1577h)

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

AN ACT establishing a committee to study tax incentives for promoting development of dense workforce housing in community centers, and authorizing the sale of certain property by the town of Milton.

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

1 Committee Established. There is established a committee to study the use of tax incentives for promoting development of dense workforce housing in community centers.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, 2 of whom shall be members of the house municipal and county government committee and one whom shall be a member of the house ways and means committee, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall study and make recommendations for legislation to create tax incentives for promoting development of dense workforce housing in community centers.

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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

6 Town of Milton; Authorization to Sell Property. Notwithstanding RSA 41:14-a, II(c), the town of Milton is hereby authorized to sell property located at 460 White Mountain Highway, known as “the old fire station,” which has been listed for sale with a real estate broker in order to satisfy the requirements of the division of charitable trusts, department of justice.

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

AMENDED ANALYSIS

This bill establishes a committee to study tax incentives for development of dense workforce housing in community centers. This bill also authorizes the town of Milton to sell certain property through a real estate broker. Majority committee amendment adopted.

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

MOTION TO DIVIDE

Rep. Sylvia moved that **SB 154**, establishing a committee to study tax incentives for promoting development of dense workforce housing in community centers, and authorizing the sale of certain property by the town of Milton, be divided at Section 6.

The Speaker ruled the bill is not divisible.

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

Reps. Sylvia and Abramson spoke against.

Reps. Carson and Stavis spoke in favor.

On a division vote, with 250 members having voted in the affirmative, and 89 in the negative, the majority committee report was adopted and ordered to third reading.

SB 123, relative to lost and unaccounted for gas, and relative to electric distribution companies investment in natural gas operations. **OUGHT TO PASS.**

Rep. Chris Balch for Science, Technology and Energy. This bill requires the Public Utilities Commission to adopt rules for reporting lost and unaccounted for gas by the natural gas companies. The bill also prohibits electric distribution companies from acquiring natural gas capacity or supply or interests in natural gas infrastructure at ratepayer expense. The committee heard overwhelming testimony in supported of this bill as it protects both ratepayer interests as well as the environment. Vote 16-3.

Committee report adopted and ordered to third reading.

SB 165, relative to net energy metering by low-moderate income community solar projects. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Somssich for the Majority of Science, Technology and Energy. This bill, the “Low-Income Community Solar Act of 2019,” attempts to ensure that low to moderate income residents of our state can afford to participate in community solar projects. It is the opinion of the majority that all residents should have an opportunity to participate in home-grown solar energy generation. The sponsor of this bill collaborated with the Governor’s Office to offer the amendment before you. This aligns with one of the Governor’s priorities which is to find ways that low income residents can more fully participate in renewable energy projects. For those low-moderate income community solar projects authorized by the Public Utilities Commission, the proposed amendment provides for an additional incentive payment of 3 cents per kWh of energy generated until July 1, 2021, after which the payment declines to 2.5 cents per kWh. Vote 12-7.

Rep. Fred Plett for the Minority of Science, Technology and Energy. This bill would support low income solar installations by not only paying solar developers default service rates, but an additional 3 cents per kWh from July 1, 2019 through July 1, 2021, and 2.5 cents per kWh thereafter. As such, it raises electric rates for all other consumers. The bill requires that a solar project directly benefit at least 5 residential end-use customers, at least a majority of whom are at or below 300 percent of the poverty level, with no more than 15% of the generation attributable to non-residential end-user customers. Therefore, the application of this bill may wind up with few installations, but it is the principle of raising non-participant rates that drove the minority to vote against this bill.

Majority Amendment (1827h)

