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HOUSE RECORD

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Concord, N.H.

Wednesday, March 11, 2020

No. 7

HOUSE JOURNAL NO. 6 (Cont'd)

Thursday, March 5, 2020

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

HOUSE JOURNAL NO. 7

Wednesday, March 11, 2020

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

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord. O God, in this time of fear and uncertainty, as we place limits on our lives and daily activities in the hope that we will be safe from the disease that threatens our world, help us to live with confidence and determination, even as we take precautions to lower the risks we face. Give us hearts of compassion for those afflicted by COVID-19, those who are isolated in quarantine, and those whose very livelihood is threatened by restrictions they must endure. Give us courage to continue to live each day to the full, recognizing the many ways You bless us with abundant life, even when there are things we must let go of. And help us to remember that this too shall pass: that, when it does, our world may be changed but will still be whole; and we will have a fresh appreciation of the life You have given us, in all its fragility and beauty, O God of healing hope, and promise.

Representative Wendy Chase, member from Rollinsford, led the Pledge of Allegiance.

The National Anthem was sung by Corporal Victoria Jollimore from the 39th Army Band, New Hampshire Army National Guard.

LEAVES OF ABSENCE

Reps. Baroody, Burns, Callum, Kittredge, Alicia Lekas, Lundgren, Massimilla, McGhee, Merlino, Oxenham, Pantelakos, Plumer and Wazir, the day, illness.

Reps. Aldrich, Bucu, Chirichiello, Conley, Eisner, Gourgue, Graham, Higgins, Hunt, Khan, Lang, McBride, Mombourquette, Rodd, Spang, St. Clair, Vallone, Vose and Feeney, the day, important business.

Reps. DiSilvestro, L'Heureux and Wendy Thomas, the day, illness in the family.

INTRODUCTION OF GUESTS

Joe DePalma, guest of Rep. Hennessey. David, Jennifer, Jacob and Allison Hunger, Kendra Middleton, Grant and Vivian Jones, guests of Rep. Williams. Girl Scouts of the Green and White Mountains, guests of Rep. Weber.

CONSENT CALENDAR

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

HB 1637-FN, establishing a kinship navigator program in the department of health and human services, by Rep. McGuire.

HB 1397, relative to the referral of debts for collection, removed by Rep. Sylvia.

HB 1464-FN, relative to insurance coverage for yoga therapy as an alternative or substitute for opioids, removed by Rep. Sylvia.

HB 1508, relative to paper receipts, removed by Rep. Sylvia.

HB 1690, prohibiting paper billing fees, removed by Rep. Sylvia.

HB 1697-FN, relative to prescription drug discount prohibition, removed by Rep. Sylvia.

HB 1256, establishing a committee to study the effectiveness of the Granite Hammer/Shield programs, removed by Rep. Prout.

HB 1268, establishing a committee to study student loan forgiveness on the basis of volunteer work, including service in the legislature, removed by Rep. Schultz.

HB 1337, permitting parents or guardians to opt out of armed assailant drills in their child's school, removed by Rep. Burt.

HB 1195, relative to pesticide use and notification of such use on community playgrounds, removed by Rep. Frost.

HB 1562, including soil health and soil conservation in the state soil conservation plan, removed by Rep. Sylvia.

HB 1628-FN, increasing the age for vaping, removed by Rep. Horn.

HB 1607-FN, relative to liability for wrongful acts in an employer/employee relationship, removed by Rep. Radhakrishnan.

HB 1670-FN, relative to recording grand jury testimony, removed by Rep. Burt.

HB 1144, requiring certain employers to submit data on wage differences between male and female employees to the department of labor, removed by Rep. Seaworth.

HB 1165, prohibiting ATVs on a rail trail in Gorham, removed by Rep. Horn.

HR 11, urging Congress to remove marijuana as a schedule I drug and to support the Ending Federal Marijuana Prohibition Act, removed by Rep. Adjutant.
Consent Calendar adopted.

HB 1138, establishing a commission to expand the rights of minors to legal representation. **OUGHT TO PASS.** Rep. Elaine French for Children and Family Law. This bill establishes a commission to expand the rights of all minors to legal representation in various situations such as within the Division of Child, Youth and Families and school hearings. The commission will identify avenues to improve access for all minors. Vote 19-0.

HB 1203, expanding the definition of a neglected child to include cases involving sibling violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Gaby Grossman for Children and Family Law. The committee voted unanimously to recommend Inexpedient to Legislate because the Division of Children, Youth and Families already has protocol for assessment of abuse and neglect under RSA 169-C "Child Protection Act." This addresses the family as a whole, which includes the sibling. Vote 19-0.

HB 1249, relative to the legal representation of children in the juvenile justice system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. Children in the juvenile justice system currently have incomplete legal representation while in care of the state. The amended bill provides continuous legal representation for children with risk factors and who are placed out of home as of July 1, 2020. As of July 1, 2021, all juveniles placed outside the home will have continuous legal representation until they exit the juvenile justice system. Vote 19-0.

Amendment (0655h)

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

1 Statement of Findings. The general court hereby finds that:

I. The state's removal of a child from the home is one of the most significant actions it ever undertakes. Such interventions are associated with the risk of a number of negative consequences for the child and the public, including:

- (a) The weakening of protective connections with parents, other family, school, and community.
- (b) Exiting school before high school graduation.
- (c) Homelessness.
- (d) Future delinquency and adult criminal involvement.

II. Due process and other constitutional principles, as well as the statutory requirements of the Americans with Disabilities Act and RSA 169-B and 169-D, require that the removal of a child from the home last for no longer than is necessary to accomplish the rehabilitative and public protection purposes of the juvenile justice system.

III. Therefore, courts should carefully and frequently monitor whether there is a continued justification for the separation of children from their families and communities. The courts' ability to effectively conduct this monitoring is enhanced by the continuing participation of counsel for children, who can bring relevant information to the court's attention and advocate for children's release to their homes and communities.

IV. It is also necessary for the protection of the welfare of children who have been placed outside their homes that any problems with the conditions of their placement or the appropriateness of their treatment be promptly brought to the attention of the courts and other authorities. Continuing legal representation during periods of placement facilitate this important monitoring function.

2 New Paragraph; Delinquent Children; Appointment of Counsel. Amend RSA 169-B:12 by inserting after paragraph V the following new paragraph:

VI. Whenever a juvenile is detained, committed, or otherwise placed outside his or her home, the court shall appoint counsel if such appointment has not previously been made in the proceedings. Such appointment shall be made at a time sufficiently in advance of the decision to place the juvenile outside the home to allow counsel to provide effective representation on the issue of placement, and such appointment shall continue until the court no longer has jurisdiction over the juvenile pursuant to this chapter. The court shall not accept a waiver of counsel when appointment is required by this paragraph.

3 New Section; Delinquent Children; Continuous Legal Representation of Vulnerable Children. Amend RSA 169-B by inserting after section 12 the following new section:

169-B:12-a Continuous Legal Representation of Vulnerable Children.

I. While a case under this chapter is pending, the department of health and human services shall notify the court whenever it becomes aware that the respondent child:

- (a) Is subjected to restraint or seclusion, as defined in RSA 126-U:1, IV and V-a;
- (b) Is known or suspected to be the victim of abuse, neglect, or any crime involving actual or threatened physical or psychological injury, or the risk thereof; or
- (c) Is no longer in the legal custody of his or her parents.

II. Whenever the court receives a notice pursuant to paragraph I regarding a child who has been placed outside the home, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. When placing a child outside the home, the court shall determine whether it has received a notice pursuant to paragraph I and, in those cases in which it has received such notice, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. The court shall take the same action if it receives information from any credible source that any of the circumstances in paragraph I is present.

4 Children In Need of Services; Appointment and Waiver of Counsel. Amend RSA 169-D:12, II to read as follows:

II. The court may accept a waiver of counsel from a child alleged to be in need of services only when:

- (a) The parent, guardian, or custodian did not file the petition;
- (b) Both the child and parent, guardian, or custodian agree to waive counsel; ~~and~~
- (c) In the court's opinion, the waiver is made competently, voluntarily, and with full understanding of the consequences; **and**

(d) The petition does not allege that the child is in need of services pursuant to RSA 169-D:2, II(d).

III. Whenever the petition alleges that a child is in need of services pursuant to RSA 169-D:2, II(d) and the court places the child outside his or her home, the court shall ensure that the child is continuously represented by counsel until the case is closed pursuant to RSA 169-D:3, III. Appointment of counsel pursuant to this paragraph shall be made at a time sufficiently in advance of the decision to place the child outside the home to allow counsel to provide effective representation on the issue of placement.

5 Children In Need of Services; Appointment Waiver of Counsel. Amend RSA 169-D:12, III to read as follows:

III. Whenever ~~[the petition alleges that a child is in need of services pursuant to RSA 169-D:2, II(d) and]~~ the court places the child outside his or her home, the court shall ensure that the child is continuously represented by counsel until the case is closed pursuant to RSA 169-D:3, III. Appointment of counsel pursuant to this paragraph shall be made at a time sufficiently in advance of the decision to place the child outside the home to allow counsel to provide effective representation on the issue of placement.

6 New Section; Children in Need of Services; Continuous Legal Representation of Vulnerable Children. Amend RSA 169-D by inserting after section 12 the following new section:

169-D:12-a Continuous Legal Representation of Vulnerable Children.

I. While a case under this chapter is pending, the department of health and human services shall notify the court whenever it becomes aware that the respondent child:

- (a) Is subjected to restraint or seclusion, as defined in RSA 126-U:1, IV and V-a;
- (b) Is known or suspected to be the victim of abuse, neglect, or any crime involving actual or threatened physical or psychological injury, or the risk thereof; or
- (c) Is no longer in the legal custody of his or her parents.

II. Whenever the court receives a notice pursuant to paragraph I regarding a child who has been placed outside the home, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. When placing a child outside the home, the court shall determine whether it has received a notice pursuant to paragraph I and, in those cases in which it has received such notice, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. The court shall take the same action if it receives information from any credible source that any of the circumstances in paragraph I is present.

7 Repeal. The following are repealed:

I. RSA 169-B:12-a, relative to representation of vulnerable children in delinquency proceedings.

II. RSA 169-D:12-a, relative to representation of vulnerable children in CHINS proceedings.

8 Effective Date.

I. Sections 2, 5, and 7 of this act shall take effect July 1, 2021.

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

AMENDED ANALYSIS

This bill provides for the appointment of counsel for children in out-of-home placements under RSA 169-B and RSA 169-D.

HB 1250, prohibiting corporal punishment of children in state agency programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. This bill requires all state agencies which provide services to children to have policies prohibiting corporal punishment. Vote 19-0.

Amendment (1025h)

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

1 New Section; Human Service; Use of Corporal Punishment Prohibited. Amend RSA 161 by inserting after section 13 the following new section:

161:14 Use of Corporal Punishment Prohibited.

I. Each state agency shall provide in its policies and procedures related to children that all forms of corporal punishment are prohibited.

II. In this section:

(a) "Agency" means any executive branch department, institution, bureau, or office of the state, engaged in providing services to or for children. Agency shall include any public or private entity under contract with the department of health and human services or the department of education to provide services to or for a child or children.

(b) "Child" or "children" means a person under 18 years of age who has not been transferred to the adult criminal justice system, and includes a person under 22 years of age who is attending school and who has not received a high school diploma.

(c) "Corporal punishment" means any punishment in which physical force is issued and intended to cause some degree of pain or discomfort, and is exclusive of restraint as defined in RSA 126-U:1, IV or physical force used to protect self or others.

2 Physical Force by Persons with Special Responsibilities. Amend RSA 627:6, II(a) to read as follows:

II.(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes is justified on the premises in using necessary force against any such minor, when the minor creates a disturbance[,] or refuses to leave the premises, or when it is necessary [~~for the maintenance of discipline~~] **to prevent injury to self or others.**

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

HB 1270, relative to the determination of parental rights and responsibilities. **INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for Children and Family Law. This bill would leave the court vulnerable to an unlimited number of hearings at the request of litigants who dispute court findings regarding the determination of parental rights and responsibilities. It would have limited the discretion of the court and it would have reduced the motivation of parties to resolve their disputes by using other resources offered by the courts. Vote 19-0.

HB 1540, extending the foster care children's bill of rights. **INEXPEDIENT TO LEGISLATE.**

Rep. Michelle St. John for Children and Family Law. This bill, though well-intended, is a band-aid solution. The Office of the Child Advocate is currently reviewing all statutes to identify areas where clarification is needed and where language could be refined to be more effective. Therefore, it is the majority's opinion to recommend Inexpedient to Legislate. Vote 15-4.

HB 1595-FN, relative to the referral of minors convicted of alcohol and drug related offenses to the department of health and human services. **REFER FOR INTERIM STUDY.**

Rep. Erika Connors for Children and Family Law. The committee recommends Interim Study at the request of the bill's sponsor. Vote 19-0.

HB 1626, relative to the role of the guardian ad litem in parenting cases in which domestic violence is suspected or alleged. **INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for Children and Family Law. This bill would set a dangerous precedent creating the potential for the guardian ad litem to take on the role of recommending interventions in other situations. It would usurp the discretion of the court and go against the established role of the guardian ad litem to gather observations and present findings to the court so it can make its decisions. Vote 19-0.

HB 1674-FN, establishing the office of foster care oversight in the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for Children and Family Law. The majority of the committee believes that the Department of Health and Human Services is in the process of expanding the data collected and that a subcommittee of the Department of Health and Human Services Oversight Committee would be a better place for the sought-after data collection. A subcommittee would be able to have a wider scope of work possible. For those reasons, this bill is not needed. Vote 19-0.

HB 1109, requiring disclosure by motor vehicle manufacturers of proprietary repair information. **INEXPEDIENT TO LEGISLATE.**

Rep. Christopher Herbert for Commerce and Consumer Affairs. This bill would require auto manufacturers to disclose on the vehicle data sheet, or "window sticker," that they maintain proprietary repair information. There is a court ordered national memorandum of understating requiring that this information be made available to dealers and furthermore the window sticker on a new car is defined by a federal mandate. Any attempt to change the sticker for New Hampshire would likely be federally preempted. Additionally, in this instance, having a patchwork of differing state laws is not advisable. Vote 17-0.

HB 1151, relative to the determination of homeowners insurance rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would require insurers to use the municipal assessor's home replacement value as the basis for homeowners' insurance rates. Those values are uneven across the state, and are often affected by equalization rates and other factors. While the committee might agree that it may be difficult to understand how the cost of homeowners' insurance is set, this bill is not the solution. Vote 18-0.

HB 1179, relative to contract powers of condominium unit owners' associations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Constance Van Houten for Commerce and Consumer Affairs. As amended, this bill requires a condominium unit owner, who is the owner or director of a business or who has a pecuniary interest in a business, and bids on or contracts with the unit owner's association for property management, maintenance, or improvements, to recuse himself or herself from any participation or vote on the awarding of the contract. The unit owners' association is required to disclose any such business relationship to its unit owners. Vote 17-1.

Amendment (0652h)

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

1 New Paragraph; Condominiums; Powers of Unit Owners' Association. Amend RSA 356-B:42 by inserting after paragraph III the following new paragraph:

IV. If any unit owner or business where a unit owner is the owner or director of a business or has a pecuniary interest in a business, bids or contracts for property management, maintenance, or improvements with their unit owners' association, the unit owner shall recuse himself or herself from any participation in or vote on the awarding of the contract. The unit owners' association shall disclose to its unit owners the relationship of any unit owner or business where a unit owner is the owner or director of a business or has a pecuniary interest in a business with the contract for property management, maintenance, or improvements. This paragraph shall not apply to a unit owners' association in which owners own time sharing interests.

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

AMENDED ANALYSIS

This bill requires a condominium unit owner who contracts for property management, maintenance, or improvements business with the condominium recuse himself or herself from any participation in or vote on the awarding of the contract. Any such relationship shall be disclosed by the unit owners' association.

HB 1184, establishing a committee to study development of a small business start-up guide and flowchart. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill proposed creating a committee to study the creation of more tools for those wishing to start a small business. In testimony, we heard that the Department of Business and Economic Affairs, the Secretary of State's Corporate Division, the Department of Environmental Services, as well as many other organizations inside and outside of state government provide business startup assistance. In light of this, it was unclear what this committee would work on, as well as where funding for the proposed guide would come from. Vote 20-0

HB 1194, establishing a surcharge for certain single use plastics. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill would amend RSA 149-M to insert a new voluntary surcharge for use of certain single use plastics. The committee found the bill's intent to encourage recycling and move toward the use of reusable plastic containers to be laudable. However, we concluded that the bill, as written, is simply suggesting merchants do something they already can do now, if they so choose, and is not necessary to be enacted in statute. Vote 18-0.

HB 1215, relative to the installation of solar energy systems in condominiums and homeowner associations. **REFER FOR INTERIM STUDY.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would require a simple majority vote of the unit owners of a condominium or homeowners association to consent to the installation and use of a solar photovoltaic energy system. Most condominium documents require 66.6% to even 75% majority votes from unit owners for changes to buildings. Though the committee agrees that the state should be encouraging renewable resources and alternative energy for heating/cooling sources, it is difficult to implement such a plan for individual condominium owners. Questions have arisen as to how an installation would be paid for, who would benefit, and if there were damage to a unit from a solar installation, perhaps, from a previous owner, who is responsible? If by-laws specifically prohibit changes to the outside of a building, how would this bill affect the by-laws? If the condominium association by-laws prohibit additions to common areas, where could solar panels be installed? If only portions of a multi-story condominium would be suitable for solar installation, would other units be affected? The committee found there are many questions and that the vote requirement agreed upon by a unit owner when purchasing a condo certainly applies to solar panels as with any other change. Further study and discussion with the Committee to Study the Laws Relating to Condominium and Homeowners Associations is suggested. Vote 18-0.

HB 1267, relative to the liability of directors and officers of New Hampshire nonprofit corporations. **REFER FOR INTERIM STUDY.**

Rep. Edward Butler for Commerce and Consumer Affairs. New Hampshire relies on its nonprofit corporations to perform many important functions for its citizens. This bill sought to better protect volunteers serving as directors and officers of nonprofits in two ways relating to the current liability under New Hampshire law. The bill would apply the limitation automatically, rather than require a specific provision to be inserted in a corporation's articles of agreement (a corporation wishing to opt out could still do so). The bill also would limit liability for these organizations to a greater degree, by providing the same limitation as is available to directors of 'for-profit' New Hampshire corporations. The Attorney General's Office expressed concern as to whether such changes would make it more difficult to win damages from directors for acts of gross negligence, including recoveries under directors and officers insurance policies. During hearings, the Attorney General's Office also suggested the need for a broader review of our long-standing nonprofit corporation law. Because of the concerns raised, the committee believes further work needs to be done. Vote 18-0.

HB 1302, relative to the authority of limited liability company members or managers to execute real property transactions. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Abel for Commerce and Consumer Affairs. The intent of this bill is to clarify the authority of members and managers of limited liability companies to execute real property transactions. Testimony during committee hearings indicated that this bill duplicates what already exists in state law. It was unclear how the bill further clarifies the status or powers of membership and managers. Vote 19-0.

HB 1308, relative to the life settlements act. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill is a request of the Insurance Department to amend the life settlements licensing statute to mirror producer licensing law by requiring that a producer that solicits a contract as well as one that negotiates a contract shall be appointed by the provider. This will also bring the licensing requirements in RSA 408-D:3, V(a) in line with the existing definition of a life settlement producer as set forth in RSA 408-D:2, VIII. Vote 20-0.

HB 1340, relative to rebates under the law governing unfair insurance practices. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill allows an insurance agency, as a benefit, to rebate all or a portion of the agency's commission to employees of that agency for insurance policies purchased by the employee of the agency. Vote 19-0.

HB 1346, requiring the insurance department to make a report regarding the impact of insurance coverage for pediatric autoimmune neuropsychiatric disorders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. This bill was introduced as a follow up to last year's successful SB 224 that passed the General Court and was signed by Governor Sununu in July 2019. Last year's bill addressed insurance coverage for pediatric autoimmune neuropsychiatric disorders (PANDAS/PANS). This bill directs the NH Insurance Department to collect data on claims, denials and appeals regarding the diagnosis and treatment for PANDAS/PANS and report the findings of its multi-year analysis prior to the sunset date of the 2019 law in 2024. Vote 20-0.