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

2 Net Energy Metering; Group Host; Community Solar. Amend RSA 362-A:9, XIV(c) to read as follows:

(c) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at the end of each billing cycle at rates consistent with the credit the group host receives relative to its own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be applicable pursuant to paragraph XVI. ~~[Each group member of]~~ ***Alternatively***, a group host ~~[for a low-moderate income community solar project, as defined in RSA 362-F:2, X-a,]~~ may ***elect*** to receive credits on the customer electric bill for each member and the host~~], provided that there shall be only one new project under this paragraph in each utility’s service territory by December 31, 2019 with such projects available on a first-come, first-served basis]~~, ***with the utility being allowed the most cost-effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate income community solar projects, as defined in RSA 362-F:2, X-a. On or before July 1, 2022, the commission shall report on the costs and benefits of such an addition and the development of the market for low-moderate income community solar projects, and provide a recommendation on whether the addition shall be increased or decreased.*** The commission shall report on the costs and benefits of ~~[such projects]~~ ***low-moderate income community solar projects, as defined in RSA 362-F:2, X-a on or before [December 31, 2019] June 1, 2020. The commission shall authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2, X-a, each year in each utility’s service territory beginning January 1, 2020.*** On an annual basis, for all group host systems except for residential systems with an interconnected capacity under 15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host’s surplus generation for which it was paid is greater than the group’s total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group’s total usage shall be at the utility’s avoided cost or its default service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

3 Definition; Low-moderate Income Community Solar Project. Amend RSA 362-F:2, X-a to read as follows:

X-a. “Low-moderate income community solar project” means ground-mounted or rooftop solar arrays that directly benefit a group of at least 5 residential end-user customers, where at least a majority of the residential end-user customers are at or below 300 percent of the federal poverty guidelines. ***No more than 15 percent of the projected load for such project shall be attributable to non-residential end-user customers.***

4 Effective Date. This act shall take effect July 1, 2019.

Majority committee amendment adopted.

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

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 229 - NAYS 113

YEAS - 229

BELKNAP

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
MacDonald, John

Crawford, Karel
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Pearson, William

Berch, Paul
Fenton, Donovan
Mann, John
Swinburne, Sandy
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Morrill, David
Thompson, Craig

COOS

Laflamme, Larry
Tucker, Edith

Merner, Troy
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

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

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Egan, Timothy
Josephson, Timothy
Nordgren, Sharon
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Alexander, Joe
Balch, Chris
Bordy, William
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Newman, Sue
St. John, Michelle
Telerski, Laura
Thomas, Wendy

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ebel, Karen
Horn, Werner
MacKay, James
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Buchanan, Ryan
Ellison, Arthur
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Lane, Connie
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
Luneau, David
Myler, Mel
Saunderson, George
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Abrami, Patrick
Bunker, Lisa
Coursin, David
Eisner, Mary
Hobson, Deborah
Lovejoy, Patricia
McBride, Everett
Somssich, Peter

Abramson, Max
Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Murray, Kate
Maggiore, Jim
McConnell, Liz
Vallone, Mark

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
Malloy, Dennis
Meuse, David
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Loughman, Tom
McBeath, Rebecca
Pantelakos, Laura

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Keans, Sandra
Opderbecke, Linn
Salloway, Jeffrey
Vincent, Kenneth

Cannon, Gerri
 Fargo, Kristina
Hayward, Peter
Kenney, Cam
Schmidt, Peter
Sandler, Catt
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Conley, Casey
Gourgue, Amanda
Horriggan, Timothy
Smith, Marjorie
Rooney, Abigail
Treleaven, Susan

SULLIVANCloutier, John
Oxenham, LeeLucas, Gates
Sullivan, BrianMerchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 113**BELKNAP**Aldrich, Glen
Fields, Dennis
Spanos, PeterBean, Harry
Howard, Raymond
Sylvia, MichaelComtois, Barbara
Plumer, John
Tilton, FranklinFeeney, George
Beaudoin, Richard**CARROLL**Avellani, Lino
Nelson, Bill

Comeau, Ed

Cordelli, Glenn

Marsh, William

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGHGriffin, Barbara
Burt, John
Gould, Linda
Hopper, Gary
Nunez, Hershel
Somero, PaulBarry, Richard
Camarota, Linda
Graham, John
Marzullo, JP
Proulx, Mark
Ulery, JordanBoehm, Ralph
Danielson, David
Greene, Bob
McLean, Mark
Prout, Andrew
Whittemore, JamesBurns, Charles
Flanagan, Jack
Hinch, Richard
Notter, Jeanine
Renzullo, Andrew**MERRIMACK**Allard, James
Pearl, Howard
Wolf, DanHill, Gregory
Seaworth, Brian
Yakubovich, MichaelKlose, John
Testerman, DaveMarple, Richard
Walsh, Thomas**ROCKINGHAM**Abbas, Daryl
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Harb, Robert
Janvrin, Jason
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Webb, JamesActon, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Welch, DavidBaldasaro, Al
Costable, Michael
Desilets, Joel
Elliott, Robert
Osborne, Jason
Khan, Aboul
Pearson, Mark
Morrison, Sean
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, KennethBarnes, Arthur
Davis, Dan
DeSimone, Debra
Green, Dennis
Janigian, John
Kolodziej, Walter
Major, Norman
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott
Yokela, Josh**STRAFFORD**Kittredge, Mac
Wuelper, Kurt