Amendment (0413h)

Amend the bill by replacing section 1 with the following:

1 Insurance Coverage for Pediatric Autoimmune Neuropsychiatric Disorders; Report Required. The insurance commissioner shall solicit information and data from health insurance carriers regarding the effect of 2019, 277 (SB224) regarding insurance coverage for pediatric autoimmune neuropsychiatric disorders. The

data collected shall include the number of pediatric autoimmune neuropsychiatric disorder cases diagnosed, treatment recommended by health care providers, denials of treatment approved by insurance carriers, number of appeals by insureds, and number of appeals granted by insurance carriers. The commissioner shall analyze the information and submit a report on or before November 1, 2023 to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate committees having jurisdiction over health and human services issues and over insurance issues.

HB 1400, establishing a New Hampshire statutory trust law. **INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. A “statutory trust” is unincorporated business, trust, or association that would be formed by filing an initial certificate of trust in the Secretary of State’s Office. Statutory trusts are presently authorized in two states, Maryland and Delaware. Testimony indicated that statutory trusts would be used primarily as a tool in estate planning or investing in real estate and would circumvent the payment of real estate transfer tax and impede state asset recovery authority, thus causing inequity in the application of the transfer tax and loss of revenue to municipalities and the state. Vote 18-2.

HB 1419, relative to New Hampshire banks offering small dollar loans and credit building products. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. Access to loans for people with low or no credit has been an issue for a long time in New Hampshire. Those who are desperate to borrow but can’t get a loan from conventional sources often turn to title loans or internet-based online loans, both of which carry very high interest rates. The committee would support legislation that would relieve this problem. We did not believe this bill would do that. This bill would require every bank to offer a small dollar loan product, even if they did not otherwise offer consumer credit. Creating such programs would be expensive for the banks, and might not be utilized if those who needed loans were not bank customers. The law would only apply to state-chartered banks, while the largest banks with the most retail customers are all federally chartered. We also heard that some entities, especially credit unions, already offer small loans and credit-building products, so the problem is less about access and more about sharing the information so that loan seekers know the best places to go for their needs. Vote 19-0.

HB 1436-FN, relative to autism spectrum disorder insurance coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was brought forward to increase the limit for coverage for autism spectrum disorder from \$36,000 per year to \$40,000 per year. However, the Insurance Department informed the committee that these caps were recently reviewed and found that the federal government does not allow for caps and that mental health services must be paid in parity with other health services. Caps cannot be enforced. Vote 20-0.

HB 1437, relative to the qualifications of the banking department commissioner and deputy commissioner, relative to consumer complaints, and relative to applications for money transmitters. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill was drafted at the request of the New Hampshire Banking Department to accomplish three objectives - to permit the Banking Department to transmit consumer complaints to licensed and chartered entities via email, to modernize RSA 383:6 to enable the Bank Commissioner and Deputy Commissioner to have residential mortgages, car loans and other secured personal loans from NH licensed or chartered institutions provided such loans are on customary terms and conditions available to other consumers and to require that money transmitters be licensed through the Nationwide Multistate Licensing System. Vote 18-0.

HB 1440, relative to membership on the board of psychologists and the board of licensing for alcohol and other drug use professionals, and relative to insurance credentialing of out-of-state applicants for licensure as alcohol and drug counselors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joyce Weston for Commerce and Consumer Affairs. This bill was requested by mental health agencies who have experienced challenges filling positions in their agencies. The bill originally had two parts, the first of which added two members to the Board of Psychologists and the Board of Licensing for Alcohol and Other Drug Use Professionals. After extensive testimony and discussion, however, the committee was persuaded to remove the sections that dealt with the expansion of the boards, primarily because of the difficulty in finding volunteers who will serve on such boards and the issue of quorums. The remaining section of the bill addresses insurance credentialing for out-of-state alcohol and drug counselors. Once those providers are licensed to practice here, they need to be rapidly credentialed to be able to bill Medicaid or commercial insurers. This change should help relieve some of the workforce problems in the mental health agencies. Vote 19-0.

Amendment (0669h)

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

AN ACT relative to insurance credentialing of out-of-state applicants for licensure as alcohol and drug counselors.

Amend the bill by deleting sections 1-3 and renumbering the original sections 4-5 to read as 1-2, respectively.

AMENDED ANALYSIS

This bill adds out-of-state applicants for licensure as licensed alcohol and drug counselors, licensed clinical supervisors, or master licensed alcohol and drug counselors to insurance credentialing verification requirements.

HB 1471, prohibiting banks from re-ordering transactions to increase overdraft fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill prohibits any bank or credit union from sequencing debits to a member account in any way other than that which minimizes the amount of any overdraft fee that can be assessed to such debits. While this issue has been raised over the years as a potential problem for banking customers, the committee heard that most banks have their own rules prohibiting this practice, and other regulators such as the Consumer Financial Protection Bureau have policies about overdraft fees as well. The legislation would only apply to state-chartered banks and credit unions; many of the largest institutions popular with consumers are federally-chartered, so would be exempt from this legislation. Most banks will refund an occasional overdraft fee if the customer requests it. Vote 18-2.

HB 1476-FN, prohibiting motor vehicle dealers from requiring the purchase of automobile insurance from the dealer as part of the sales contract. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill would have prevented finance companies at auto dealers from requiring insurance coverage as part of the sales contract. The result would have been the inability of consumers to buy a vehicle if their insurance coverage was not adequate or if they could not produce valid evidence of coverage at the time of sale. Indeed, there is a problem, most often on weekends when a buyer cannot prove their insurance coverage. A consumer may be required to buy insurance, that ultimately, they don't need and which may conflict with a current policy, in order to drive their new car off the lot. Dealers, insurers and finance companies must work together to resolve this problem and educate all parties and consumers. This bill is not the answer. Vote 19-0.

HB 1482, relative to notification of security breaches. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill requires immediate disclosure of a security breach to anyone affected. Under current law, disclosure can be delayed while an investigation takes place. The committee felt time is of the essence for consumers and others to change or cancel credit cards, reset passwords, or take other action after their information has been compromised. After notice has been given, additional details can be withheld to protect an investigation. Vote 19-1.

HB 1578-FN, requiring Internet service providers to reimburse customers for interruptions in service. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would require internet service providers (ISPs) to automatically provide refunds on any day where there are service interruptions not caused by the customer. We heard from ISPs that it is impossible for them to track all individual service outages, and those outages can be caused by a number of factors, including customer error, loss of electric power, and other issues beyond the control of the ISP. Under the bill, they would be required to identify the source of the outages and provide reimbursement for as little as a half day, which for most home service would be around a dollar. The ISPs told us that they would refund any customer who called with a verifiable complaint about service being out. Vote 19-0.

HB 1581-FN, relative to the labeling and sale of hemp products containing CBD. **REFER FOR INTERIM STUDY.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. Through testimony and anecdotal reports, the committee heard that cannabidiol (CBD) products, generally labeled as dietary supplements, are found in many places. Some businesses are careful about identifying the compound used and others aren't. This bill attempts to add some needed regulation for consumers to feel confident about the product. However, the Department of Health and Human Services and the Department of Agriculture both testified that because the Federal Drug Administration (FDA) must approve any food additive and currently does not allow such, they oppose CBD and in some self-inspecting cities it is being confiscated. We did hear that the FDA is reviewing CBD products, but it is not known when guidelines will be forthcoming. Even if CBD as a food additive was excluded from this bill, reviewing, testing and labeling all the various products claiming to include CBD had many unanswered questions. Vote 19-0.

HB 1624-FN, establishing a moratorium on sales of e-cigarettes. **INEXPEDIENT TO LEGISLATE.**

Rep. Constance Van Houten for Commerce and Consumer Affairs. This bill would establish a moratorium on the sale of e-cigarettes for the length of time it takes the Commissioner of Health and Human Services to determine that they are not a cause of illness or death. However, the bill only provides an indeterminate timeline for such a moratorium. Furthermore, the bill does not establish any parameters by means of which the Commissioner of Health and Human Services can make this determination. In sum, the bill is too broad as it is written. Vote 20-0.

HB 1680-FN, relative to the collection of personal information by businesses. **REFER FOR INTERIM STUDY.**

Rep. Kermit Williams for Commerce and Consumer Affairs. While the committee recognizes an ever-increasing concern about online privacy among our constituents, we felt that this bill would not be an effective tool to provide that privacy. An amendment was offered that would only apply to Internet Service Providers, or ISPs. ISPs provide internet access to customers, but the websites those customers access are the most likely entities to monetize that customer's personal information. Some companies that operate ISPs may offer websites or other businesses as well as internet access, but those businesses are normally separated in both access and corporate structure. The committee believes that more work needs to be done to find an effective solution for data privacy, and the solution may make more sense at a federal level, since very little of the data privacy problem happens within New Hampshire's borders. Vote 18-1.

HB 1175-FN, increasing the penalty for certain invasions of privacy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill increases the penalty for unlawfully, without the consent of the person who is subject, placing pictures on the internet, from a class A misdemeanor to a class B felony. The amendment makes the first offense a class A misdemeanor and the second or subsequent offense a class B felony. It also includes an exception for placement of a game camera or similar device in a non-populated area to capture pictures of wildlife. Vote 19-0.

Amendment (0293h)

Amend the introductory paragraph in RSA 644:9, I as inserted by section 1 of the bill by replacing it with the following:

I. A person is guilty of a class A misdemeanor *for a first offense, and a class B felony for a second or subsequent offense*, if such person unlawfully and without the consent of the persons entitled to privacy therein, installs or uses:

Amend RSA 644:9, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, observing, or in any way transmitting images, location, movement, or sounds originating in such place which would not ordinarily be audible, visible, or comprehensible outside such place. *This subparagraph shall not include a device placed in a non-populated area for the purpose of capturing video or images of wildlife.*

Amend RSA 644:9, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. A person is guilty of a *class A misdemeanor for a first offense, and a class B felony for a second or subsequent offense* if, for the purpose of arousing or gratifying the person's sexual desire, he or she knowingly views another person, without that person's knowledge or consent, in a place where one would have a reasonable expectation of privacy. For purposes of this paragraph, "views" means looking at another person with the unaided eye or any device intended to improve visual acuity.

HB 1217, requiring police officers to report misconduct. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill requires police officers to report misconduct of other police officers to the Police Standards and Training Council. The amendment establishes that misconduct must be reported to the Police Standards and Training Council. This council has the authority to review police behavior with the ability to revoke an officer's license if necessary. Vote 18-0.

Amendment (1064h)

Amend RSA 105:19 as inserted by section 1 of the bill by replacing it with the following:

105:19 Reports of Misconduct by Law Enforcement Officers.

I. For the purposes of this section, "misconduct" means assault, sexual assault, bribery, fraud, theft, tampering with evidence, or tampering with a witness.

II. It shall be the duty of any law enforcement officer who observes misconduct by another law enforcement officer to notify the chief law enforcement officer in his or her department in writing within 7 days of observing such misconduct. Within 7 days of receiving such notification, the chief law enforcement officer shall notify the police standards and training council of such misconduct in writing. If the chief law enforcement officer is the subject of the misconduct report, the reporting officer shall report directly to the police standards and training council.

III. No discriminatory, disciplinary, or retaliatory action shall be taken against any officer by any employee of a law enforcement agency for any information given or disclosed by him or her in good faith in the course of making a report of misconduct under paragraph II.

IV. After 6 months from the filing of the report of misconduct with the police standards and training council, any records pertaining to the council's investigation may be made available to the public pursuant to RSA 91-A.

HB 1240, prohibiting teachers from having sexual contact with a student. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. The committee, having heard testimony from stakeholders, agreed that there is no place for sexual contact between students and faculty in our education system. The inherent power inequality between a minor and an adult in a position of authority, whether real or perceived, leaves a student incapable of real consent and thus makes such acts criminal in all cases. New Hampshire families entrust their children to the education system and that trust must never be violated. When it is, the most serious penalties are appropriate. Vote 19-0.

Amendment (0556h)

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

AN ACT relative to the grounds for sexual assault and related offenses.

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

1 Sexual Assault and Related Offenses; Definition of Sexual Contact. Amend RSA 632-A:1, IV to read as follows:

IV. "Sexual contact" means the intentional touching whether directly, through clothing, or otherwise, of the victim's or actor's sexual or intimate parts, including emissions, tongue, anus, breasts, and buttocks. Sexual contact includes only that aforementioned conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification *or the humiliation of the person being touched*.

2 New Paragraph; Sexual Assault and Related Offenses; Definition of Student Added. Amend RSA 632-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Student" means an individual who is enrolled or participating in any class or program from pre-school through grade 12, or any "adult student" as defined in department of education rules at any school or education institution, except as otherwise provided in the New Hampshire Rules for the Education of Children with Disabilities.

3 Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, I(k) to read as follows:

(k)(1) When, except as between legally married spouses, the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim ~~[and uses this authority to coerce the victim to submit]~~ *and is more than 4 years older than the victim*.

(2) *When the actor is an employee, contractor, or volunteer at a primary or secondary educational institution and the victim is a student and up to 10 months after the student's graduation or departure.*

(3) *Consent of the victim under any of the circumstances set forth in subparagraph (k) shall not be considered a defense.*

4 Felonious Sexual Assault. Amend RSA 632-A:3, III to read as follows:

III.(a) Engages in sexual contact with a person:

(1) Other than his *or her* legal spouse who is under 13 years of age.

(2) *Thirteen years of age or older and under 18 years of age when the actor is in a position of authority over the victim and is more than 4 years older than the victim.*

(3) *When the actor is an employee, contractor, or volunteer at a primary or secondary educational institution and the victim is a student and up to 10 months after the student's graduation or departure.*

(b) *Consent of the victim under any of the circumstances set forth in subparagraph (a) shall not be considered a defense.*

5 Repeal. The following are repealed:

I. RSA 632-A:3, IV(c), relative to a definition of sexual contact for purposes of the crime of felonious sexual assault.

II. RSA 632-A:4, III(c), relative to a definition of sexual contact for purposes of the crime of sexual assault.

6 Effective Date. This act shall take effect January 1, 2021.

AMENDED ANALYSIS

This bill amends the definition of sexual contact in the criminal sexual assault statutes. The bill also expands the elements of the crime of felonious sexual assault and aggravated sexual assault to include sexual contact between school employees and students, and to include circumstances when the actor is in a position of authority over a victim who is between 13 and 18 years of age.

HB 1254-FN, relative to the parole of prisoners and the procedures of the adult parole board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill provides needed changes to various provisions of the adult parole applications being considered in non-public session except for medical reasons; recommitment of prisoners who violate parole, ensuring at least two members of the adult parole board shall be

attorneys licensed in New Hampshire who have experience in criminal law. It includes defining violent crimes as found in existing statute when considering an adult parole. It changes the per diem paid to parole board members on May 1, 2021, repeals the provision that mandated the parole board shall review all records for each parolee in its custody at least once every 36 months because that is not the current practice of the parole board because parolees are assigned to a probation officer. It also repeals RSA 651-A:6, I (c) relative to parole hearings for prisoners recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence. Vote 20-0.

Amendment (1089h)

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

AN ACT relative to the parole of prisoners and the procedures of the adult parole board.

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

1 Involuntary Civil Commitment of Sexually Violent Predators; Notice to County Attorney or Attorney General. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the potential release ~~[on parole pursuant to RSA 651-A:6, I(c);]~~ except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.

2 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release ~~[on parole pursuant to RSA 651-A:6, I(c), or]~~ upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

3 Parole of Prisoners; Definitions. Amend the introductory paragraph of RSA 651-A:2, VI to read as follows:

VI. ~~["Nonviolent offense"]~~ **"Violent crime"** shall include ~~[all criminal offenses, except]~~ those defined as violent crimes in RSA 651:5, XIII and the following:

4 Parole of Prisoners; Adult Parole Board. Amend RSA 651-A:3, I to read as follows:

I. There shall be an adult parole board with 9 members ***at least 2 of whom shall be attorneys licensed in New Hampshire who have experience in criminal law.*** The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the unexpired term. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his ***or her*** absence. In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board members shall be paid ~~[\$100]~~ **\$200** a day plus mileage at the state employee rate while engaged in parole hearings or administrative meetings.

5 New Paragraph; Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11 by inserting after paragraph III the following new paragraph:

IV. The notice provisions of this section shall not apply to revocation, review, or reconsideration hearings.

6 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison ***and shall meet the criteria for parole*** before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, or may be subject to an extended term of recommitment pursuant to paragraphs III and IV. The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence. The 90-day recommitment period may be calculated from the date of the arrest or from the date of the hearing, as ordered by the parole board.

II. Prisoners who are recommitted shall be provided access to focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommitment for greater than 90 days if:

(a) The prisoner has previously been found true for a parole violation on his or her current sentence or another sentence for which he or she was concurrently serving a term of parole; or

(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII ~~[and the prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff]; or~~

(c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII **or RSA 651-A:2, VI**; or

(d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment; or

(e) The conduct underlying the parole violation is related to his or her offense or offending pattern.

IV.(a) A prisoner shall be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:

~~(1) The prisoner did not meaningfully participate in the evidence-based programming during the 90-day recommitment period; or~~

~~(2) the prisoner received one or more major disciplinary violations during the 90-day recommitment period.~~

(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.

V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommitment shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:

(a) The prisoner has not been previously found true for a parole violation on his or her current sentence or another sentence for which he or she was concurrently serving a term of parole;

(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;

(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII **or RSA 651-A:2, VI**;

(d) The parole violation is not substantially related to his or her offense or offending pattern; and

(e) The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.

VIII. Notwithstanding paragraph I or subparagraphs VII(a) or (d), the parole board may impose a term of recommitment of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board.

7 Parole of Prisoners; Parole Records. Amend RSA 651-A:20 to read as follows:

651-A:20 Parole Records. The adult parole board or its designee shall have access to all parole records of the department. ~~[The board shall review the records of the department for each parolee in its custody at least once every 36 months.]~~

8 Repeal. RSA 91-A:3, II(f), relative to parole applications being considered in nonpublic session, is repealed.

9 Repeal. RSA 651-A:6, I(c), relative to parole hearings for prisoners recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, is repealed.

10 Effective Date.

I. Section 4 of this act shall take effect May 1, 2021.

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

AMENDED ANALYSIS

This bill amends various provisions of the adult parole process including the definition of violent crime, parole board per diem, and recommitment of prisoners who violate parole.

HB 1263, relative to victims compensation fund eligibility. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This bill expands the ability of victims of sexual abuse or trafficking to apply for assistance at any time. It eliminates consideration of contributory negligence when claims are made by victims. Vote 18-2.

HB 1269, relative to posthumous exonerations and annulments. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This bill corrects an historical wrong by posthumously exonerating and annulling the convictions of Willard Uphaus and Eunice "Goody" Cole. Willard Uphaus was wrongfully arrested and convicted of crimes under the provisions of the New Hampshire subversive activities act. "Goody" Cole was arrested and flogged for the crime of witchcraft and familiarity with the devil. This bill annuls and exonerates the convictions of these two historical figures. Vote 20-0.

HB 1272, prohibiting prison privatization. OUGHT TO PASS WITH AMENDMENT.

Rep. David Welch for Criminal Justice and Public Safety. This bill as amended prohibits state and county correctional facilities from contracting with private, for-profit facilities for the sole purpose of housing state or county prisoners. The Commissioner of the Department of Corrections can, with the consent of the governor under a declared emergency, enter into a contract with private for-profit correctional facilities on a temporary basis. At the county level, the county commissioners in an emergency will have similar powers. Vote 20-0.

Amendment (0863h)

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

1 Legislative Findings. The general court hereby finds and declares that:

I. The management and operation of a correctional facility involves functions that are inherently governmental. The imposition of punishment on errant citizens through incarceration requires state, county, and local governments to exercise their coercive police powers over individuals and is thus distinguishable from privatization in other areas of government.

II. Issues of liability, accountability, and cost warrant a prohibition of the ownership, operation, or management of correctional facilities by for-profit private contractors.

2 Department of Corrections; Powers and Duties of Commissioner. Amend RSA 21-H:8, VI-VII to read as follows:

VI. The commissioner may enter into contracts with the state's counties, the governments of other states, [and] the federal government, [and] **or other** appropriate [private] **government** agencies or facilities and make proper and necessary arrangements with them for the transfer and reception of inmates and allow transfers to state prisons of any person. Any person who is confined awaiting trial on a felony charge may be transferred to the state prison from the county correctional facility, upon the recommendation of the superintendent of the county department of corrections, and with the approval of the county commissioners of said county. The superintendent may transfer a prisoner, without the approval of the county commissioners, if the superintendent determines the transfer is necessary for public safety or emergency reasons. The county commissioners shall review any such transfer at their next regular meeting. If the county commissioners reject the transfer, the prisoner shall be returned to the facility from which the prisoner came as soon as practicable.

VII.(a) The commissioner may order the assignment and transfer of persons committed to his **or her** custody to correctional facilities of the department or **correctional facilities operated by state governments in other jurisdictions, or public** facilities under contract with the department. **The commissioner shall not enter into a contract with a private or for-profit entity for the sole purpose of housing state prisoners.**

(b) Notwithstanding subparagraph (a), if the governor, upon recommendation of the commissioner, declares by executive order that a corrections emergency exists that requires the commissioner to enter into a temporary contract with a private or for-profit entity to secure provisional housing for displaced prisoners, the commissioner may enter into such a contract, pending approval of the governor and the council. Temporary contracts entered into under this section shall not permanently or indefinitely replace a correctional facility operated by the state of New Hampshire or a contract with another publicly-operated facility.

3 New Paragraph; County Departments of Corrections; Policies, Rules and Regulations. Amend RSA 30-B:6 by inserting after paragraph II the following new paragraph:

III.(a) No county department of corrections shall enter into a contract with a private or for-profit entity for the sole purpose of housing county prisoners. Nothing in this paragraph shall prohibit a county department of corrections from contracting for select services that are provided inside of a county correctional facility.

(b) Notwithstanding subparagraph (a), if the county commissioners declare that a corrections emergency exists that requires the superintendent to enter into a temporary contract with a private or for-profit entity to secure provisional housing for displaced prisoners, the superintendent may enter into such a contract, pending approval of the county commissioners. Temporary contracts entered into under this section shall not permanently or indefinitely replace a county correctional facility or a contract with another publicly-operated facility.

4 Applicability. This act shall not apply to a contract entered into prior to the effective date of this act by the commissioner of the department of corrections or a county department of corrections with a private entity for the housing of prisoners. Upon the expiration of any such contract, the commissioner or the county shall transfer housing of such prisoners to a state correctional facility operated by the state of New Hampshire or another state government, or a federal correctional facility operated by the federal government, or a county correctional facility operated by a county. This act shall not apply to contracts for goods and services which are ancillary to the housing of prisoners such as medical or educational services, or repair and maintenance contracts.

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

AMENDED ANALYSIS

This bill prohibits the state or county department of corrections from transferring the housing of prisoners to a correctional facility operated by a private or for-profit entity, except when a corrections emergency exists.

HB 1343, relative to the pre-arraignment or pretrial release of a defendant. **INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for Criminal Justice and Public Safety. This bill makes changes to the bail reform statute. Currently the commission on pretrial release is meeting monthly and making progress. The committee recommends this bill be voted ITL to allow for an orderly process to accomplish an appropriate bail reform process. Vote 19-0.

HB 1384, relative to the re-release of a person on bail. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This bill is premature as are other issues related to bail. There is a Bail Reform Commission in New Hampshire that is comprised of many stakeholders. This commission meets monthly and will, upon completion, offer comprehensive bail reform legislation. As the commission is meeting regularly, it would be reasonable to wait until the commission completes its work prior to developing legislation. Vote 19-0.

HB 1468, relative to criminal mischief. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill makes it a crime to temporarily mar, harm, or destroy artifacts on state property. We heard testimony that covering statutes with fabric can cause harm since dyes can run and permanently discolor statutes. The committee amendment makes such activity a violation. Vote 19-0.

Amendment (0873h)

Amend the bill by replacing section 3 with the following:

3 Destruction of Property; Criminal Mischief. Amend RSA 634:2, VI to read as follows:

VI. Any person who is found guilty of criminal mischief under paragraph III of this section because he or she has vandalized, defaced, [or] destroyed [~~any part of state or municipal property, or any natural geological formation, site, or rock surface located on public property that has been designated by the state or any of its political subdivisions or the federal government as a natural area or landmark~~], ***covered, tampered with, or made any other unauthorized alteration, whether permanent or temporary, on public property,*** shall be guilty of a [~~class A misdemeanor~~] ***violation*** and shall also make restitution for any damage he or she has caused.

HB 1514, relative to the presence of a fire department at a class B fireworks display. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill as amended allows the local fire chief to determine whether or not to keep fire department personnel and equipment at the display if the local municipality issues a permit for the display. The local fire department may inspect the site of the display. Vote 20-0.

Amendment (0711h)

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

AN ACT relative to the presence of a fire department at a display fireworks display.

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

1 Public Safety; Fireworks; Local Option. Amend RSA 160-B:10 to read as follows:

160-B:10 Local Option.

I. Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses to the extent authorized under RSA 160-B:6 and 160-B:7. If the municipality has voted to prohibit the issuance of permits or the display of fireworks prior to March 1, 1992, such decision shall remain in effect unless subsequent action is taken under this section.

II. In any municipality that votes to allow, within that municipality, the issuance of permits for display fireworks, the local fire department may inspect the site of the display. The local fire chief shall determine whether to have the presence of fire department personnel and extinguishing equipment at the display and if so, how long the presence shall last.

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

HB 1524, relative to how law enforcement shares personal information about certain non-violent offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. NH citizens placed under arrest are in all cases innocent until proven guilty. The practice of publicly releasing their booking photos and posting them to social media is contrary to that. Booking photos placed on the internet can never be recalled, a not guilty verdict notwithstanding. Thus, a person found not guilty is subjected to a lifelong punishment for a crime they did not commit. Booking photos are a law enforcement investigatory tool and should be treated as such. They are not a tool for the public shaming of arrestees. Vote 19-0.

Amendment (0999h)

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

AN ACT relative to post-arrest photo distribution by law enforcement officers.

Amend the bill by replacing section 1 with the following:

1 Law Enforcement; Information Sharing. New Subdivision; Post-Arrest Photo Distribution. Amend RSA 105 by inserting after section 18 the following new subdivision:

Post-Arrest Photo Distribution

105:19 Law Enforcement; Post-Arrest Photo Distribution. Post-arrest photos taken by law enforcement officers of arrested persons shall be considered records compiled for investigatory purposes and shall not be subject to RSA 91-A unless the subject of the photo is convicted of a charge arising out of the arrest that led to the taking of the photo. Law enforcement officers shall not publicly disseminate the post-arrest photos unless the subject of the photo is a fugitive from justice who poses an immediate and ongoing danger to public safety. Law enforcement officers may release such applicable post-arrest photos to the subject of the photo upon written request of the person. Law enforcement officers shall maintain a record of all applicable photos released or disseminated and shall include with whom the photos were shared and for what purpose. Nothing in this subdivision shall prohibit the ability of law enforcement agencies from disseminating such post-arrest photos to witnesses or to other law enforcement agencies in the performance of any valid law enforcement function. Nothing in this subdivision shall alter the ability of law enforcement agencies to take or use the photos of convicted, registered sex offenders under the provisions in RSA 651-B:5.

AMENDED ANALYSIS

This bill prohibits law enforcement from distributing post-arrest photos of suspects except in certain circumstances.

HB 1594-FN, creating an affirmative defense to violation of a restraining order. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. A court order finding a substantial risk of abuse cannot be modified sua sponte by the parties without leave of the court. A law creating an affirmative defense to violating such an order would place victims of abuse in greater danger and weaken the overall effect of the system. Parties are free to petition the court to have orders modified should they feel contact is necessary, and defendants to such orders are free to petition the court to drop the no contact portion of any order if the plaintiff makes repeated attempts to contact them. More importantly, defendants are under no obligation to respond to contact from the plaintiff and indeed are explicitly forbidden to do so. It is noteworthy that no citizen appeared before the committee or contacted the committee to support this bill, while the committee heard from numerous parties in opposition, including the courts. Vote 20-0.

HB 1118, establishing a committee to study air quality in school buildings. **OUGHT TO PASS.**

Rep. Arthur Ellison for Education. The committee believes that the issue of air quality in New Hampshire's schools deserves serious study. The results of this study could improve school environmental factors which could impact chronic student absenteeism, academic performance, and short and long-term health indicators. Vote 18-2.

HB 1127, relative to school lunch payment policies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Shaw for Education. This bill, as amended, ensures that all eligible students will have the opportunity to receive the same lunch as other students regardless of the status of their school lunch accounts. Correspondence regarding accounts shall be between the school and parents or guardians. Vote 18-0.

Amendment (0700h)

Amend RSA 189:11-a, X as inserted by section 1 of the bill by replacing it with the following:

X. Any school that participates in the National School Breakfast Program or the National School Lunch Program shall not provide to any child who qualifies for a free or reduced price breakfast or lunch an alternate meal that is not provided to students generally.

HB 1163, requiring schools to update documents and software to include the option of identifying a student as non-binary. **REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for Education. This bill is meaningfully intended to require schools to update documents and software to include the option of identifying a student as non-binary. Following hearing and executive session discussion, it has been determined that the bill needs further work as a number of implementation concerns have been noted. In addition, it has also been determined that changes necessitated to update documents will result in undetermined cost and there is no fiscal note attached to the bill. Further study is required. Vote 15-3.

HB 1219, establishing a committee to study reducing local costs of health care for educators. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education. This bill would establish a legislative committee to study how to reduce health care costs incurred by public schools. While the intent of the bill, to reduce such costs and therefore

provide a savings to local taxpayers, is good, an effort to do this should consider insurance regulations and organizations involved with health plans and health insurance pools, which are outside the scope of the Education Committee. Vote 18-0.

HB 1268, establishing a committee to study student loan forgiveness on the basis of volunteer work, including service in the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Vallone for Education. The committee found technical issues with the bill and voted unanimously to recommend Inexpedient to Legislate. Vote 16-0.

HB 1282, relative to changing a pupil's school or assignment because of a manifest educational hardship. **REFER FOR INTERIM STUDY.**

Rep. David Luneau for Education. The subject of this bill has already been addressed in HB 1328 and the committee finds this bill to be no longer necessary. Vote 18-0.

HB 1328, relative to a change of school or assignment due to manifest educational hardship. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Education. Circumstances can exist where a student should be placed in a different school in order to improve their opportunity to learn. This bill replaces policies that vary by school district with a statewide framework that defines the responsibilities of the parties involved and the process to be used when placing a student in a different school for reasons of manifest educational hardship. The amendment addresses the process used by the superintendent when considering whether it's in the best interest to place a student in a different school, and the process used by local school boards to authorize a placement based on manifest hardship. Vote 18-0.

Amendment (0670h)

Amend RSA 193:3, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) If a student is reassigned as a result of a best interest determination, the superintendents involved in the reassignment shall jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the superintendent of the receiving district for good cause shown or pursuant to school board policy of the receiving district. The school board of the student's district of residence shall approve the payment of tuition upon the superintendent's finding that is in the best interest of the student to be reassigned. Transportation shall be the responsibility of the parent or legal guardian.

Amend RSA 193:3, II(h)-III as inserted by section 1 of the bill by replacing them with the following:

(h) If a student is assigned to attend school in another district because of a manifest educational hardship, the district in which the student resides shall pay tuition to the district to which the child is reassigned. Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment.

III. The state board of education may permit such child to withdraw from the school the student currently attends for such time as the state board deems necessary. Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

III-a (a) A student reassigned under this section shall be counted in the average daily membership in residence of the student's resident school district. The student's resident district shall forward any tuition payment due to the district to which the student was reassigned.

(b) The superintendent of the student's resident school administrative unit shall notify the department of education within 30 days of any reassignment of students under this section.

(c) Nothing in this section shall alter or impair the right of a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

(d) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.

(e) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to manifest educational hardship. Each school board shall establish a policy, consistent with the state board's rules, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including assignment to another public school or public academy within the district or to a public school or public academy in another district.

(f) Students re-assigned under this section shall meet the admission requirements of the school to which the student is re-assigned.

HB 1329, relative to school records retention and disposition. **OUGHT TO PASS.**

Rep. David Luneau for Education. Currently, school districts store student and other records in paper format. This bill allows school districts to store these records in an electronic format approved by the Secretary of State and adopted by the local school board. Vote 19-1.

HB 1344-L, relative to reimbursement of transportation costs for students attending a career and technical education center. **REFER FOR INTERIM STUDY.**

Rep. Barbara Shaw for Education. This bill is very important because it would equalize career and technical education (CTE) center transportation costs for all New Hampshire school districts. However, at this time, several committees both state and legislative, are looking at the issues relating to CTE funding. Therefore, the committee has agreed to Refer for Interim Study as part of the ongoing process. Vote 20-0.

HB 1361, relative to the pledge of allegiance or other patriotic ceremonies. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Woodcock for Education. As presented, this bill is fraught with student supervision issues and there appears no reason to weaken an already very lenient bill. Vote 18-0.

HB 1362, relative to courses in New Hampshire's cultural heritage and ethnic history. **INEXPEDIENT TO LEGISLATE.**

Rep. Sue Mullen for Education. This bill deletes the requirement that the courses in the cultural heritage and ethnic history of New Hampshire's people be limited to one semester. The committee feels that while school districts may include such a course at the elementary or secondary level, there is nothing to prevent schools from offering more than one semester, so the change in law is not needed. Vote 18-0.

HB 1368, relative to filling vacancies for at-large members of school boards and budget committees of cooperative school districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tamara Le for Education. This bill amends RSA 671:33, II(b) and 671:33, IV to allow cooperative school districts, in the case of a vacancy of an at-large school board member and/or cooperative school district budget committee member, to have the vacancy filled by the cooperative school board moderator. The moderator is elected by legislative bodies at each sending community and is thus in a neutral position to make an appointment. Vote 18-1.

Amendment (0661h)

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

1 School District Elections; Vacancies. Amend RSA 671:33, II(b) to read as follows:

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. ***All vacancies for at-large board members of the cooperative school district shall be filled by the moderator.*** A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

2 School District Elections; Vacancies. Amend RSA 671:33, IV to read as follows:

IV. In a cooperative school district, the remaining budget committee members representing the same town or towns as the departed member shall fill a vacancy on the budget committee, provided that there are at least 2 such members. If there are less than 2 remaining members on the budget committee representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. If the vacancy is for the cooperative school board representative to the cooperative school district budget committee, such vacancy shall be filled by the cooperative school board. ***All vacancies for at-large members of the cooperative school district budget committee shall be filled by the moderator.*** A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

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

HB 1469, relative to hazing at educational institutions. **REFER FOR INTERIM STUDY.**

Rep. Stephen Woodcock for Education. The Education Committee supports efforts to improve the state's anti-hazing laws. While this bill provides a strong starting point, the committee believes that it needs more work, and would also need to be referred to a second committee for consideration of proposed criminal penalties. Vote 16-2.

HB 1499, relative to public college and university policies for qualified service year alumni. **INEXPEDIENT TO LEGISLATE.**

Rep. Cole Riel for Education. This bill is still a work in progress, which is why the prime sponsor has requested additional time to workshop the legislation through the Commission to Study Career Pathways from Full Time Service Year Programs to Post-Secondary Education and Employment Opportunities in Support of New Hampshire's Workforce Needs. The commission will include a recommendation on the intent and mechanics of the bill in its final report, which is expected on or before October 1, 2020. Vote 19-0.

HB 1512, relative to reducing school food waste and addressing child hunger. **REFER FOR INTERIM STUDY.**

Rep. Arthur Ellison for Education. The committee supports the intent of the bill, but feels that implementation of this bill as written raises a number of issues which require study and clarification. Interim Study would allow for consideration of these issues prior to enactment of the legislation. Vote 20-0.

HB 1522, requiring colleges and universities to report allegations of sexual assault to local law enforcement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, requires all post-secondary institutions to establish agreements, or Memoranda of Understanding (MOU) between the institution's campus security or police department and the local law enforcement agency to strengthen matters related to sexual assault and related offenses. The bill will take effect July 2, 2021; allowing one year to finalize agreements, if an MOU is not already in place. Established in 1990, the Federal Jeanne Clery Act requires post-secondary institutions to annually report certain felony offenses on campuses to the Federal Department of Education. Further, the Clery Act encourages, while this bill will require, New Hampshire communities and post-secondary institutions to establish cooperative working agreements, or MOU's that will provide safe and healthy environments for area residents, students, employees, and visitors regarding sexual assault. Vote 17-2.

Amendment (0877h)

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

AN ACT requiring colleges and universities to establish a memorandum of understanding governing issues related to sexual assault.

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

1 Higher Education Commission; Sexual Assault Reporting Policy. Amend RSA 21-N:8-a, II(e)(10) to read as follows:

(10) Require all institutions of higher education over which the commission has regulatory authority to establish a memorandum of understanding or other similar agreement between the institution's campus security or police department and the local law enforcement agency having jurisdiction over the area where the campus is located for the purpose of providing a safe and healthy environment for area residents, students, employees, and visitors in matters related to RSA 632-A.

(11) Assume other responsibilities as may be provided in state or federal law.

2 Effective Date. This act shall take effect July 1, 2021.

AMENDED ANALYSIS

This bill requires institutions of higher education to develop a memorandum of understanding governing issues related to sexual assault.

HB 1527-FN, requiring radon testing for all public schools in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Shaw for Education. This bill requires annual testing for radon as requested by the principal or designee of each school in New Hampshire. First of all, that is a school board or local district responsibility to request. Additionally, the Department of Environmental Services is already monitoring our schools and a Commission on Environmentally-Triggered Chronic Illness is working on several of these issues. Lastly, this bill carries a hefty price tag to enforce, in the vicinity of \$800,000-850,000 annually. Vote 20-0.

HB 1558-FN, relative to the provision of special education services for older students. **OUGHT TO PASS.**

Rep. Sue Mullen for Education. This bill aligns the state definition of "child with a disability" with the federal definition. This should alleviate the confusion expressed by school districts and families as to which law is the "correct" law. Vote 19-0.

HB 1582-FN, providing free tuition at colleges and universities for children of veterans who are totally and permanently disabled. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Allard for Education. This bill provides for a tuition waiver for the children of 100 percent disabled veterans residing in New Hampshire at the time of enlistment or the time of the designation of permanent and total service-connected disability. This bill applies to New Hampshire state colleges and universities, including the Community College System. Vote 20-0.

Amendment (0896h)

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

1 State College and University System; Tuition Waived. Amend RSA 187-A:20 to read as follows:
187-A:20 Tuition Waived.

*I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, [beseiged] **besieged**, or captured by the enemy during the South East Asian conflict,*

any child of such person, enrolled after August 16, 1981, in the university of New Hampshire, Plymouth state university, or Keene state college shall, so long as said person is so reported, listed, interned, beleaguered, [beseiged] **besieged**, or captured, not be required to pay tuition for attendance at such institutions. Any person entitled to free tuition under this [section] **paragraph** shall apply to the board of trustees of the university system, and said board may require such proof as they may deem necessary in order for a person to qualify for free tuition under this [section] **paragraph**.

II.(a) If a person, while serving in or with the armed forces of the United States, has received a discharge other than dishonorable from service, and is totally and permanently disabled from such service-connected disability, and was domiciled in the state of New Hampshire at the time they entered military service or when he or she was determined by the U.S. Department of Veterans Affairs to be so disabled, whether on original decision or appeal, and is currently a resident of New Hampshire, any child of such person enrolled in an institution that is part of the university system of New Hampshire shall not be required to pay tuition for attendance at such institution. For the purpose of this paragraph, "child" shall mean a biological, adopted, or step-child from marriage who meets the university system's residency requirements, provided in the case of a step-child that the parents are still married at the time of application and remain so during the entire time of matriculation under this paragraph.

(b) Any person entitled to free tuition under this paragraph shall apply to the board of trustees of the university system. The board shall, for proof of disability, only require a determination of disability letter from the U.S. Department of Veterans Affairs indicating that the disability of the sponsoring parent is 100 percent total, permanent, service connected and that the character of discharge was other than dishonorable, in order for a person to qualify for free tuition under this paragraph. The board may also require such evidence as it deems necessary to establish residence at the time of service entry or the time of disability determination and proof of relation to sponsoring veteran. The child of a veteran shall remain eligible for free tuition under this paragraph through the end of the semester in which he or she attains the age of 27, provided that the child shall be financially liable for the cost of any studies continuing in the semester following his or her 27th birthday.

(c) All applicants shall complete the Free Application for Federal Student Aid (FAFSA) and shall cooperate with the institution in filling out such applications for grants and other financial assistance as the institution may request in order to offset the tuition waiver cost to the institution. This shall not include any benefits provided directly to the student by the U.S. Department of Veterans Affairs under 38 U.S.C. sections 3500-3566, et seq. Failure to cooperate shall be considered grounds to deny a tuition waiver under this paragraph, provided that the applicant shall not be required to apply for loans or other funding that will cause the applicant to incur future debt. Non-eligibility for grants or other funding shall not be grounds to deny a tuition waiver under this paragraph.