McNally, Jody

Perreault, Mona

Pitre, Joseph

SULLIVANAron, Judy
Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

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

SB 133-FN, relative to the definition of emergency vehicles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Pickering for the Majority of Transportation. This bill was requested by the Department of Corrections to permit certain vehicles used by correctional officers to use sirens, blue lights, emergency lights, and warning lights in emergency conditions. Testimony revealed that many of these vehicles are already appropriately equipped, and the Department of Corrections has already established standard procedures and guidelines for use by the designated officers in the appropriate emergency situations. The bill was supported by the Department of Safety. Vote 12-7.

Rep. Chris True for the Minority of Transportation. Testimony was given that the Department of Corrections has 20 vehicles with sirens, blue lights, emergency lights, and warning lights. This bill would allow emergency

response personnel, who are not police officers, to use lights, sirens, etc. that are only allowed to be used by police officers. The minority cannot support the bill which allow non-police officers to use this equipment on public roadways.

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

Rep. True spoke against.

Rep. Pickering spoke in favor.

On a division vote, with 214 members having voted in the affirmative, and 125 in the negative, the majority committee report was adopted and ordered to third reading.

SB 220, relative to department of transportation access to crash data. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steven Smith for the Majority of Transportation. This bill would have given the Department of Transportation expedited access to motor vehicle crash records. All governmental agents are subject to strict, detailed criteria for what they can and cannot do with categories of information. There are also strict penalties for violations. Unfortunately, this bill grants unlimited access to the Department of Transportation. The committee supports sharing the data, but not blanket permissions. Vote 13-6.

Rep. Casey Conley for the Minority of Transportation. This bill would create a uniform standard for local police agencies to supply crash data to the Department of Transportation. The agency uses this information to improve safety after a motor vehicle accident. Currently, many local police departments supply this information, but not all. The information that is shared with the state also can vary widely by department. Although privacy concerns have been raised, the bill specifically states the department will not disclose personally identifiable information. And to date, there have been no concerns that crash data already shared with the department violates in any way the New Hampshire Driver Privacy Act.

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

MOTION TO LAY ON THE TABLE

Rep. Ley moved that **SB 220**, relative to department of transportation access to crash data, be laid on the table. Motion adopted.

RESOLUTION

Rep. Ley 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, Wednesday, June 5, 2019 at 1:00 p.m.

Motion adopted.

LATE SESSION

Third Reading and Final Passage

SB 131, reestablishing a commission to study grandfamilies in New Hampshire.

SB 261, relative to grandparents' access to preventive and protective child care services.

SB 141, establishing a committee to study violence in schools.

SB 282-FN, relative to suicide prevention education in schools.

SB 104-L, relative to the postponement of city, town, village, and school district elections.

SB 106, relative to the definition of political advocacy organization.

SB 26, relative to the New Hampshire health care quality assurance commission.

SB 33, relative to the therapeutic use of cannabis.

SB 86, establishing a commission to study programs for serving individuals with certain developmental and mental health disabilities.

SB 87, relative to the syringe service programs.

SB 97, relative to special health care services licenses and establishing a committee to study providing certain health care services while ensuring increased access to affordable health care in rural areas of the state.

SB 119, directing hospitals to develop an operational plan for the care of patients with dementia.

SB 177, relative to the use of physical restraints on persons who are involuntarily committed.

SB 178, relative to telemedicine for spectacle and contact lenses.

SB 258, relative to telemedicine and telehealth services.

SB 127, relative to the Hampton judicial district and establishing the Hampton district court as a site for judicial branch family division cases

SB 211, relative to reporting requirements for state agencies owning real property.

SB 214, relative to transportation projects.

SB 164, establishing a committee to study unprotected drinking water sources.

SB 203, making modifications to legal requirements for wetlands and environmental council administrative appeals.