2 New Paragraph; Community College System of New Hampshire; Tuition Waived. Amend RSA 188-F:15 by inserting after paragraph I the following new paragraph:

I-a.(a) If a person, while serving in or with the armed forces of the United States, has received a discharge other than dishonorable from service, and is totally and permanently disabled from such service-connected disability, and was domiciled in the state of New Hampshire at the time they entered military service or when he or she is determined by the U.S. Department of Veterans Affairs to be so disabled, whether on original decision or appeal, and is currently a resident of New Hampshire, any child of such person enrolled in an institution that is part of the community college system of New Hampshire shall not be required to pay tuition for attendance at such institution. For the purpose of this paragraph, "child" shall mean a biological, adopted, or step-child from marriage who meets the community college system's residency requirements, provided in the case of a step-child that the parents are still married at the time of application and remain so during the entire time of matriculation under this paragraph.

(b) Any person entitled to free tuition under this paragraph shall apply to the board of trustees of the community college system. The board shall, for proof of disability, only require a determination of disability letter from the U.S. Department of Veterans Affairs indicating that the disability of the sponsoring parent is 100 percent total, permanent, service connected and that the character of discharge was other than dishonorable, in order for a person to qualify for free tuition under this paragraph. The board may also require such evidence as it deems necessary to establish residence at the time of service entry or the time of disability determination and proof of relation to sponsoring veteran. The child of a veteran shall remain eligible for free tuition under this paragraph through the end of the semester in which he or she attains the age of 27, provided that the child shall be financially liable for the cost of any studies continuing in the semester following his or her 27th birthday.

(c) All applicants shall complete the Free Application for Federal Student Aid (FAFSA) and shall cooperate with the institution in filling out such applications for grants and other financial assistance as the institution may request in order to offset the tuition waiver cost to the institution. This shall not include

any benefits provided directly to the student by the U.S. Department of Veterans Affairs under 38 U.S.C. sections 3500-3566, et seq. Failure to cooperate shall be considered grounds to deny a tuition waiver under this paragraph, provided that the applicant shall not be required to apply for loans or other funding that will cause the applicant to incur future debt. Non-eligibility for grants or other funding shall not be grounds to deny a tuition waiver under this paragraph.

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

HB 1682-FN-L, requiring schools to maintain food allergy plans to address food allergy safety and training. **REFER FOR INTERIM STUDY.**

Rep. Patricia Cornell for Education. The committee felt that food allergy training and safety in schools is a complex issue deserving a more comprehensive examination. A robust subcommittee was held, which included representatives from the Department of Education, the NH School Nurses Association, and Education Committee members with parental input. The committee felt more work was needed and recommended Interim Study. Vote 18-0.

HB 1191, relative to the use of campaign contributions for personal use expenditures. **REFER FOR INTERIM STUDY.**

Rep. Connie Lane for Election Law. Current law contains a general prohibition against using campaign funds for personal use. This bill expands the general prohibition by providing specific examples of prohibited expenses, such as payment of a mortgage, lease, household food items or supplies, vacations, personal debts, and gifts to a constituent. Based on the testimony it heard regarding practices by past and current legislators, the committee feels that is important to address the issues raised in the bill. Vote 20-0.

HB 1395, establishing a committee to study ballot access and ways to improve civic engagement in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Bergeron for Election Law. This bill proposed continuing the work assigned to a committee created by HB 429 (2019), to study ways to improve civic engagement and make recommendations for proposed legislation by November 1, 2019. While HB 429 created a legislative committee, this bill proposed establishing a 13-member commission for this purpose. The HB 429 committee's final report included eleven recommendations, seven of which pertained to education standards, school districts, civics education, and social studies curricula. Testimony offered to the Committee on Election Law during the public hearing on this bill made it clear that most of the recommendations included in the study committee's final report fall within the purview of the Committee on Education, which is charged with considering subjects relating to the regulation of school districts and matters concerning education, not Election Law. Finally, some other recommendations contained in HB 429's final report — such as those pertaining to online voter registration and no-excuse absentee balloting — are the subjects of other legislation. Vote 20-0.

HB 1668-FN-L, relative to early voting for persons with disabilities. **REFER FOR INTERIM STUDY.**

Rep. William Pearson for Election Law. This bill would establish an early voting process in New Hampshire for persons with disabilities. Early voting is a new process for New Hampshire. While the committee believes the goals of this bill are laudable, there are outstanding questions as to the efficacy of early voting in New Hampshire and the committee would like to see a more thorough investigation of the concept as it would apply to the state. Vote 20-0.

HCR 8, celebrating August 26, 2020 as the 100th anniversary of the 19th Amendment, which guarantees that the right to vote shall not be denied on the basis of sex. **OUGHT TO PASS.**

Rep. Katherine Prudhomme-O'Brien for Election Law. This resolution commemorates the 100th anniversary of the passage of the 19th amendment which recognized and enshrined into our constitution the inalienable right to vote of all female citizens of the United States of America. It celebrates that momentous achievement, the heroic suffragettes who fought for it and the invaluable contributions to our country made by the women who came after them. Vote 20-0.

HB 1172, prohibiting state agencies from spraying pesticides targeting mosquitoes before dusk. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherry Dutzy for Environment and Agriculture. The intent of this bill was to minimize the hazard to bees and other pollinators in regards to spraying pesticides to control mosquitoes. In the public hearing, it was learned that the bill would have the unintended consequence of preventing the use of certain mosquito control tools that are environmentally sound methods for control. The sponsor was in agreement. Vote 19-0.

HB 1187, relative to animal shelter facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. This bill, as amended, performs three functions. First, it will ease the restriction on animal shelter facilities from having to own their facility and allow them to own or lease it instead. Second, it further defines the requirements for animals coming into New Hampshire through a rescue as it pertains to health certificates and identification markings. Lastly, it clearly defines the notification process for an animal that has been found or recovered. Vote 20-0.

Amendment (1004h)

Amend RSA 437:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned *or leased*, operated and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

Amend RSA 437:8, V as inserted by section 2 of the bill by replacing it with the following:

V. ~~[Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements of this section relative to transferring dogs, cats, and ferrets except that:]~~

(a) All dogs, cats, or ferrets transferred out of an animal shelter facility shall have a form of positive identification, including, but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner.

(b) All dogs, cats, or ferrets shall be vaccinated against rabies in accordance with RSA 436 before transfer, if proof of rabies vaccination is not available.

~~[(a)]~~ (c) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or microchip registries.

~~[(b)]~~ (d) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal. *Registered owners or agents shall be contacted as soon as possible, not to exceed 72 hours, and alerted that the animal has been taken in and is available to be reclaimed.*

(e) If listed owners or agents cannot be located or refuse to reclaim possession of the animal, secondary contacts listed by microchip registries shall be contacted as soon as possible, not to exceed 72 hours.

AMENDED ANALYSIS

This bill:

I. Allows animal shelters to own or lease their facilities.

II. Clarifies which exemptions apply to animal shelters.

HB 1190, relative to banning the pesticide chlorpyrifos. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherry Dutzy for Environment and Agriculture. The committee felt that legislation to ban individual pesticides was not appropriate. New Hampshire has a Pesticide Control Board which was established in 1965. It was felt that concerns about banning chlorpyrifos should be referred there. Additionally, it was noted that this pesticide is rarely used but is necessary to contain pests in various fruit trees. Banning it outright could lead to other pesticides being used in greater quantities. Vote 19-0.

HB 1196, relative to eliminating exposure to certain pesticides and establishing an alternative pest management working group. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Richards for Environment and Agriculture. While many on the committee agreed with the intent of the bill to address highly toxic and carcinogenic pesticides, there was unanimous agreement that establishing a separate working group is not the best approach to address the issue and that the existing Pesticide Control Board is the appropriate avenue to publish fact sheets and address outreach on non-pesticide alternative methods of pest management. During committee discussions on the bill, members called on the Governor and the Department of Agriculture Markets and Food to fill vacant positions on the Pesticide Control Board. Vote 19-0.

HB 1208, relative to notification of pesticide application in residential property. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard Pearl for Environment and Agriculture. This bill seeks to mandate a notification process to both landlords and tenants of pesticide applications. The committee felt that this was a landlord/tenant issue and not within the purview of our committee. Vote 19-0.

HB 1291, relative to homestead food license requirements. **OUGHT TO PASS.**

Rep. Jane Beaulieu for Environment and Agriculture. This bill simply raises from \$20,000 to \$35,000 the annual gross sales amount that a homestead food operation may sell without having to obtain a food service license from the state. This is a good measure to enhance the profitability for small scale farmers and manufacturers. Vote 19-0.

HB 1373, establishing a committee to study the use of Styrofoam in schools, hospitals, and government buildings. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane Beaulieu for Environment and Agriculture. The committee does not support the bill for several reasons. The main objection of studying styrofoam use in schools, hospitals, and government buildings is the ability for these entities to do so on their own. We did not hear testimony supporting the need for this study committee. Vote 20-0.

HB 1388, prohibiting the sale of cats, dogs, and rabbits in retail stores. **INEXPEDIENT TO LEGISLATE.** Rep. Sherry Dutzy for Environment and Agriculture. Although the committee agreed that the importing of dogs from around the country, many of whom come from “puppy mills,” needs better regulation, it did not believe that this bill was effective in doing so. There was overwhelming interest on the public’s part both for and against this bill. It was noted that only six retail stores operating in New Hampshire sell pets prohibited by this bill. An ad hoc committee is being considered to study possible future legislation to address out-of-state puppy mills. Vote 20-0.

HB 1418, authorizing funds of the department of agriculture to be used for increasing farm energy efficiency. **REFER FOR INTERIM STUDY.**

Rep. Peter Bixby for Environment and Agriculture. This bill would have used funds from the Agricultural Nutrient Management Program to help farmers improve on-farm energy efficiency. Although the committee likes the idea of providing assistance with energy efficiency, the money in this fund is granted by the Natural Resource Conservation Service specifically for assistance with nutrient management issues in order to bring farms in compliance with water quality requirements. The sponsor brought in an amendment that would have used a general fund appropriation instead. The committee felt that this would be better brought forward in a budget year, and interim study will allow for better crafting of the bill. Vote 19-0.

HB 1448, relative to animal health certificates and requiring dogs imported into the state for transfer to be tested for *Brucella canis*. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. This bill, as amended, will increase the quarantine times and testing requirements for animals intended for transfer in New Hampshire. The committee received testimony about increased cases of diseases coming into our state through animals being transferred through commercial sales and rescue organizations. Vote 19-0.

Amendment (0795h)

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

AN ACT relative to animal health certificates and quarantine requirements for animals imported into the state.

Amend RSA 437:8, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least [48 hours] **7 days** at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian separated from *contact with other non-quarantined* animals on the premises **and shall receive a health certificate from a licensed veterinarian** before being offered for transfer.

Amend the bill by replacing section 4 with the following:

4 New Paragraphs; Health Certificates for Dogs, Cats, and Ferrets; Rabies Vaccinations. Amend RSA 437:8 by inserting after paragraph VI the following new paragraphs:

VII. No dog or cat shall be imported into New Hampshire with intent to transfer without first receiving a negative test for intestinal parasites, heartworm if the dog or cat is over 6 months of age, and proof of deworming issued by a licensed veterinarian within 14 days previous to the transfer. The commissioner of the department of agriculture, markets, and food shall adopt rules under RSA 541-A relative to what tests are sufficient for such diseases.

VIII. A dog, cat, or ferret 4 months old or older shall be vaccinated against rabies at least 30 days before entering New Hampshire in order to receive a health certificate under this section. Puppies and kittens shall not be vaccinated against rabies before 3 months of age.

AMENDED ANALYSIS

This bill makes certain requirements for a dog, cat, or ferret to receive a health certificate, including a 7 day quarantine period for imported animals.

HB 1449, defining animal hoarding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. The committee heard compelling testimony addressing the complicated nature related to the mental state of a person who struggles with hoarding disorder. Animal hoarding is becoming a more prevalent issue in animal cruelty cases in New Hampshire. It was stated in testimony that “seizure of animals and criminal prosecution alone, is an insufficient response in these [hoarding] situations. In the interest of the animals, it would be ideal if the New Hampshire Judicial System could recognize that an animal hoarding situation may exist to prevent future animal cruelty.” The committee feels this bill is a good step toward providing a definition to a disorder that is affecting the living conditions of animals in New Hampshire. Vote 20-0.

Amendment (0969h)

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

1 New Paragraph; Cruelty to Animals; Hoarding Defined. Amend RSA 644:8 by inserting after paragraph II-a the following new paragraph:

II-b. In this section “animal hoarding” shall mean a situation where an individual or individuals are unable to care for multiple animals in their custody due to psychological reasons. For purposes of this section, “hoarding” shall have the same definition as provided in the most current version of the Diagnostic and Statistical Manual of Mental Disorders.

2 Animal Hoarding. Amend RSA 644:8, IV-a to read as follows:

(a) Except as provided in subparagraphs ~~[(b) and (c)]~~ **(c) and (d)** any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been or is being abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal’s health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week’s extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of the officer’s department or society. The department or society may dispose of the animal in any lawful and humane manner as if it were the rightful owner **unless charges are filed**. If after 14 days the officer or the officer’s department determines that charges should be filed under this section, the officer shall petition the court. **Where animals have been taken into custody, as a result of animal hoarding as defined in paragraph II-b, and prior to any action, agreement, settlement, or trial as outlined in paragraph IV or in this paragraph, the court may order a person to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after due consideration of such evaluation.**

(b) If a person is found not competent to stand trial, in the absence of a co-owner, the court may order custody of the seized animals to a third party or person with order of priority being a co-owner, family member, trustee, close friend, or a guardian with a power of attorney until such time as the court is satisfied that the terms of treatment have been met. In the case of a person who was evaluated and found unable to provide proper care and shelter by the court, the animals held in custody shall be disposed of and the court shall grant permanent custody to a third party or person with order of priority being a co-owner, family member, trustee, close friend, or such guardian with a power of attorney who is able to dispose of the animals in a humane manner.

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

~~[(c)]~~ **(d)**(1) For purposes of subparagraph (a), for facilities licensed to conduct live running or harness horseracing or live dog racing pursuant to RSA 284, the appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society shall:

(A) Notify the director of the pari-mutuel commission of the circumstances arising under subparagraph (a);

(B) Enter the grounds of the facility with the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission;

(C) Take such horses or dogs into temporary protective custody as determined by the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission; and

(D) Comply with subparagraph (a) after taking a horse or dog from a facility licensed pursuant to RSA 284 into temporary protective custody.

(2) This paragraph shall not preempt existing or enforcement authority of the pari-mutuel commission, pursuant to RSA 284 or rules and regulations adopted pursuant to such authority.

3 Effective Date. This act shall take effect January 1, 2021.

AMENDED ANALYSIS

This bill defines animal hoarding and sets forth a procedure for a person charged with animal hoarding to be given a psychiatric evaluation.

HB 1507, relative to public notice requirements for permits issued by the department of environmental services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Environment and Agriculture. The committee strongly supports this bill, as amended, which updates the statute having to do with rulemaking and notice requirements by the Department of Environmental Services to include electronic noticing. It will provide the public with more timely information in regard to solid waste management permits. This provides a wider opportunity for public participation in significant permitting decisions that may potentially have long term impacts on host communities. Vote 20-0.

Amendment (0951h)

Amend RSA 149-M:7, III as inserted by section 1 of the bill by replacing it with the following:

III. Administration of a permit system, including the terms, conditions, and time frames under which the department shall issue, modify, suspend, revoke, deny, approve, or transfer permits required by this chapter, ***and means of noticing the public about such permits including, but not limited to, using electronic means via notice on the department's Internet website, and communicating permitting information with affected municipalities.***

HB 1592-FN, relative to milk pasteurization. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John O'Connor for Environment and Agriculture. The intent of this bill is to provide our dairy farmers the opportunity for additional sales by allowing them to sell ice cream, frozen yogurt, and frozen desserts made from raw milk directly to consumers. The amendment requires that such products be sold in containers no larger than 6 fl. oz. and be appropriately labeled with an expiration date no greater than 30 days from date of manufacture. Vote 19-0.

Amendment (0942h)

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

1 License Required; Exemptions. Amend RSA 184:84, V to read as follows:

V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter, ***ice cream, frozen yogurt, [or] kefir, or any other product containing raw milk*** shall not require a milk producer-distributor license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food consumer within the state of New Hampshire only. ***Ice cream, frozen yogurt, and frozen desserts produced and sold under this paragraph shall be packaged in containers no larger than 6 fluid ounces and shall be marked with an expiration date 30 days from the date of manufacture.***

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

HB 1658-FN, establishing a registration program for growers and producers of hemp and hemp products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill as introduced was the result of a study committee on licensing hemp growers at the state level. The bill would have established a licensure program for NH hemp farmers in the Department of Agriculture, Markets, and Food for the 2021 growing season. The study committee recommended that such a program would make sense if enough growers applied to the US Department of Agriculture's (USDA) licensure program for the 2020 growing season. There were fewer than a dozen applications, so the committee feels a state level program does not make sense at this time. The sponsor learned in discussion with the USDA hemp program administrator that a reference in current NH statute to USDA licensure of hemp processors and commercial traders is in error. The amendment corrects that error. As amended, this bill has no fiscal impact. Vote 19-0.

Amendment (0796h)

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

AN ACT relative to the growth of hemp.

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

1 Hemp Permitted. Amend RSA 439-A:3 to read as follows:

439-A:3 Hemp Permitted. Hemp is an agricultural product which may be grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower~~[-processor, or commercial trader]~~ of hemp shall be licensed by the United States Department of Agriculture.

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

AMENDED ANALYSIS

This bill removes processors and commercial traders from the licensing requirements of the United States Department of Agriculture.

HB 1702, establishing a solid waste working group on solid waste management planning. **OUGHT TO PASS.**

Rep. Jane Beaulieu for Environment and Agriculture. This bill is a request of the Committee to Study Recycling Streams and Solid Waste Management in New Hampshire established by HB 617 in 2019. The Environment and Agriculture Committee believes that New Hampshire must prepare for future solid waste challenges by working on updating the state's solid waste management laws and engaging in long range planning. The 20-member working group includes House and Senate members, state agencies, business, environmental groups, industrial waste generators, the Northeast Recycling Council, and many other public interest groups. Vote 19-0.

HB 1704, relative to compost. **OUGHT TO PASS.**

Rep. Liz McConnell for Environment and Agriculture. In 2015, statutes were created to encourage composting as a method of reducing the volume of waste in state landfill sites. Because of lack of staffing at the Department of Environmental Services (DES), no rules establishing best practices for facilities that compost organics have been created. This bill will require DES to start the process of rulemaking. Vote 19-0.

HB 1121, proclaiming October 9 as PANDAS/PANS Awareness Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Sallie Fellows for Executive Departments and Administration. Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal infection (PANDAS) is a very serious, rare, often misdiagnosed, childhood disorder that may manifest with a sudden onset of behavioral and sensory difficulties. The committee is eager to promote awareness but believes educating teachers would be far more effective than issuing a proclamation. We will ask the State Department of Education to provide schools with PANDA information. Also, NEA-New Hampshire has indicated their willingness to work with local PANDA advocates to facilitate awareness through their professional development conferences and/or workshops. Vote 17-2.

HB 1188, relative to conditional licenses of allied health professionals. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill, requested by the Office of Professional Licensure and Certification, repeals a provision allowing certain applicants for licensure as allied health professionals to practice on a conditional basis pending the results of a criminal history background check. Background checks are now routinely delivered within a two-week period and, therefore, this provision is no longer necessary. Vote 18-0.

HB 1189-FN, relative to the compensation of members of the genetic counselor's governing board. **OUGHT TO PASS.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill repeals the prohibition on compensation for members of the Genetic Counselors Governing Board so that members can receive per diem and mileage payments as members of the Office of Licensed Allied Health Professionals. When the governing board was initially created, it was not anticipated that the revenues from the licensing operation would be sufficient to cover the cost of per diem's and the like. Thus, they were not provided. Revenues have now improved to the point where such compensation is affordable. Vote 19-0.

HB 1242, establishing every 4th Thursday in August as Jamaican Appreciation Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Sallie Fellows for Executive Departments and Administration. This bill requires the Governor to issue a proclamation every year declaring the fourth Thursday in August as Jamaican Appreciation Day. We heard about wonderful things Hampton Falls has done to include Jamaican migrant apple harvesters in local celebrations and encourage them to share their culture. Other towns may want to consider how they can do the same but selecting a fixed date for the whole state would not facilitate inclusion. Local celebrations, such as Old Home Day, happen throughout the year. Vote 18-1.

HB 1314, relative to the licensure by the board of acupuncture licensing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill, as amended, better defines and expands the certification necessary for licensure of acupuncturists in NH to include the California Acupuncture Licensing Exam (CALE) rather than just National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) and removes the clean needle technique course from NCCAOM because this technique is included in all exams. It also expands general supervision to include site visits in addition to phone and electronic means and permits supervision by licensed physicians and osteopaths in addition to licensed acupuncturists. In addition, it limits the term a member serves on the Board of Acupuncture Licensing to "not more than 2 consecutive full terms." Vote 18-1.

Amendment (0591h)

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

AN ACT relative to the board of acupuncture licensing and the licensure of acupuncturists.

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

2 Board of Acupuncture Licensing; Qualification. Amend RSA 328-G:3, I(a)(1) to read as follows:

(1) ~~[Be NCCAOM-certified and]~~ Hold a current, valid license to practice acupuncture ~~[in another state in which licensure requirements are substantially equivalent to, or higher than, those of this state, in the case of the initial board appointees, and a current, valid license to practice]~~ under this chapter~~[- in the case of subsequent board appointees].~~

3 Board of Acupuncture Licensing; Terms. Amend RSA 328-G:3, III to read as follows:

III. The terms of office shall be 3 years for all board members. ***No member shall serve more than 2 consecutive full terms.*** The initial board appointees shall consist of one acupuncturist for a term of 3 years,

one acupuncturist for a term of 2 years, 2 acupuncturists for a term of one year each, and one public member for a term of 3 years. A member may be removed from office by the governor and council for malfeasance, misfeasance, or dishonorable conduct.

4 License Issuance; Certification. Amend RSA 328-G:9, II to read as follows:

II. The board shall issue a license to any applicant who satisfies all of the following requirements:

(a) Is 21 years of age or older.

(b) Has ~~current, active~~ NCCAOM certification **or equivalent certification approved by the board, or has successfully passed the California acupuncture licensing examination (CALE)**, through examination or Credentials Documentation Review.

~~[(c) Has successfully completed an NCCAOM approved Clean Needle Technique Course.]~~

~~[(d)]~~ (c) Has paid the \$110 license fee and filed the application established by the board.

~~[(e)]~~ (d) Is of good moral character.

~~[(f)]~~ (e) Has earned a baccalaureate, registered nurse, or physician's assistant degree from an accredited institution. An applicant who possesses a current, valid license to practice acupuncture from another state who meets all other requirements of licensure may have this requirement waived at the discretion of the board.

~~[(g)]~~ (f) Has successfully completed a post-secondary acupuncture college program which is ACAOM or board approved. For one year from the date on which the first license is issued this requirement will be waived for an applicant who possesses a current, valid license to practice acupuncture in another state, provided that the applicant meets the other requirements of this chapter. After one year from the date on which the first license is issued, this requirement may only be waived at the discretion of the board. The board of acupuncture licensing will review on a case by case basis valid apprenticeship programs that demonstrate a balanced approach of clinical training and fundamental sciences and that conform to NCCAOM standards. In addition, all applicants who have not graduated from an accredited acupuncture school must show proof of successful completion of a college level course in anatomy and physiology.

5 License Renewal; Continuing Education. Amend RSA 328-G:9, X to read as follows:

X. As a condition of renewal of license, the board shall require each licensee to show proof of having completed for each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous NCCAOM certification **or an equivalent certification approved by the board** shall fulfill the continuing education requirement ~~[as long as NCCAOM certification continues to require at least 30 Professional Development Activity points for each biennium]~~.

6 Acupuncture Detoxification Specialist; General Supervision. Amend RSA 328-G:9-a, II(b) to read as follows:

(b) "General supervision" includes, but is not limited to, being available by **site visit**, phone, or other electronic means during business hours, ~~[with at least 2 site visits by]~~ **to** a licensed acupuncturist ~~[a year]~~, **a physician, or an osteopath licensed under RSA 329.**

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

AMENDED ANALYSIS

This bill allows certain persons licensed by the board of acupuncture licensing who are doctors of acupuncture to use that title. The bill limits board of acupuncture licensing members to 2 consecutive full terms. The bill also provides for alternative certification for licensure or renewal and modifies a definition of general supervision of an acupuncture detoxification specialist.

HB 1315, relative to renewals of licenses of allied health professionals. **OUGHT TO PASS.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill changes the renewal date for 2-year licenses issued to allied health professionals from December 31 to the month of issuance of the applicant's original license. In so doing, the Office of Professional Licensing and Certification is moving to standardize its procedures, so as to better serve its licensees and the public. This change will also help to control administrative costs. Vote 20-0.

HB 1326-FN, requiring the independent investment committee of the New Hampshire retirement system to report investment fees. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill requires the Independent Investment Committee of the New Hampshire Retirement System to make public the fees paid to investment groups they employ on behalf of the trust fund. Right now, the committee reports the total amount paid in fees for a given year. However, they contract with several investment companies and the committee felt that reporting a breakdown of those fees would give the system members and the taxpayers the ability to judge the efficiency of their decisions. The committee heard that several other state retirement systems provide this type of information and felt it should not be a burden. Vote 20-0.

HB 1367, relative to out-of-state applicants occupational licensure or certification. **REFER FOR INTERIM STUDY.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill modifies the procedures for out-of-state applicants for professional licensure or certification to be issued a license or certificate in this

state, allows for appeals of decisions, and provides for licensure or certification based on work experience and private certification. The Executive Departments and Administration Committee believes that this bill offers several worthwhile concepts deserving further consideration, but also that, as drafted, it is not yet ready for passage. Vote 18-0.

HB 1407, relative to adopting rules relative to departmental forms. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, revises the definition of a form in rules, and modifies the procedures for approval of forms and changes to forms. It requires forms to be available (at least as a draft) for public hearings on rules, and gives the Joint Legislative Committee on Administrative Rules (JLCAR) the authority to object to a rule if the form does not agree with the rule. In addition, an expedited change to a form will now include the necessary changes to the rules that reference the form, so only one rulemaking proceeding is required. Vote 18-1.

Amendment (0765h)

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

1 Administrative Procedure Act; Definition of Form. RSA 541-A:1, VII-a is repealed and reenacted to read as follows:

VII-a. "Form" means a document, whether hardcopy or electronic, with blank spaces for insertion of required or optional information, which must be submitted to the agency by persons outside the agency, such as, but not limited to, licensing applications, petitions, or requests. The term does not include a document that is called a form by the agency but which does not have blank spaces for insertion of information by persons outside the agency.

2 Public Hearing and Comment. Amend RSA 541-A:11, I(a) to read as follows:

I.(a) Each agency shall hold at least one public hearing on all proposed rules filed pursuant to RSA 541-A:3 and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing or, if practicable for the agency, in electronic format, in accordance with the terms of the notice filed pursuant to RSA 541-A:3, I and the provisions of this section. The office of legislative services shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV in a form and manner determined by the director of the office of legislative services. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule **and of any draft new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b**, shall be available to the public under RSA 91-A and at least 5 days prior to the date of the hearing.

3 New Paragraph; Filing of Final Proposal. Amend RSA 541-A:12 by inserting after paragraph II the following new paragraph:

II-a. The agency shall file with the final proposal a copy of any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated by reference in the final proposed rule or whose requirements are set forth in the final proposed rule pursuant to RSA 541-A:19-b.

4 Review by the Joint Legislative Committee on Administrative Rules; Basis for Objection. Amend RSA 541-A:13, IV(c) to read as follows:

(c) Determined not to be in the public interest, **including the existence of substantive inconsistencies between a form and the rule where the form is incorporated by reference or which sets forth the requirements of the form, pursuant to RSA 541-A:19-b**; or

5 Final Adoption. Amend RSA 541-A:14, III to read as follows:

III. The agency shall file [~~all adopted rules~~] with the director of legislative services **all adopted rules and any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rules incorporate by reference or whose requirements are set forth in the rules pursuant to RSA 541-A:19-b**.

6 New Paragraph; Interim Rules. Amend RSA 541-A:19 by inserting after paragraph IV the following new paragraph:

IV-a. The agency shall file with the proposed interim rule a copy of any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated by reference in the proposed interim rule or whose requirements are set forth in the proposed interim rule pursuant to RSA 541-A:19-b.

7 Interim Rules; Basis for Objection. Amend RSA 541-A:19, VII(c) to read as follows:

(c) Determined not to be in the public interest, **including the existence of substantive inconsistencies between a form and the rule where the form is incorporated by reference or which sets forth the requirements of the form, pursuant to RSA 541-A:19-b**; or

8 Interim Rules. Amend RSA 541-A:19, X to read as follows:

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule or conditionally approve the proposed interim rule, provided that the committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19, VIII(b). An adopted interim rule, **and any new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or the requirements for which are set forth in the rule pursuant to RSA 541-A:19-b**, shall be filed with the director of legislative services no later than 30 days following committee approval or conditional approval. An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval or conditional approval. Interim rules shall be effective for a period not to exceed 180 days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

9 Adoption of Forms. Amend RSA 541-A:19-b to read as follows:

541-A:19-b Adoption of Forms. An agency may adopt a form as defined in RSA 541-A:1, VII-a, **either** by incorporating the actual form by reference **in a rule**, or by setting forth the requirements of the form in rules, adopted according to the procedures in this chapter **and in compliance with the drafting and procedure manual pursuant to RSA 541-A:8. No new or amended form shall be effective and enforceable pursuant to RSA 541-A:22, I unless the form has been adopted in accordance with this chapter.**

10 Revisions to Forms; Expedited Procedure. Amend RSA 541-A:19-c to read as follows:

541-A:19-c Revisions to Forms; Expedited Procedure.

I. An agency may make editorial changes to a previously adopted form without following the procedures required in RSA 541-A:19-b, in this section, or in RSA 541-A:3, **but shall notify the office of legislative services of any proposed editorial changes in accordance with the drafting and procedure manual pursuant to RSA 541-A:8.**

II. An agency may revise ~~[a form as defined in RSA 541-A:1, VII-a without meeting the requirements of RSA 541-A:5-7]~~ **substantively the requirements on a previously adopted form as defined in RSA 541-A:1, VII-a, and amend the relevant provisions in the rule which set forth the requirements of the form or incorporate the form by reference pursuant to RSA 541-A:19-b, without meeting the requirements of RSA 541-A:5, RSA 541-A:6, and RSA 541-A:9-14** ~~[either in accordance with RSA 541-A:19-b or]~~ by providing notice and adopting the **amended** form in accordance with paragraphs III through VII.

III. Notice of an agency's intent to ~~[adopt a form or amendment to a form]~~ **amend a form and amend the relevant, affected rule** shall include:

(a) The name and address of the agency.

(b) The statutory authority for the form.

(c) **The rule number and title of the affected rule to be amended, and whether the action is an amendment or readoption with amendment of the rule as described in the drafting and procedure manual pursuant to RSA 541-A:8.**

(d) An explanation of the reason for the proposed ~~[adoption or]~~ amendment of a form **and a summary of the existing, affected rule and the proposed amendment to the form and the rule.**

~~[(d)]~~ (e) The name, address, electronic address, and telephone number of an individual in the agency able to answer questions about the proposed form.

~~[(e)]~~ (f) The deadline for receipt by the agency of written or electronic public comment, which shall be no sooner than the 7th calendar day after the date of publication of the notice in the rulemaking register.

III-a. The amended rule to be filed shall include only those relevant provisions of the rule, as described in the drafting and procedure manual, pursuant to paragraph II, and neither the amended form nor the amended rule shall have a fiscal impact which would otherwise require a fiscal impact statement pursuant to RSA 541-A:5.

IV. **The agency shall file a copy of the amended form, the amended rule including an appendix pursuant to RSA 541-A:3-a, and the notice required by paragraph III** ~~[shall be filed]~~ with the director of legislative services, ~~[for publication]~~ **who shall publish the notice** in the rulemaking register. ~~[A copy of the form to be adopted shall be filed with the notice.]~~

V. If on the basis of public comment the official or the group of individuals with rulemaking authority determines that the form should not be ~~[adopted]~~ **amended**, the agency shall so notify the director of legislative services and the form shall not be ~~[adopted]~~ **amended**.

VI. The proposed form **as amended and amended rule** shall be placed on the agenda of the committee for review at the first regularly scheduled or special meeting at least 5 calendar days after the close of the period for written or electronic comment described in subparagraph III(e). The committee may approve or object to the form. The committee may object to the adoption of the form **as amended and the affected rule** if the form is:

- (a) Beyond the authority of the agency;
- (b) Contrary to the intent of the legislature; [or]

(c) ***Deemed not to be in the public interest, including the existence of substantive inconsistencies between the form and the rule where the form is incorporated by reference or which set forth the requirements of the form pursuant to RSA 541-A:19-b; or***

(d) ***Deemed by the committee not to meet the requirements of this section, including due to the existence of a fiscal impact.***

VII. Subsequent review and adoption of the form ***as amended and the affected rule*** shall be as provided in RSA 541-A:13 for final proposed rules.

11 Validity of Rules. Amend RSA 541-A:22, I to read as follows:

I. No agency rule, ***including a form***, is valid or effective against any person or party, nor may it be enforced by the state for any purpose, until it has been filed as required in this chapter and has not expired.

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

HB 1445, adding a building scientist to the building code review board. **INEXPEDIENT TO LEGISLATE.** Rep. Jaci Grote for Executive Departments and Administration. This bill would add a building scientist to the Building Code Review Board. The committee accepts that this may be needed in the future but, because the definition of a building scientist is not clear, the bill is recommended Inexpedient to Legislate. Vote 19-0.

HB 1485-L, relative to the installation of video surveillance cameras in community homes and group homes. **REFER FOR INTERIM STUDY.**

Rep. Mark Proulx for Executive Departments and Administration. This bill requires video surveillance cameras in group homes, residential and day schools, and buildings where services are provided for children and adults with disabilities. This legislation raises more questions than it answers. There are two distinct sets of stakeholders that need to work to get to a compromise. There are also privacy and Health Insurance Portability and Accountability Act of 1996 (HIPAA) issues that need to be worked out. If we can get the necessary work done on this bill, it will not only protect the patient, but also protect the health care worker. Vote 19-0.

HB 1491, relative to allied health professional temporary licensure. **OUGHT TO PASS.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill adds two governing boards in the Office of Licensed Allied Health Professionals to those which grant temporary licensure to licensees from other states. The two additional governing boards license athletic trainers and genetic counselors, and were inadvertently omitted in previous legislation. This bill corrects that unintended omission. The bill also clarifies that temporary licensure shall not apply to an allied health governing board that is a member of an interstate licensure compact. Vote 20-0.

HB 1498, relative to state employment hiring preferences for members of a civilian national service organization. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathy Desjardin for Executive Departments and Administration. This bill would establish a new chapter RSA 99-G to require each executive branch agency to establish a policy implementing employment preferences for current members and alumni of a civilian national service organization. The legislation would require state agencies to give interview preference to qualified applicants for executive branch positions. The bill is unnecessary as the sponsor, with the cooperation of the Department of Administrative Services, is addressing this issue administratively rather than legislatively. Vote 18-0.

HB 1536, relative to pharmacists-in-charge, the inspection and regulation of prescription drugs by the pharmacy board, and disciplinary actions by the pharmacy board. **REFER FOR INTERIM STUDY.**

Rep. Carol McGuire for Executive Departments and Administration. This bill was intended to reconcile New Hampshire's definition of "dispensing" to agree with the federal Food and Drug Administration's, and also clarify the responsibility for setting standards for drug labeling, storage, and disposal. Instead, multiple professions came out in opposition to this bill, seeing it as an overreach by the Board of Pharmacy. Since protecting New Hampshire businesses and professions from excessive regulation by the federal agency is still necessary, the committee voted to refer the bill for interim study to clarify definitions and resolve some of the inter-professional disputes. Vote 19-0.

HB 1545, relative to regulation of interpreters for the deaf, deaf blind, and hard of hearing. **OUGHT TO PASS.** Rep. Stephen Pearson for Executive Departments and Administration. The New Hampshire Commission for Deafness and Hearing Loss (RSA 125-Q) heard testimony from the professional association for sign language interpreters in the state and recommends this bill. It does three things. First, it changes various terms to be consistent with the terms used nationally. Second, while it is important that sign language interpreters are licensed, occasions arise when either a licensed interpreter is not available or an individual may be better served by someone else. In these cases, an individual may apply to the board for a waiver. Please note this applies only to those offering their services for pay, not done for free. Third, in the past when a sign language interpreter violated professional standards the only recourse was strong disciplinary action. The

commission's chairman (and author of this bill) suggested there might be substandard conduct that warrants remediation, rather than disciplinary action. The last part of the bill makes provision for this intermediary level of response. Vote 20-0.

HB 1550-FN, extending accidental death benefits for group II members of the retirement system suffering from heart attacks. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Proulx for Executive Departments and Administration. This bill would extend accidental death benefits for Group II members of the NH Retirement System (NHRS) suffering from heart attacks. The bill before the committee addressed the issue as a revision to RSA 100-A, the retirement chapter. However, testimony from the NHRS indicated that the change would be more appropriate in RSA 281-A, the workers compensation chapter. While the majority of the committee felt this was a worthy bill, we believe it should be brought back next year so that it can be addressed in the proper statute and sent to the appropriate committee for vetting. Vote 19-0.

HB 1587-FN, relative to the regulation and licensing of locksmiths. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill would establish the licensure of locksmiths by the Office of Professional Licensure and Certification. There was disagreement in the hearing between locksmiths and the national locksmith association that concerned the committee. The committee feels that this issue should be resolved between the two groups since they seemed to be supportive of each other. Furthermore, some committee members were concerned that licensure would not correct the fraud in the industry that was of concern for the locksmiths. Vote 20-0.

HB 1709, relative to building code and zoning requirements applicable to home-based child day care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill would provide that family day care homes and family group day care homes shall not be required to install sprinkler systems or to obtain food service licenses and may operate in residential zones. Although the committee empathizes with the need for day care services in the state, the committee does not support bypassing the code amendment process that involves review by the Building Code Review Board. The sponsor has agreed to this position and will address this issue through proper channels. Vote 19-1.

HB 1711, establishing a committee to study the appeals process for child day care violations. **OUGHT TO PASS.**

Rep. Kristina Schultz for Executive Departments and Administration. Currently child day care providers undergo inspections and are given negative penalties for infractions that are identified. That, in and of itself, is not a problem. Unfortunately, the process for inspections and subsequent penalties can be crippling for child day care providers. Testimony from multiple child day care providers tell of penalties which have a harshness to a fault and with no due process and no opportunities to learn and improve. Some who testified said they left the child day care business entirely because of this problem. This intersects with the serious problem of an inadequate number of spots for families in need of care that create extensive waiting lists for child day care services. Instead of barriers to caregivers that stifle improvements and impede "teachable moments," we should develop a new culture around infractions and of the whole inspection process. This bill establishes a legislative committee to study the creation of a neutral appeals process to review violations committed by a child day care agency. Vote 19-0.

HB 1108, relative to the methods of taking turkey during youth turkey hunt weekend. **INEXPEDIENT TO LEGISLATE.**

Rep. Raymond Howard for Fish and Game and Marine Resources. The committee feels that this bill is unnecessary because the Wildlife Division of the Department of Fish and Game is currently engaged in rulemaking which, among other things, includes a draft proposal to allow for the use of .410 shotguns by turkey hunters, thereby addressing the issues brought forth this bill. Vote 20-0.

HB 1220, relative to disabled veterans fishing and hunting licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Roger Dontonville for Fish and Game and Marine Resources. The unanimous recommendation of the committee was motivated by the testimony of a representative from the New Hampshire Veteran's Association who opposed this bill, which gives 60 percent disabled veterans a free fishing and hunting license. Vote 20-0.

HB 1566-FN, relative to fishing licenses for senior veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Sparky Von Plinsky for Fish and Game and Marine Resources. The committee feels that this bill, while well intentioned, is untenable for a department that consistently faces budget shortfalls. It would have allowed senior veterans from the entire U.S. to receive a free fishing license. Vote 20-0.

HB 1134, renaming the New Hampshire commission on deafness and hearing loss. **OUGHT TO PASS.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. Several years ago, the legislature established an ongoing commission named the New Hampshire Commission on Deafness and Hearing Loss. During commission meetings last year, it was expressed that this title referred to conditions, not people. We examined what other states titled commissions like ours and discovered that no other state used conditions

in their titles. A commission member conducted a poll of deaf and hard of hearing citizens and discovered everyone favored a change of the commission's title to one that spoke of people, not conditions. They and the unanimous approval of the commission ask for this name change. Vote 16-0.