SB 54-FN, relative to the road toll bond requirements for licensed fuel distributors.

SB 92, relative to transfer of vehicle ownership.

SB 186, permitting a qualified veteran to obtain an additional set of special number plates.

SB 188, relative to shore lights.

SB 212, relative to limited driving privilege after revocation or suspension.

SB 215, relative to learning to drive and commercial motor vehicles designed to transport passengers.

SB 118, establishing a child fatality review committee.

SB 140, relative to credit for alternative, extended learning, and work-based programs.

SB 196, relative to non-academic surveys administered by a public school to its students.

SB 67, relative to the definitions of resident and residency.

SB 68, relative to the centralized voter registration database.

SB 88-FN, relative to registry identification cards under the use of cannabis for therapeutic purposes law.

SB 296-FN, relative to live medical testimony in courts.

SB 100, relative to discrimination in employment based on criminal background checks.

SB 31, adding a member to the New Hampshire community development advisory committee and exempting the community development finance authority from the administrative procedure act.

SB 154, establishing a committee to study tax incentives for promoting development of dense workforce housing in community centers, and authorizing the sale of certain property by the town of Milton.

SB 123, relative to lost and unaccounted for gas, and relative to electric distribution companies investment in natural gas operations.

SB 165, relative to net energy metering by low-moderate income community solar projects.

SB 133-FN, relative to the definition of emergency vehicles.

UNANIMOUS CONSENT

Reps. Mangipudi, Mulligan and Danielson requested Unanimous Consent of the House regarding a Wellness Initiative.

Rep. Mangipudi addressed the House.

UNANIMOUS CONSENT

Rep. Abbas requested Unanimous Consent of the House regarding his wedding anniversary and addressed the House.

UNANIMOUS CONSENT

Rep. Peter Schmidt requested Unanimous Consent of the House regarding the USS Squalus and addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of those lost on the USS Squalus.

RECESS MOTION

Rep. Ley 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 4:25 p.m.

RECESS

(Rep. McNally in the Chair)

ENROLLED BILL AMENDMENT

SB 24, relative to New Hampshire's regional greenhouse gas initiative program. (Amendment printed SJ 5/30/19)
Motion adopted.

SENATE MESSAGES

CONCURRENCE

HB 113, relative to qualifications for and exceptions from licensure for mental health practice.

HB 116-FN, relative to the job classification of positions in the retirement system.

HB 156, establishing a commission to study the establishment of a state department of energy.

HB 162, repealing the requirement for the inspection of timber.

HB 189-FN, establishing an exemption from criminal penalties for child sex trafficking victims.

HB 550-FN, extending foster care beyond age 18.

HB 588, relative to presidential nominations.

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system.

HB 620-FN, relative to the penalty fee structure for late premium tax payments.

HB 621-FN, establishing the state commission on aging.

HB 657, relative to prescription drugs under the managed care law.

REREFERRED TO COMMITTEE

HB 153, relative to circumstances under which police officer disciplinary records shall be public documents.

HB 155, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

HB 479-FN, relative to eligibility for the low and moderate income homeowners property tax relief.

HB 496, establishing a committee to identify the requirements needed to commit New Hampshire to a goal of at least 50 percent renewable energy for electricity by 2040.

HB 717-FN, prohibiting prescription drug manufacturers from offering coupons or discounts to cover insurance copayments or deductibles.

NONCONCURRENCE

HB 166, relative to funding energy efficiency programs.

HB 413, relative to membership of the energy efficiency and sustainable energy board.

RECESS

(Rep. Altschiller in the Chair)

ENROLLED BILL AMENDMENTS

HB 138, relative to rules pertaining to marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act.

Amendment 2019-2215EBA

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

AN ACT relative to rules pertaining to marine species managed under the Magnuson-Stevens Fishery Conservation and Management Act.

Amend RSA 211:62, V as inserted by section 1 of the bill by replacing line 2 with the following:

Compact under RSA 213 *and the Magnuson-Stevens Fishery Conservation and Management*

Motion adopted.

HB 630-FN, increasing certain fines for OHRV and snowmobile operation violations.

Amendment 2019-2238EBA

Amend section 1 of the bill by replacing line 13 with the following:

1-24 mph over prima facie speed limit \$124

Motion adopted.