HB 1150, permitting qualified patients visiting from out-of-state to access New Hampshire therapeutic cannabis dispensaries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill, as amended, enables people who are not residents of New Hampshire or have been residents of New Hampshire less than 90 days and their designated caregivers who have been issued a valid registry identification card or its equivalent from another state or foreign country, to purchase medical cannabis at New Hampshire dispensaries. This is helpful to new residents and people who reside out of state part of the year. Vote 16-2.

Amendment (0448h)

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

1 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, I to read as follows:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients [and], **designated caregivers, other alternative treatment centers, and visiting qualifying patients.**

2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XIII(b) to read as follows:

(b) Cultivation or purchase by a visiting qualifying patient **from a qualifying patient or designated caregiver**; or

3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read as follows:

XVI. "Visiting qualifying patient" means a ~~[patient with a qualifying medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis from a qualifying New Hampshire patient]~~ **person who is not a resident of New Hampshire, or who has been a resident of New Hampshire for fewer than 90 days, who has been issued a valid registry identification card, or its equivalent, under the laws of another state, district, territory, commonwealth, or insular possession of the United States, or under the laws of another country, that allows, in the jurisdiction of issuance, that person to possess cannabis for therapeutic purposes.**

4 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend RSA 126-X:2, V to read as follows:

V. A valid registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States, **or under the laws of another country** that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess cannabis for therapeutic purposes, shall have the same force and effect **and be subject to the same restrictions** as a valid registry identification card issued by the department in this state, provided that:

(a) ~~The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and~~

(b) ~~a visiting qualifying patient shall not cultivate or purchase cannabis in New Hampshire or obtain cannabis from [alternative treatment centers or from] a qualifying New Hampshire patient~~ **or designated caregiver.**

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

AMENDED ANALYSIS

This bill permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

HB 1265, relative to the requirement of qualifying medical condition for prescriptions for therapeutic cannabis. **REFER FOR INTERIM STUDY.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. The Drug Enforcement Administration (DEA) stopped revoking the DEA number of physicians recommending therapeutic cannabis in 2013. However, in 2014, they threatened to revoke the DEA number of physicians advising Massachusetts dispensaries. In 2017, they revoked the DEA numbers of two Colorado physicians. The Health, Human Services and Elderly Affairs Committee is worried that this bill might threaten the DEA number of physicians who recommend therapeutic cannabis, which would have the unintended consequence of decreasing access to therapeutic cannabis in New Hampshire. Therefore the Health, Human Services and Elderly Affairs Committee recommends Interim Study for this bill. Vote 17-0.

HB 1289, establishing a commission to study the current delivery of services of the deaf and hard of hearing in New Hampshire nursing homes and assisted living facilities, and how such services might be improved. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. The New Hampshire Commission on Deafness and Hearing Loss asked for a commission to study how services of the deaf and hard of hearing are delivered in New Hampshire nursing homes and assisted living facilities and how such services might be improved. Subsequent conversations with the Department of Health and Human Services, members of the Health, Human Services and Elderly Affairs committee, and others led the bill sponsor to conclude that a subcommittee of the existing commission, rather than another commission, would be the best way forward. House legal counsel informed us it was within the purview of the deaf/hearing loss commission to do this. It is to be stressed that the issues of delivery of services in residential facilities is to be thoroughly examined by the first subcommittee appointed. Vote 16-0.

HB 1331, relative to organ donation on a driver's license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. An individual who wishes to donate his or her organs upon death should have those wishes honored, and not be subject to contradiction by others. This bill clarifies that the wishes of the individual donor will not be set aside after his/her death. Vote 20-0.

Amendment (0471h)

Amend the bill by replacing section 1 with the following:

1 Uniform Anatomical Gift Act; Honoring an Individual's Decision to Donate. Amend RSA 291-A:23 to read as follows:

291-A:23 Honoring an Individual's Decision to Donate. A person's decision to make a donation of that person's own body, organ, or tissue after death shall be honored **and may not be revoked or amended by anyone after such individual's death**. In the absence of a revocation or amendment **by the individual prior to death**, health care providers and procurement organizations shall act in accordance with the donor's decision and may take appropriate actions to effect the anatomical gift.

HB 1332, relative to an electronic prescription drug program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill will help us combat the opioid epidemic. Recently, Texas and Florida joined the states which require electronic prescribing of controlled substances, and approximately half the states now require this. Further, at the federal level, the SUPPORT for Patients and Communities Act (H.R. 6), requires the use of electronic prescribing for all controlled substances under Medicare part D by January 1, 2021. Simply, electronic prescribing reduces prescription drug theft, forgery and alteration of prescriptions, and diversion. It will work well with our existing prescription drug monitoring program. Unfortunately, these very same tools used for electronic prescribing can be subverted by drug manufacturers for the purpose of manipulating which drugs are prescribed and in what quantities. As amended, this bill incorporates language to fight this possibility by adding a provision referring to the deceptive practices section of the Consumer Protection Act. Vote 19-1.

Amendment (1086h)

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

1 Pharmacists and Pharmacies; Prescriptions. Amend RSA 318:47-c, I(b) to read as follows:

(b) A patient shall be entitled to receive a paper prescription instead of an oral or electronically transmitted prescription, except prescriptions for controlled drugs as defined in RSA 318-B:1, VI.

2 New Paragraphs; Pharmacists and Pharmacies; Prescriptions. Amend RSA 318:47-c by inserting after paragraph II the following new paragraphs:

III.(a) Notwithstanding any provision of law to the contrary, no person shall issue a prescription for a controlled drug unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy and the electronic prescription contains the information and signature required in paragraph II, except for prescriptions issued:

(1) In circumstances where electronic prescribing is not available due to temporary technological or electrical failure.

(2) By a practitioner to be dispensed by a pharmacy located outside of New Hampshire, provided that such pharmacy complies with the laws and regulations of the state where the pharmacy is located.

(3) When the prescriber is the dispenser.

(4) By a practitioner for a drug that the federal Food and Drug Administration (FDA) requires the prescription to contain certain elements that are not able to be accomplished with electronic prescribing.

(5) By practitioners who have received a waiver or a renewal thereof for a specified period determined by the board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to a process established in rules of the board, due to economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner.

(6) In circumstances where electronic prescribing is not available due to RSA 318-B:2, VI-a.

(b) A pharmacist who receives a written, oral, or faxed prescription shall not be required to verify that the prescription properly falls under one of the exceptions under subparagraph (a). Pharmacists may continue to dispense medications from otherwise valid written, oral, or faxed prescriptions that are consistent with this section.

IV. Notwithstanding any provision of the law to the contrary, no pharmacist shall dispense a prescription for a controlled drug unless the prescription is made by an electronic prescription that includes the information and signature as provided in paragraph II, except for prescriptions excluded under subparagraph III(a).

3 New Paragraph; Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2 by inserting after paragraph VI the following new paragraph:

VI-a. No person or entity shall issue clinical decision support alerts or similar notices, warnings, or announcements by means of electronic health record software or similar electronic means designed to increase prescriptions for scheduled drug products, in violation of the Anti-Kickback Statute 42 U.S.C. section 1320a-7b(b), or with the intent to defraud the United States pursuant to 18 U.S.C. section 371.

4 New Paragraph; Consumer Protection; Acts Unlawful. Amend RSA 358-A:2 by inserting after paragraph XVII the following new paragraph:

XVIII. Issuing clinical decision support alerts or similar notices, warnings, or announcements by means of electronic health record software or similar electronic means designed to increase prescriptions for scheduled drug products, in violation of the Anti-Kickback Statute 42 U.S.C. section 1320a-7b(b), or with the intent to defraud the United States pursuant to 18 U.S.C. section 371.

5 Effective Date. This act shall take effect January 1, 2022.

HB 1356, repealing the therapeutic use of cannabis advisory council. **OUGHT TO PASS.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This legislation repeals the Therapeutic Use of Cannabis Advisory Council. This council was formed to work with the Department of Health and Human Services to initiate the medical marijuana program over the past five years. This program is well established and this advisory council is no longer needed. The newly established Therapeutic Medical Oversight Board has been established to provide scientific research information regarding cannabis use for qualified medical conditions going forward. Vote 18-0.

HB 1424, allowing therapeutic dispensaries to sell products containing CBD oil produced outside of the dispensary. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frances Nutter-Upham for Health, Human Services and Elderly Affairs. Alternate Treatment Centers (ATCs) can only sell products that they produce from plants that they grow. ATCs are not able to produce all the hemp-derived cannabidiol isolate (CBD) that they need to create all the products they would like to sell. This bill would allow ATCs to acquire CBD isolate from out-of-state sources. The isolate can then be made into CBD products with regular testing to ensure quality control. Vote 19-1.

Amendment (0630h)

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

AN ACT allowing alternative treatment centers to acquire and use in manufacturing hemp-derived cannabidiol (CBD) isolate.

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

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the following new paragraph:

XIX. An alternative treatment center may acquire, and may use in the manufacture of cannabis concentrate and cannabis infused products, hemp-derived cannabidiol, or CBD, isolate that is not produced by an alternative treatment center in New Hampshire. All such CBD isolate, and all cannabis concentrate and cannabis infused products manufactured from such CBD isolate, shall be tested for contaminants and cannabinoid profile in accordance with this chapter and department rules.

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

AMENDED ANALYSIS

This bill allows alternative treatment centers to acquire and use in manufacturing hemp-derived cannabidiol (CBD) isolate.

HB 1428-FN-L, relative to inspections for bedbugs. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles McMahon for Health, Human Services and Elderly Affairs. Current statute provides that response to and requests for remediation, when notice is provided to the town for the presence of bedbugs in a motel, hotel or inn offering lodging to transient guests, is already serviced via health officers as directed by the municipality. Therefore, the recommendation of Inexpedient to Legislate is submitted as the bill is not necessary. Vote 18-0.

HB 1456-FN, relative to a PFAs testing program for pregnant women. **INEXPEDIENT TO LEGISLATE.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. The bill would offer voluntary blood testing for Per- and Poly-Fluoroalkyl Acid (PFAs) for pregnant women, to be followed by testing of the pregnant woman's home water source if the blood level of PFAs exceeds a Center for Disease Control (CDC) standard for PFAs in the blood. Currently there is no defined acceptable level of PFAs in the blood, making this bill

unworkable. Additionally, since PFAs persist in the body, its presence in the blood is reflective of past exposure and one needs to focus on current exposure from water and other sources. The Department of Environmental Services (DES) is already doing testing of water for those who are pregnant or wish to become pregnant. Lastly, there is an ongoing commission working on this program. Vote 19-0.

HB 1521-FN, adding a peer support specialist to the board of mental health practice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill adds a certified peer support specialist as one of three public members appointed by the Board of Mental Health Practice. Committee members believe this adds an important perspective which will aid the mental health board in its work. Vote 20-0.

Amendment (0331h)

Amend RSA 330-A:3, I as inserted by section 1 of the bill by replacing it with the following:

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

AMENDED ANALYSIS

This bill requires one of the public members of the board of licensing for alcohol and other drug use professionals to be a certified peer support specialist.

HB 1530, relative to the Medicaid dental benefit working group. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Osborne for Health, Human Services and Elderly Affairs. Because of a new bill being formulated in the Senate on the same subject, the sponsor of this bill asked the committee to recommend this bill Inexpedient to Legislate to allow the Senate bill to come forward. Vote 19-0.

HB 1538, creating a commission to develop and implement environmental education, outreach, and training programs and initiatives for qualified health care professionals relative to environmental toxins and health. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey Salloway for Health, Human Services and Elderly Affairs. This bill creates a commission to develop and implement environmental education, outreach and training programs for qualified healthcare professionals relative to environmental toxins and health. The committee invested considerable deliberation and reasoned that the subject matter falls within the purview of the existing commission on environmental risk and chronic disease. The bill and amendment are moved to Interim Study and committee members are communicating with the existing commission to establish a subcommittee to address this issue in a more expedient manner. Vote 20-0.

HB 1548, establishing a secure psychiatric unit facility advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill creates an advisory council to assist the commissioner of Health and Human Services in the designing and constructing of a new secure psychiatric unit facility as required under 2019, 346:357. Committee members believe that input from a wide variety of stakeholders during the planning and construction process will result in a better facility and anticipate potential problems before they arise. Vote 20-0.

Amendment (0461h)

Amend RSA 622:52-a, I as inserted by section 1 of the bill by deleting subparagraph (l) and renumbering the original subparagraphs (m)-(o) to read as (l)-(n), respectively.

HB 1591-FN, relative to cannabis use during pregnancy. **OUGHT TO PASS.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. We know from a June 2019 study in the Journal of American Medical Association (JAMA) that the rate of pre-term birth among reported cannabis users was 12% vs. 6% in non-users. We also know from a June 2018 study in Obstetrics Gynecology that 69% of dispensaries in Colorado recommend cannabis for first trimester morning sickness. Our Surgeon General Jerome Adams is concerned about the risk of subsequent learning disabilities and about the risk of accidental poisonings, particularly with edibles. This bill directs the Department of Health and Human Services (DHHS) to create a poster and make information available at the dispensaries regarding the risks associated with the use of cannabis while pregnant or lactating, and regarding the risks of accidental poisonings. This parallels the information currently being made available in Colorado dispensaries. Vote 18-0.

HB 1610-FN, establishing the manufacturer pharmaceutical drug take-back program. **REFER FOR INTERIM STUDY.**

Rep. Charles McMahon for Health, Human Services and Elderly Affairs. The development of the drug take-back program within the bill requires additional review and study in order to establish a strong policy of compliance across all constituencies to be served. Therefore, to enhance the success of the program's development, the committee supported Interim Study. Vote 20-0.

HB 1616-FN, relative to the age for minor's visits to mental health practitioners. **REFER FOR INTERIM STUDY.**

Rep. Joe Schapiro for Health, Human Services and Elderly Affairs. This bill attempts to increase and simplify access to mental health services for children age 12 and up by removing the requirement for parental consent. The committee felt they were lacking adequate data to understand the prevalence and/or the need for those children who lack responsive, supportive parents to facilitate treatment and give consent. In addition, the bill lacked a clear definition of "temporary" treatment and did not adequately address the many practical complexities (i.e. funding) that such a change would create for providers who believe that any child experiencing significant emotional distress deserves help. This bill was sent to Interim Study for further consideration. Vote 19-0.

HB 1619-FN, relative to organ transplants. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Salloway for Health, Human Services and Elderly Affairs. The bill, relative to organ transplants, prohibits state or federal funds received for Medicaid from being used for organ transplantation if the organs are received from outside the United States. In the course of testimony, the committee learned that there exists a black market for organs used in transplantation. Prior to 2015, there were extended allegations that convicts in China scheduled for execution were used as a source of donor organs. China maintains that this practice has ceased. In addition, there is substantial documentation that a global trade in organs exists in which poor people are offered cash to donate kidneys. The committee deeply appreciates the intentions of the sponsor. However, there is no evidence that Medicaid payments are being made for unethically obtained organs, and the broader issue of the unethical procurement of organs is beyond the purview of the NH General Court. Vote 20-0.

HB 1623-FN, relative to telemedicine and substance use disorder. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill, as amended, merges the intent of the bill as drafted with SB 647 and is the language agreed to by all the stakeholders. In brief, this bill creates four safe harbors where opioids may be prescribed by telemedicine without an initial face-to-face visit so that we can expand the availability of medically assisted treatment (MAT) for substance use disorder in NH. This would allow MAT via telemedicine in Veterans Affairs (VA) clinics across our state, as is already happening in Maine. This would allow MAT via telemedicine in county correctional facilities, as qualified clinicians are not available everywhere. This would allow MAT via telemedicine in hospital emergency rooms (ER), as ER doctors are not trained in this field, and patients presenting to ERs need to initiate treatment when they need it. Lastly, it would allow MAT via telemedicine in each of the Doorways programs, expanding capacity in these programs. Vote 20-0.

Amendment (0509h)

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

1 Statement of Intent.

I. The general court hereby recognizes that:

(a) Recent medical research indicates that substance use treatment can be safely done utilizing telemedicine (Rubin R., Using Telemedicine to Treat Opioid Use Disorder in Rural Areas. JAMA. Published online August 28, 2019); and

(b) Recent court decisions (*Smith v. Aroostook County*, No. 19-1340 (1st Cir. 2019)) require the increased availability of substance use treatment in correctional facilities; and

(c) Recent changes in federal law allow the registration of certain individuals to prescribe opioid drugs to be used in substance use disorder without first conducting an in person examination (21 U.S.C. section 831(h)), which registration regulations are pending.

II. Therefore, the general court hereby enacts the following legislation.

2 Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d, II(c)-(e) to read as follows:

(c) **"Doorways" means the statewide points of entry for the delivery of substance use services.**

(d) "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) (e) "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)] **(f)** “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.

3 Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d, III(a)(2) to read as follows:

(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. ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f); and

4 New Paragraph; Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d by inserting after paragraph V the following new paragraph:

VI. With written consent of the patient receiving medication assisted treatment through telehealth services provided under this section, the health care provider shall provide notification of the patient’s medication assisted treatment to the doorway, as defined in RSA 167:4-d, II(c), within the region where the patient resides.

5 Controlled Drug Act; Prohibited Acts. Amend RSA 318-B:2, XVI to read as follows:

XVI.(a)**(1)** The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating a patient with whom the prescriber has an in-person practitioner-patient relationship, for purposes of monitoring or follow-up care~~], or who are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug].~~ ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

~~(b)(1)~~ The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a)~~], who are treating patients at a SAMHSA-certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and].~~ ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

6 New Paragraph; Nurse Practice Act; Rulemaking Added. Amend RSA 326-B:9 by inserting after paragraph XII the following new paragraph:

XIII. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

7 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, III and IV to read as follows:

III. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV, ***except substance use disorder (SUD) treatment as permitted in locations enumerated in paragraph IV. Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2) shall not be included in the exemption.***

IV.(a)(1) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating a patient with whom the prescriber has an in-person practitioner-patient relationship, for purposes of monitoring or follow-up care[, or who are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug]. ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b)(1) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a)[, who are treating patients at a SAMHSA-certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and]. ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h) ;

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

8 New Paragraph; Physicians and Surgeons; Rulemaking. Amend RSA 329:9 by inserting after paragraph XX the following new paragraph:

XXI. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

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

HB 1639-FN, relative to "In and Out Medical Assistance." OUGHT TO PASS WITH AMENDMENT.

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill will direct the Department of Health and Human Services to update the income limits for Medicaid recipients on the "spend down" program. Currently, these recipients are not eligible for coverage until they have spent down to a monthly remaining income of \$591, a standard set in 1990. HB 1693 increases that cap to \$901. Recipients with severe mental

illness are not able to spend down so their spend down requirement is met by mandated uncompensated care by healthcare providers, usually the mental health centers. This overdue increase will assist these clients and will also reduce uncompensated care, which amounted to \$7,400,000 last year. The amendment offers the department a choice of two methods of computation, and extends the effective date to June 30, 2021. Vote 20-0.

Amendment (0956h)

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

1 Department of Health and Human Services; Income Eligibility for "In and Out Medical Assistance." The commissioner of the department of health and human services shall amend the income eligibility requirement for "in and out medical assistance" defined in section 625 of the department's medical assistance manual as less than or equal to 133 1/3 percent of the section 1931 income limit or using methodology as described in section 1902(r)(2) of the federal Social Security Act.

2 Effective Date. This act shall take effect June 30, 2021.

HB 1703, establishing a working group on food waste. OUGHT TO PASS WITH AMENDMENT.

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. Currently, a significant portion of the trash put into our landfills is food waste. The bill as originally drafted created a working group to consider all aspects of reduction of food waste. The amendment narrows the scope of the bill to promote food recovery, that is, ensuring that food that might otherwise go to waste and then end up in a landfill is used to the maximum extent consistent with health and safety. Specific language was added to include an appointee from the Department of Environmental Services and one from the Department of Health and Human Services at the agencies' request. As amended, the bill brings together a number of stakeholders, including the grocery and restaurant industries, the schools, farm to school programs, food producers and experts on sustainability, among others. The group is charged with reviewing current regulations and safety guidelines, reviewing current initiatives nationally and regionally to promote food recovery, making recommendations to remove barriers to food recovery in NH, and suggesting legislative, rule or policy changes needed to promote food recovery in NH. Vote 19-1.

Amendment (0674h)

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

AN ACT establishing a working group on food recovery.

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

1 Purpose and Findings. The general court finds that food waste represents a lost opportunity to feed the hungry, is an economic loss to purchasers, occupies needed space in our landfills, and generates greenhouse gases as it decomposes. Estimates indicate that approximately 20 percent of the solid waste disposed of is food waste. This working group is being created to review existing regulations and policies to reduce food waste by increasing food recovery, and to identify regulatory hurdles that impede the sharing of food with the hungry.

2 New Subdivision; Food Recovery Working Group. Amend RSA 143 by inserting after section 29 the following new subdivision:

Food Recovery Working Group

143:30 Food Recovery Working Group.

I. The food recovery working group shall be convened by the department of health and human services and shall have, at a minimum, the following members:

- (a) One member of the house, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) A member representing the public interest, appointed by the governor.
- (d) The commissioner of the department of health and human services, or designee.
- (e) The commissioner of the department environmental services, or designee.
- (f) A representative of the New Hampshire Grocers Association, appointed by that association.
- (g) A representative of the New Hampshire Lodging and Restaurant Association, appointed by that association.
- (h) A representative of the health department of a New Hampshire city.
- (i) A representative of the New Hampshire Food Bank, appointed by that organization.
- (j) A representative of the department of education office of nutrition programs and services school lunch program, appointed by the commissioner of the department of education.
- (k) A representative of the Food Recovery Network, appointed by that organization.
- (l) A school nurse or school dietician.
- (m) A representative of the university of New Hampshire sustainability institute, appointed by that institute.
- (n) A representative of a New Hampshire-based food manufacturer.

- (o) A representative of the Northeast Resource Recovery Association, appointed by that association.
- (p) A representative of the New Hampshire farm to school program, appointed by that program.
- (q) A representative of a company that provides food services to schools.

II. Unless otherwise indicated, members shall be appointed by the commissioner of the department of health and human services.

III. The food recovery working group shall:

- (a) Review state and federal laws, policies, and guidelines relative to food safety and food recovery.
- (b) Examine national and regional initiatives to increase food recovery and recommend changes to help promote food recovery in New Hampshire.
- (c) Assess New Hampshire's food industry including food manufacturers, restaurants, and retail food stores, to understand any regulatory barriers to food recovery.
- (d) Review policies in New Hampshire schools and universities and recommend changes to promote food recovery in New Hampshire.
- (e) Explore such other matters as the working group deems necessary and recommend related legislative, rule, or policy changes.

IV. The food recovery working group shall make a final report of its findings to the speaker of the house of representatives, president of the senate, the chairs of the house and senate standing committees with oversight of health and human services, the governor, the commissioner of the department of health and human services, and commissioner of the department of education by November 1, 2021 and shall file an initial proposal of any rule changes with the office of legislative services by November 1, 2021.

V. The working group shall meet no later than 60 days after the effective date of this section.

3 Repeal. RSA 143:30, relative to the food recovery working group, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2021.

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

AMENDED ANALYSIS

This bill establishes a working group on food recovery.

This bill is a request of the study committee on recycling and solid waste, established pursuant to 2019, 265 (HB 617).

HB 1705-FN, relative to adverse childhood experiences and the family support clearinghouse. **OUGHT TO PASS.**

Rep. Joe Schapiro for Health, Human Services and Elderly Affairs. This bill expands and clarifies various aspects of the family support clearing house, which was created by last year's SB 14, a multi-faceted mental health bill. Recommended by the Legislative Study Committee on Adverse Childhood Experiences (ACEs), this bill makes explicit that referrals shall be made to programs and services related to prevention, intervention, and mitigation of trauma related to ACEs. Vote 19-0.

HB 1170, adding a definition of "reasonably described" to the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for Judiciary. This bill adds a definition of "reasonably described" to a right-to-know request. Although it is well intended, if passed, it could be used to deny right-to-know requests when someone does not know the required information. Vote 19-0.

HB 1176, establishing a committee to study the attorney general's authority over certain municipal and county employees. **OUGHT TO PASS.**

Rep. Sandra Keans for Judiciary. This bill provides for a study committee to hopefully establish a guide for the citizenry as to how elected officials are to be disciplined or suspended, if at all, after a criminal conviction, or at least perceived incompetency in carrying out their duties. Many officials at the county level: sheriff, attorney, registrar of deeds, are all elected directly by the voters. Many of them have visibility or are known. Occasionally, a person is elected without any history. If their managerial skills are less than optimal, what system is in place to protect the public? Recent events have caused the Attorney General, the chief law enforcement official in the state to insert the Department of Justice into a county situation. While there may be prosecutorial difficulties taking place, we must be clear how the Department of Justice involves itself with constitutionally elected positions. This study can provide a system for communications and training for all involved before a crisis. Vote 17-2.

HB 1192-FN, relative to forfeiture of seized personal property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Sylvia for Judiciary. This bill, as amended, addresses two areas where our criminal asset forfeiture law can be circumvented. One part tightens language requiring that criminal complaints must be filed prior to a petition for forfeiture. The second part prohibits transfer of assets for forfeiture to the federal equitable sharing program unless it involves \$100,000 or more in cash. Both measures assure that the majority of forfeitures are the result of criminal activity. Vote 16-1.

Amendment (0411h)

Amend the bill by replacing section 2 with the following:

2 Forfeiture of Items Used in Connection With Drug Offense. Amend RSA 318-B:17-b, IV(d) to read as follows:

(d) *At least 30 days prior to the hearing scheduled pursuant to subparagraph (c), the state shall identify the criminal proceedings which were brought against the party under this chapter and which arose from the transaction underlying the forfeiture proceedings.* At the request of any party to the forfeiture proceeding, the court [may] *shall* grant a continuance until the final resolution of any *such* criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. No asset forfeiture [may be maintained] *petition shall be filed* against a person's interest in property if that person [has been found not guilty of the underlying felonious charge] *was not charged with or convicted of an underlying criminal offense under this chapter. Nothing in this section shall prohibit a court's issuance of an order of forfeiture under RSA 617:1-a, including the requirement of a criminal conviction before the issuance of such order.*

HB 1207, requiring landlords to notify prospective tenants of the use of pesticides or other toxins in the premises. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason Janvrin for Judiciary. This bill, while well-intentioned, does not require a tenant to notify a landlord of their use of pesticide, toxic substance, or agent to kill microorganisms; but does require notice by a landlord to the tenant. If a tenant does not report their use of such substances to the landlord, and then vacates the premises, the landlord will still be liable to report to any prospective tenant even though they are unaware of the use. Vote 19-1.

HB 1294, relative to the limited immunity of pharmacists. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill sought to grant pharmacists immunity from class action lawsuits. The committee heard of no cases where pharmacists have been part of any class action suits and knows of at least one case where we felt a class action suit could be warranted. For these reasons we choose to not grant that immunity. Vote 17-0.

HB 1307-FN, relative to the cost of production of records under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for Judiciary. This bill requires citizens pay the hourly pay for a government employee to retrieve records when the hours exceed five hours per month. Article 8 of the NH Constitution, (in part) says, "Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted." This bill is an unreasonable restriction. Vote 18-0.

HB 1325-FN-L, relative to minutes and decisions in nonpublic sessions under the right-to-know law. **OUGHT TO PASS.**

Rep. Mark McLean for Judiciary. This bill requires that public bodies keep a list of sealed minutes from non-public sessions. The list would be available to the public and would contain the date and time of the session and the specific exemption from RSA 91-A:3, II under which the non-public session was authorized. The majority of the committee felt that the generation and retention of such a list would enhance transparency with the public, assist with management of records, and help streamline facilitation of Right to Know requests. Vote 17-2.

HB 1381, relative to animals in motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Cam Kenney for Judiciary. The prime sponsor of this bill asked that the committee recommend this bill be Inexpedient to Legislate so that the discussion of the issues be directed to another bill that focused on the same matters. Vote 18-0.

HB 1677-FN, relative to the authority of the attorney general to supervise the county attorney. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Berch for Judiciary. This legislation would require the approval of the Executive Council before an Attorney General assumes the control over prosecution of criminal cases in a county attorney's office. The Judiciary Committee has recommended approval of HB 1176, which creates a study committee to look into this issue in a wider context. Vote 17-1.

HB 1689-FN, relative to the minutes in nonpublic session under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for Judiciary. This bill proposed changes in the minutes of non-public meetings. It provided an option for video with audio, or audio only, and also that minutes should be verbatim. While the committee agrees with the need for complete and accurate minutes, there were problems identified such as the need for transcription personnel since minutes are not "verbatim," and whether video recording was intended as a substitute for minutes. Accordingly, the committee recommends Inexpedient to Legislate. Vote 19-1.

HB 1693, extending the committee to study whether non-attorney legal professionals could be licensed to engage in the limited practice of law. **OUGHT TO PASS.**

Rep. Jason Janvrin for Judiciary. The committee conducting the study has asked for more time to go further in their investigation and allow their work to continue. The committee agrees that further study would be fruitful. Vote 20-0.

HB 1462-FN, relative to employment restrictions for registered sex offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Cahill for Labor, Industrial and Rehabilitative Services. The committee amendment clarified language in the statute dealing with hiring and added a notification role for the employer if minors will be present. Vote 19-1.

Amendment (0895h)

Amend the bill by replacing section 1 with the following:

1 Sexual Assault and Related Offenses; Prohibition From Contact With a Minor. Amend RSA 632-A:10 to read as follows:

632-A:10 Prohibition From ~~[Child Care Service of Persons Convicted of Certain Offenses]~~ **Contact With Minors.**

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child sexual abuse images, or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly ~~[undertakes]~~ **engages in any** employment or volunteer service ~~[involving the]~~ **which purpose involves the direct** care, instruction ~~[or]~~, guidance ~~[of]~~, **or repeat interaction with a** minor ~~[children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type].~~

II.(a) A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he **or she** knowingly fails to provide information of such conviction when applying or volunteering for service or **engages in any** employment ~~[of any type involving]~~ **which purpose involves the direct** care, instruction, ~~[or]~~, guidance ~~[of]~~, **or repeat interaction with a** minor ~~[children, including, but not limited to, the types of services set forth in paragraph I].~~

(b) **A public or private employer shall, either verbally or in writing, advise an applicant for an employment or volunteer position that the position applied for may involve contact with minors which may be prohibited under this section if the applicant was convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section.**

III. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he **or she** knowingly fails to provide information of such conviction when making application for initial teacher certification in this state.

CACR 13, relating to compensation of the legislature. Providing that members shall receive mileage for attendance on veto days and when voting on a budget following a continuing resolution. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Ley for Legislative Administration. This proposal would amend the state constitution to permit legislators to receive mileage for attendance on veto days and when voting on a budget after a continuing resolution. The committee does not support asking the public to approve increases in the current level of compensation for legislators. Vote 8-2.

CACR 16, relating to recall elections. Providing that the general court may authorize recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Rice for Legislative Administration. This proposal would amend the state constitution to permit the legislature to adopt a procedure for removing an elected official prior to the end of their term of office. The committee felt with the legislature being elected every two years that by the time this process was through, we would and/or could already be well onto a new election cycle. Vote 10-0.

CACR 18, relating to the general court. Providing that the house or the senate may independently order a referendum to reduce a penalty established in law. **INEXPEDIENT TO LEGISLATE.**

Rep. Allison Nutting-Wong for Legislative Administration. This constitutional amendment concurrent resolution would amend the state constitution to permit either the House or the Senate to place a referendum on the ballot to reduce a penalty established by law. The committee finds this proposal to be redundant to how the State of New Hampshire functions. The General Court is elected every two years and is largely made up by the public. The State of New Hampshire is not a referendum state and has no reason to start. Vote 10-0.

HB 1227, requiring the renovation of the smoker's lounge in the legislative office building. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Wilhelm for Legislative Administration. As introduced, this bill required the establishment of a child-friendly room in the Legislative Office Building. The committee amendment replaces the bill and

establishes a committee to study options for childcare and related barriers to working parents serving in the legislature. The committee believes that time and energy should be spent considering ways to support the childcare needs of legislators while they are serving at the State House complex. Vote 13-0.

Amendment (1081h)

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

AN ACT establishing a committee to study options for childcare and related barriers to working parents serving in the legislature.

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

1 Committee Established. There is established a committee to study options for childcare and related barriers to working parents serving in the legislature.

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

(a) Four members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives.

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

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

III. The committee shall study options for childcare and related barriers to working parents serving in the legislature.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

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

AMENDED ANALYSIS

This bill establishes a committee to study options for childcare and related barriers to working parents serving in the legislature.

HB 1245, establishing a legislative committee to review non-regulatory boards, commissions, councils, advisory committees, and task forces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Ley for Legislative Administration. This bill provides for the reestablishment of a committee to continue reviewing all existing boards, commissions, councils, and other bodies to determine whether they should be repealed or revised for purposes of efficiency. As amended, the bill also repeals a list of boards, commissions, councils, committees, and task forces. The Committee on Committees that met in late 2019 and early 2020 made these decisions after close consultation with all interested state agencies, bodies, and interested parties. Vote 13-0.

Amendment (0919h)

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

AN ACT establishing a legislative committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute, repealing various statutory boards, commissions, councils, committees, task forces, and reducing the membership on certain statutory committees.

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

2 Repeal of Boards, Commissions, Councils, Committees, Task Forces. The following are repealed:

I. RSA 9-F:2, relative to the state transparency website oversight committee.

II. RSA 12-A:5 and 12-A:6, relative to the commission advisory to the commissioner of natural and cultural resources.

III. RSA 12-I:1 and 12-I:2, relative to the Northern New England interstate commission on economic development.

IV. RSA 21-I:92 - 21-I:94, relative to the task force to study state revenues and expenditures.

V. RSA 77-A:4-c, relative to the committee to study safe harbors and taxation of investment organizations.

VI. RSA 106-B:18-a, relative to the state police barracks honor roll committee.

VII. RSA 126-A:4-f, relative to the transitional Healthy Kids Silver program waiver.

VIII. RSA 126-H, relative to the Healthy Kids corporation.

IX. RSA 126-Y, relative to the palliative care center for health care consumers and providers.

X. RSA 137-L:5, relative to the provider order for life-sustaining treatment (POLST) registry advisory committee.

XI. RSA 147-A:4-a, relative to the hazardous waste facility siting board.

XII. RSA 153:16-c, relative to the advisory committee on heating system certification.

XIII. RSA 187-A:32, relative to the oversight committee to oversee the operations of the innovation research center.

XIV. RSA 189:60 and 189:63, relative to the dropout prevention and dropout recovery oversight council and report.

XV. RSA 193-C:7 and 193-C:8, relative to the New Hampshire statewide education improvement and assessment oversight committee.

XVI. RSA 193-E:2-a, IV(c), relative to the review of academic standards by the education improvement and assessment oversight committee.

XVII. RSA 193-E:5, II, relative to education improvement and assessment oversight committee revisions to unique pupil identification.

XVIII. RSA 193-I:3-193-I:6, relative to the task force on the math learning communities program.

XIX. RSA 195-J, relative to the New Hampshire children's savings account program.

XX. RSA 261:88, XI, relative to the walking disability plates and placards advisory committee.

XXI. RSA 284-A, relative to the gaming regulatory oversight authority.

XXII. RSA 332-I:7-332-I:10, relative to the health information organization board.

XXIII. RSA 332-I:1, II(c), relative to the definition of the health information organization.

XXIV. RSA 332-I:1, II(g) and (h), relative to the definition of the health information organization board and corporation.

3 References Removed; Online Access to Budget Information. Amend RSA 9-F:1, II(e) and III to read as follows:

(e) Any other information as determined by the department of information technology and the department of administrative services[, in consultation with the legislative oversight committee established in RSA 9-F:2].

III. Annually on or before October 31, a report from each agency shall be made available which shows the total amount expended during the prior fiscal year for each program providing aid or assistance to individuals. This annual report shall also document any changes in eligibility criteria or payment amount or formulas. Each agency shall prepare its annual report by analyzing and summarizing the content of its statement of appropriation. Each agency shall submit its annual report to the commissioner of administrative services on or before September 1. For the fiscal year ending June 30, 2011, each agency shall submit existing reports to fulfill the requirements of this paragraph. Beginning in the fiscal year ending June 30, 2012 and in each year thereafter, each agency's report shall be in a format developed by the commissioner of administrative services [in consultation with the legislative oversight committee established by RSA 9-F:2].

4 State Parks; Advisory Commission Report. Amend RSA 216-A:3-c, VI to read as follows:

VI. The director of parks and recreation shall report **biennially** to the house [resources, recreation and development committee and the senate energy, environment, and economic development committee within the biennial report pursuant to RSA 12-A:6] **and senate committees with jurisdiction over the state park system** on the state of the parks and historic sites.

5 Reference to Hazardous Waste Siting Board. Amend RSA 147-A:3, XXV to read as follows:

XXV. Conditional exemptions from the permitting, registration, and siting requirements of RSA 147-A:4[; 147-A:4-a;] and RSA 147-A:6.

6 Health Insurance; Reference to Healthy Kids Association Removed. Amend RSA 404-G:2, VII to read as follows:

VII. "Health insurance" means health insurance coverage issued in accordance with RSA 415, 420-A, or 420-B. For the purposes of this chapter, health insurance shall not include accident only, credit, dental, vision, Medicare supplement, Medicare Risk, Medicare+Choice, Managed Medicaid, long-term care, disability income, coverage issued as a supplement to a liability insurance, workers' compensation or similar insurance, automobile medical payment insurance, policies or certificates of specified disease, hospital confinement indemnity, limited benefit health insurance, [coverage provided through the New Hampshire healthy kids association;] and coverage provided through the Federal Employees' Program. Health insurance does include group excess loss insurance.

7 Health and Human Services; Healthy Kids Corporation Removed. Amend RSA 126-A:5, XIV-a (b) to read as follows:

(b) The department shall[, through the New Hampshire healthy kids corporation;] allocate funds for the development of a volunteer program to promote the program to eligible families and to identify those families who may require assistance with the application or redetermination process, and provide training and supervision of volunteers. [The healthy kids corporation shall coordinate with and utilize the services of Volunteer NH, AmeriCorps, and other volunteer organizations.]

8 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:31 to read as follows:

187-A:31 Grant Program. To carry out the purposes of this subdivision the department of business and economic affairs shall enter into a grant program with the university of New Hampshire to establish a center for innovation research at the Durham campus. Through the grant program, the center shall provide applied and basic scientific, engineering, and associated marketing research capability and technology transfer in support of New Hampshire's industrial and business community. The center may pool its funds with those of other entities, either public or private, for the purpose of delivering services to New Hampshire businesses and industries. To be eligible to receive grant-funded services, businesses and industries must have an ongoing business within the state or an announced intention to locate a business in the state. The center may provide services other than grants including but not limited to: training regarding the capture and protection of intellectual property, strategic thinking and strategy development, and writing proposals. Assistance may be provided by the NHIRC director, by small subsidies to assist in the identification and funding of consultants to help the company, or by other creative means ~~[approved by the NHIRC oversight committee]~~.

9 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:33 to read as follows:

187-A:33 Funding. Any center project utilizing state appropriations except for certain short-term, fee-based activities ~~[authorized by the oversight committee]~~, shall match state funds at least dollar for dollar with funds generated by the center from the net income of any of the following operations of the center: the center's research clients, profit and nonprofit organizations, the federal government, or local political subdivisions. In kind and equipment contributions may be accepted as matching funds ~~[under criteria established by the committee]~~.

10 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:33-c to read as follows:

187-A:33-c Equipment Purchases. Any center project which includes the purchase of equipment shall contain a provision that allows either the company, the university of New Hampshire, or Dartmouth College to retain possession of such equipment when the project is completed and the company has paid its matching share in full. Final disposition of equipment shall be agreed to by the company and the center ~~[and approved by the oversight committee]~~ in advance of a project starting date. A company which purchases equipment deemed necessary to the conduct of the project may count the purchase price as part of its matching fund requirement.

11 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187-A:35, I to read as follows:

I. A program to provide assistance to inventors shall be established at the innovation research center at the University of New Hampshire at Durham. The center shall develop, implement, publicize, and operate the program within the limits of available resources and in a manner which will give greatest effect to the purposes of the program. In so doing the center may charge a reasonable fee for proposals submitted. The administrative head of the program shall be the executive director of the innovation research center. ~~[The administrative head shall be responsible to the oversight committee established in RSA 187-A:32.]~~

12 Reference to Oversight Committee on Innovation Research Center. Amend the introductory paragraph of RSA 187-A:36 to read as follows:

187-A:36 Annual Report. The center shall submit an annual report on or before December 31 of each year to the governor[; **and** the governor's executive council]; ~~and the oversight committee established in RSA 187-A:32]~~. The report shall include statistics for the following:

13 Reference to Education Improvement Oversight Committee. Amend the introductory paragraph of RSA 189:66, II to read as follows:

II. The department shall develop a detailed data security plan to present to the state board[; ~~the legislative oversight committee established in RSA 193-C:7;~~] and the commissioner of the department of information technology. The plan shall include:

14 References to Education Improvement Oversight Committee. Amend RSA 189:66, III(a)(2) and the introductory paragraph of RSA 189:66, III(b) to read as follows:

(2) The governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, ~~[legislative oversight committee established in RSA 193-C:7;]~~ and commissioner of the department of information technology.