RECESS

(Rep. Ley in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 119, 128, 140, 244, 260, 281, 283, 292, 312, 320, 338, 345, 353, 354, 361, 409, 415, 448, 457, 458, 570, 600, 616, 625, 648, 654, 663, 700 and 730 and Senate Bills numbered 5, 14, 20, 21, 29, 38, 55, 72, 76, 78, 132, 137, 145, 146, 147, 151, 174, 183, 189, 271, 275, 297 and 314.

Rep. Ley, Sen. Soucy for the Committee

RECESS

(Rep. Peter Schmidt in the Chair)

ENROLLED BILL AMENDMENT

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. Ebel in the Chair)

ENROLLED BILL AMENDMENT

HB 286-L, relative to free inspection of records under the right-to-know law.

Amendment 2019-2116EBA

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

2 Right-to-Know; Minutes and Records Available for Public Inspection. Amend RSA 91-A:4, IV(d) to read as follows:

(d) If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. No **cost or** fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

3 Contingency; Conflict with HB 396. If HB 396 of the 2019 regular legislative session becomes law, section 2 of this act shall take effect at 12:01 a.m. on January 1, 2020, and section 1 shall not take effect. If HB 396 of the 2019 regular legislative session does not become law, then section 1 of this act shall take effect on January 1, 2020 and section 2 of this act shall not take effect.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect January 1, 2020.

Motion adopted.

**SENATE MESSAGES
OVERRIDE GOVERNOR'S VETO**

HB 455-FN, relative to the penalty for capital murder.

CONCURRENCE

HB 105-FN, relative to domicile residency, voter registration, and investigation of voter verification letters.

HB 211, relative to inquiries by prospective employers concerning salary history.

HB 287, relative to nepotism in state employment.

HB 293, relative to employee credit privacy.

HB 335, relative to therapeutic cannabis dispensary locations.

HB 351, relative to exemptions from property attachments.

HB 394-FN, relative to crop theft.

HB 486, relative to department of corrections procedures concerning the requirement for restoration of the voting rights of felons.

HB 491, relative to questioning and detaining suspects.

HB 522, establishing a commission to study the environmental and health effects of evolving 5G technology.

HB 524, establishing a committee to study issues and impediments to starting, running, and growing home and commercial day care facilities in New Hampshire.

HB 577, relative to call blocking in an automated telephone dialing system.

HB 611-FN, allowing voters to vote by absentee ballot.

HB 615, relative to the regulation of pharmacies and pharmacists.

HB 635-L, enabling a payment in lieu of taxes for a combined heat and power agricultural facility.

NONCONCURRENCE

HB 154, prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.

HB 174, relative to alternative treatment center licenses.

HB 270, relative to commencement of foreclosure by civil action.

HB 567, relative to using the Atlantic Time Zone in New Hampshire.

HB 604, establishing a commission to assess benefits and costs of a "health care for all" program for New Hampshire.

HB 650, establishing a committee to study the economic challenges of employed persons serving in the New Hampshire legislature.

HB 695, relative to transparency of nonprofit patient advocacy organizations.

REREFERRED TO COMMITTEE

HB 168-FN-A, making an appropriation to the FRM victims' contribution recovery fund.

HB 233, relative to the group and individual health insurance market.

HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders.

HB 272, relative to temporary workers.

HB 348, relative to procedures for condominiums with 25 or fewer residential units.

HB 466, relative to the capacity of electricity customer generators for eligibility for net energy metering.

HB 481-FN-A-L, relative to the legalization and regulation of cannabis and making appropriations therefor.

HB 707, relative to settlement money from actions pertaining to the contamination of groundwater or drinking water.

LAID ON THE TABLE

HB 641-L, allowing municipalities to collect an occupancy fee from operators of local room rentals.

CONCURRENCE WITH AMENDMENTS

SB 18, relative to authorized employee wage deductions.

SB 27, relative to certain unclassified positions within the department of health and human services.

SB 49, relative to the state fire code.

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 193-FN, prohibiting the sale of certain furniture and carpeting with flame retardant chemicals.

SB 197, relative to noncompete agreements for low-wage employees.

SB 208, renaming the adjutant general’s department to the department of military affairs and veterans services.

SB 233, relative to the classification of certain state employee positions.

SB 257-FN, prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.

RECESS