(b) Require the department to issue an annual data security breach report to the governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, ~~[legislative oversight committee established in RSA 193-C:7;]~~ and commissioner of the department of information technology. The breach report shall also be posted to the department's public Internet website and shall not include any information that itself would pose a security threat to a database or data system. The report shall include:

15 Reference to Education Improvement Oversight Committee. Amend the introductory paragraph of RSA 193-E:3, II(a) to read as follows:

II.(a) The department of education[, with the approval of the legislative oversight committee established in RSA 193-C:7,] may implement and report data on any additional indicators deemed relevant to the purposes of this section.

16 Task Force Removed; Oversight Committee References; Performance-Based Accountability System. Amend RSA 193-E:3-c to read as follows

193-E:3-c Performance-Based Accountability System.

I. At least every 4 years the commissioner shall review the performance-based accountability system and make recommendations [~~to the legislative oversight committee established under RSA 193-C:7. The commissioner may establish a task force to assist with this review. The commissioner, or designee, shall be the chairman of the task force and shall appoint no fewer than 9 and no more than 13 members to the task force which shall consist of department personnel, one or more representatives of a school district including at least one school board member, educational experts, parents or guardians of current public school pupils, members of a public interest group concerned with education, members of the business community, and other individuals with information or expertise of benefit to the task force's duties. The task force shall include one member of the house of representatives, appointed by the speaker of the house of representatives, and one member of the senate, appointed by the president of the senate~~] **for future legislation.**

II. The [task force] **department** shall have the following duties:

(a) Implement the performance-based accountability system to be used by schools that will ensure that the opportunity for an adequate education is maintained.

(b) Identify performance criteria and measurements.

(c) Establish performance goals and the relative weights assigned to those goals.

(d) Establish the basis, taking into account the totality of the performance measurements, for determining whether the opportunity for an adequate education exists, which may include the assignment of a value for performance on each measurement.

(e) Ensure the integrity, accuracy, and validity of the performance methodology as a means of establishing that a school provided the opportunity for an adequate education as defined in RSA 193-E:2-a.

III. The performance-based accountability system[~~, as recommended by the task force,~~] shall be based on data and indicators aligned to the New Hampshire consolidated state plan, as required by the Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the Every Student Succeeds Act. [~~This plan shall be approved by the legislative oversight committee established in RSA 193-C:7.~~]

IV. The [task force] **commissioner** shall submit a report of its findings with recommendations for future legislation for the performance-based accountability system to [~~the legislative oversight committee established under RSA 193-C:7. After the report is approved by the legislative oversight committee the department shall submit the report to~~] the chairpersons of the house and senate education committees, the speaker of the house of representatives, the senate president, the governor, the house clerk, and the senate clerk.

V. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to this section, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than January 15 annually to the same individuals receiving the final report under paragraph IV.

17 References to Education Improvement Oversight Committee. Amend RSA 193-E:3-e, IV to read as follows:

IV. The commissioner shall provide progress reports annually to the state board [~~and the legislative oversight committee established in RSA 193-C:7~~] on the status and effectiveness of the corrective and technical assistance provided by the department in achieving the demonstration of adequacy by all schools.

18 Health Information Organization; Commissioner of health and human services. Amend RSA 126-A:5, XX to read as follows:

XX. The commissioner shall [~~enter into a contract with the health information organization established pursuant to RSA 332-I to~~] administer the grant for the New Hampshire Information Exchange Planning and Implementation Project.

19 Membership; Oversight Committee on Health and Human Services. Amend RSA 126-A:13, I, to read as follows:

I. There shall be an oversight committee on health and human services consisting of [8] **5** members as follows:

(a) [3] **Two** members of the senate, at least one of whom shall be a member of the senate health and human services committee and one of whom shall be a member of the senate finance committee, appointed by the president of the senate; and

(b) [5] **Three** members of the house of representatives, [4] **2** of whom shall be from the health, human services and elderly affairs committee, and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.

20 Membership; State Park System Advisory Council. Amend RSA 216-A:3-kk, I(a) to read as follows:

(a) [~~Four~~] **Three** members of the house of representatives, at least 2 of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

21 Membership; Joint Committee on Tax Expenditure Review. Amend RSA 71-C:3, I to read as follows:

I. A joint committee on tax expenditure review is hereby established to review all qualifying tax expenditures on a rotating basis every 5 years and recommend continuance, amendment, or repeal of relevant provisions. The joint committee shall be composed of [~~3~~] **2** members of the house of representatives appointed by the speaker of the house of representatives and [~~2 members~~] **one member** of the senate appointed by the senate president, provided that such appointments shall include the chair or vice-chair of the ways and means committee of the respective bodies. The first meeting shall be within 60 days after the effective date of this paragraph and called by the first-named house member.

22 Membership; Air Pollution Advisory Committee. Amend RSA 125-J:11, I-II to read as follows:

I. There is established the air pollution advisory committee composed of the following members:

(a) [~~Four~~] **Two** representatives, appointed by the speaker of the house **of representatives**, of whom at least [~~3 are from~~] **one shall be a member of** the house science, technology, and energy committee. [~~At least~~] One [~~of the 4 representatives~~] **representative** shall be a member of a minority party.

(b) [~~Four~~] **Two** senators, appointed by the senate president.

(c) The governor, or designee.

I-a. The following additional members, whose terms shall be coterminous with their terms of office, shall be non-voting members of the committee and shall supply the committee with any information that it requests concerning matters subject to its purview:

(a) The commissioner of safety, or designee.

(b) The commissioner of environmental services, or designee.

II. The committee shall elect a chairperson and vice-chairperson, and meetings shall be at the call of the chair or [~~4 or more~~] **a majority of** committee members. The terms of the members shall be coterminous with their terms of office.

23 Membership; Committee to Study Exotic Aquatic Weeds and Species; Amend RSA 487:30, II(a)(1) to read as follows:

(1) [~~Five~~] **Three** members of the house of representatives, appointed by the speaker of the house **of representatives**.

24 Membership; New Hampshire Conservation Number Plate Advisory Committee. Amend RSA 261:97-d, I(f) and (g) to read as follows:

(f) [~~Three~~] **Two** house members appointed by the speaker of the house **of representatives**.

(g) [~~Three~~] **Two** senators appointed by the president of the senate.

25 Membership; OBD II Testing Advisory Committee. Amend RSA 266:59-b, VII(a)(1) and (2) to read as follows:

(1) [~~Three~~] **Two** representatives, appointed by the speaker of the house of representatives.

(2) [~~Two senators~~] **One senator**, appointed by the president of the senate.

26 Prospective Repeal Date Changed; Commission to Study Cryptocurrency. Amend 2016, 205:3, I to read as follows:

I. Section 2 of this act shall take effect November 1, [~~2021~~] **2020**.

27 Repeal; Public Health; Licensing and Registering Boards. RSA 125:22-125:24, relative to professional and trade licensing and registering boards within the department of health and human services, are repealed.

28 State Workforce Innovation Fund. Amend RSA 6:12, I(b)(283 to read as follows:

(283) Moneys deposited into the [~~New Hampshire~~] **state** workforce [~~opportunity~~] **innovation** fund established in RSA 12-O:45.

29 Director of Economic Development; State Workforce Innovation Board. Amend RSA 12-O:20, VII to read as follows:

VII. Plan, develop, and administer programs to assist in the implementation of the Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, implement the state plan established by the governor and the **State** Workforce [~~Opportunity Council~~] **Innovation Board**, and perform the following additional functions:

(a) Through the youth council, select youth providers of training services in the local areas.

(b) Identify eligible providers of training services in the local area.

(c) Identify eligible providers of intensive services, if not otherwise provided by the One-Stop operator.

(d) Develop a budget for carrying out the duties of the **State** Workforce [~~Opportunity Council~~] **Innovation Board**, subject to the approval of the commissioner.

(e) Oversee local programs of youth activities, local employment, and training service.

(f) Establish, in conjunction with the commissioner, local performance measures.

(g) Assist the commissioner in developing statewide employment statistics systems described in the Wagner-Peyser Act.

(h) Coordinate workforce investment activities authorized and implemented within the state with economic development strategies, and develop the employer linkages with such activities.

(i) Make available to the public, on a regular basis through open meetings, information regarding ~~State Workforce [Opportunity Council]~~ **Innovation Board** activities including information regarding the state plan prior to its submission, and information regarding membership, the designation and certification of One-Stop operators and the award of grants or contracts to eligible providers of youth activities and, as requested, minutes of formal meetings of the ~~State Workforce [Opportunity Council]~~ **Innovation Board**.

(j) Review the operation of programs and the availability, responsiveness, and adequacy of state services, and make recommendations to the governor, appropriate chief elected officials, service providers, the legislature, and general public with respect to steps to improve the effectiveness of these services and programs.

(k) Review plans of all state agencies providing employment training, and related services, and provide comments and recommendations to the governor, the legislature, the state agencies, and appropriate federal agencies on the relevancy and effectiveness of employment and training and related services delivery system in the state.

30 Workforce Development; State Workforce Innovation Board. Amend RSA 12-O:42 to read as follows:

12-O:42 Workforce Development. The commissioner of business and economic affairs shall work with the workforce development director to plan, develop, and administer workforce investment activities, programs, and grants under the federal Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, and shall discharge the day-to-day operational responsibilities and obligations of the ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board** established under RSA 12-O:44. The commissioner shall coordinate with the ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board** to promote state and local investment systems that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

31 State Workforce Innovation Board. Amend the section heading of RSA 12-O:44 and RSA 12-O:44, I through the introductory paragraph of paragraph III to read as follows:

12-O:44 ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board**.

I. There is established a ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board** within the bureau of workforce development.

II. Membership of the council shall be as set forth in section 111(b) of the Workforce Investment Act of 1998, Public Law 105-220, codified at 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time. Members of the ~~[council]~~ **board** shall be appointed by the governor and shall serve at the pleasure of the governor. The governor shall select a chairperson for the ~~[council]~~ **board** from among the members of the ~~[council]~~ **board**, in accordance with 29 U.S.C. section 2821(c).

III. The ~~[council]~~ **board** shall meet no less frequently than semi-annually, shall have the powers and responsibilities of the state workforce investment board under the Workforce Investment Act of 1998, and shall assist the governor in:

32 State Workforce Innovation Fund. Amend RSA 12-O:45 to read as follows:

12-O:45 ~~[New Hampshire] State Workforce [Opportunity]~~ **Innovation Fund**.

I. There is hereby established the ~~[New Hampshire] state workforce [opportunity]~~ **innovation fund** which shall be nonlapsing and administered by the commissioner of the department of business and economic affairs. Said fund shall be for the purpose of receiving financial assistance under the Workforce Investment Act of 1998 and providing funds for grants and other workforce development initiatives.

II. The fund shall be distributed or expended by the commissioner after consultation with the ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board** established in RSA 12-O:44 and the approval of the governor and council for any of the following purposes:

(a) Workforce Investment Act Adult and Dislocated Worker programs.

(b) Workforce Investment Act Youth programs.

(c) Workforce Investment Act Senior Community Service Employment programs.

(d) Workforce Investment Act Disability programs.

(e) Workforce Investment Act Regional Innovation and National Emergency grant programs.

(f) Other projects, programs, or grants recognized as being beneficial to workforce development initiatives and consistent with the goals of the Workforce Investment Act.

III.(a) The department may accept gifts, grants, donations, or other moneys for the purposes of this section. Said moneys shall be deposited into the ~~[New Hampshire] state workforce [opportunity]~~ **innovation fund**.

33 Youth Council; Reference Changed. Amend RSA 188-E:13 to read as follows:

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the ~~[workforce opportunity council]~~ **State Workforce Innovation Board** formed by the governor pursuant to the Workforce Investment Act of 1998:

I. Two members of the house of representatives, one of whom shall serve as an alternate, appointed by the governor.

II. Two members of the senate, one of whom shall serve as an alternate, appointed by the governor.

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

AMENDED ANALYSIS

This bill establishes a legislative committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute. The bill repeals various statutory boards, commissions, councils, committees, task forces and makes necessary corrections to statutory provisions. The bill also reduces the number of house and/or senate members on certain statutory committees.

HB 1297, directing the legislative budget assistant to conduct a financial audit of the secretary of state's office. **INEXPEDIENT TO LEGISLATE.**

Rep. John Graham for Legislative Administration. This bill requires the Legislative Budget Assistant to conduct a financial audit of the Secretary of State's Office within 9 months of passage. This audit has been scheduled to take place in May or June. Therefore, this bill is not necessary. Vote 10-0.

HB 1303, establishing a commission to study expanding public testimony opportunities to remote locations statewide. **INEXPEDIENT TO LEGISLATE.**

Rep. Allison Nutting-Wong for Legislative Administration. This bill establishes a commission to study expanding public testimony opportunities to remote locations statewide. The charge of this commission was folded into a committee established by HB 1486, therefore, this bill is no longer needed. Vote 13-0.

HB 1333-FN-A, authorizing travel expense payments to state legislators. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Rice for Legislative Administration. This bill requires a payment to a member of the House or Senate for travel expenses on days of official legislative business other than session days. Part 2 Article 15 of the state constitution establishes a fixed amount of payment for state legislators as compensation in full for their services and also provides for mileage payments for actual daily attendance. The Supreme Court has ruled twice that mileage cannot include any other travel expenses therefore, what this bill proposes is unconstitutional. Vote 13-0.

HB 1385, relative to portraits and memorial objects in the state house, legislative office building, and Upham Walker house. **OUGHT TO PASS.**

Rep. Douglas Ley for Legislative Administration. The committee unanimously agrees that it is advisable to clarify the authority and responsibility for placement of portraits and other memorial objects in the State House and Upham Walker House. Vote 10-0.

HB 1104, relative to the acquisition, sale, or demolition of municipal land or buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Julie Gilman for Municipal and County Government. RSA 41:14-c, if adopted, allows select boards to acquire or sell buildings, land, or both. This bill adds the authority to demolish or otherwise dispose of buildings. A requirement to consult with the planning board and conservation commission is further amended to add heritage commissions and historic districts as bodies to consult before disposal or demolition. Vote 18-0.

Amendment (0801h)

Amend RSA 41:14-a, I as inserted by section 2 of the bill by replacing it with the following:

I. If adopted in accordance with RSA 41:14-c, the ~~[selectmen]~~ **select board** shall have the authority to acquire or sell land, buildings, or both[;], **and to demolish or otherwise dispose of buildings**, provided, however, they shall first submit any such proposed acquisition, ~~[or]~~ sale, **demolition, or disposal** to the planning board, ~~[and to]~~ the conservation commission, **the heritage commission, and the historic district commission if the building lies within a defined district** for review and recommendation by those bodies, where [a] **such** board or ~~[commission or both,]~~ **commissions** exist. After the ~~[selectmen receive]~~ **select board receives** the recommendation of the planning board, ~~[and]~~ the conservation commission, **the heritage commission, and the historic district commission if the building lies within a defined district**, where such board or ~~[commission or both]~~ **commissions** exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition, ~~[or]~~ sale, **demolition, or disposal**; provided, however, upon the written petition of 50 registered voters presented to the ~~[selectmen]~~ **select board**, prior to the ~~[selectmen's]~~ **select board's** vote, according to the provisions of RSA 39:3, the proposed acquisition, ~~[or]~~ sale, **demolition, or disposal** shall be inserted as an article in the warrant for the town meeting. The ~~[selectmen's]~~ **select board's** vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held.

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

4 Application. This act shall be effective in all towns that have previously adopted the provisions of RSA 41:14-a, without further action by the town.

AMENDED ANALYSIS

This bill authorizes selectmen to demolish municipal buildings. This bill also provides for review of any proposed demolition by the heritage commission and the historic district commission, if any.

HB 1111, relative to the removal and replacement of telephone and electric poles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Maggiore for Municipal and County Government. Rather than amend the process and enforcement of replacement of utility poles through legislation, the subcommittee unanimously recommends a commission be enjoined to review the PUC 1300 rules which already detail the process for utility pole and line replacement. Vote 18-0.

Amendment (1011h)

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

AN ACT establishing a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.

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

1 New Section; Commission to Study the Removal of Unused Utility Poles Following the Transition of Equipment, Lines, and Cables to New Utility Poles. Amend RSA 231 by inserting after section 182 the following new section:

231:182-a Commission to Study the Removal of Unused Utility Poles Following the Transition of Equipment, Lines, and Cables to New Utility Poles.

I. There is established a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.

(a) The members of the commission shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house of representatives.

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

(3) The commissioner of the department of transportation, or designee.

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

(5) One member appointed by the New Hampshire Municipal Association.

(6) Additional members from the following entities, appointed by the governor, as follows:

(A) Two members representing different companies owning poles in New Hampshire who are members of the New Hampshire Telephone Association (NHTA).

(B) One member from a New Hampshire electric cooperative.

(C) One member from an investor-owned New Hampshire electric utility.

(D) One member each from a competitive telephone utility and a provider of cellular telephone service, which are currently attached to poles in New Hampshire.

(E) One member representing the New England Cable & Telecommunications Association, Inc. (NECTA).

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

II. The commission's study shall include, but not be limited to, examining the rules of the public utilities commission in PUC 1300 – Utility Pole Attachments, with emphasis on relevant sections of PUC 1303.06 on Notification, PUC 1303.07 on Installation and Maintenance, and PUC 1303.12 on Make Ready Work Timetables, and how to update the relevant laws and rules as necessary and make recommendations for enforcement of timely transition of equipment and removal of unused utility poles.

III. The commission may solicit input from any person or entity the commission deems relevant to its study.

IV. 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 house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

V. The commission shall submit a report including its findings and any recommendations for proposed legislation on or before December 1, 2020 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.

2 Repeal. RSA 231:182-a, relative to a commission to study the transition of equipment and removal or replacement of telephone and electric poles, is repealed.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill establishes a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.

HB 1119, relative to banking by municipal and county treasurers. **OUGHT TO PASS WITH AMENDMENT.** Rep. Susan Treleaven for Municipal and County Government. As banking changes with new technologies and changing business models, New Hampshire towns, cities, and school districts find themselves looking for banks, local banks, that will serve their banking needs, especially in our north country. HB 1119 allows these government entities to bank locally, assuring their financial stability while expanding their reach to banks not chartered specifically in New Hampshire and maintaining their financial stability via collateral agreements among banks. Vote 18-1.

Amendment (0702h)

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

AN ACT relative to the use of certain out-of-state banks by the state treasurer and municipal and county treasurers or trustees.

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

1 State Treasurer; Bank Deposits. Amend RSA 6:7 to read as follows:

6:7 Bank Deposits. The treasurer may deposit any portion of public moneys, in the treasurer's possession, in federally insured banks ~~[chartered under the laws of New Hampshire or the federal government, with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a.** At the discretion of the treasurer, balances may be collateralized if those balances are deemed to be significant in relation to the equity position of the federally insured bank. Other conditions being equal, those federally insured banks shall receive preference which allow interest on balances. As used in this section the term "public moneys" shall include the general funds of the state and any funds of which the state treasurer acts as custodian or agent.

2 State Treasurer; Investment of Public Funds. Amend RSA 6:8 to read as follows:

6:8 Investment of Funds.

I. All funds over which the state has exclusive control, aside from such sums of money as the treasurer may deem necessary to hold or deposit for meeting current expenses, shall be invested by the treasurer, with the approval of the governor and council, in obligations of the United States government, in obligations of any county government, municipal government, or district or division thereof within the state of New Hampshire, in obligations which are legal investments for depository banks pursuant to RSA 383-B:3-303, in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks chartered under the laws of New Hampshire ~~[or]~~, the federal government with a branch within the state, **or any other state with a branch in this state as provided in paragraph I-a.**

I-a. In order for a bank chartered under the laws of another state to be eligible to accept deposits of public funds, the following conditions shall be satisfied:

(a) The state in which the out-of-state bank is chartered must permit a New Hampshire-chartered bank to accept public funds in deposit in that state in substantially the same manner and subject to substantially the same terms and conditions as is permitted for banks chartered in that state.

(b) The out-of-state bank engages in lending activity in New Hampshire in an aggregate amount that is not less than the average amount of the deposits of all of its state, county, municipal, and other public deposits in the state in each calendar year.

(c) The out of state bank pays the business enterprise tax or business profits tax based on its business activity in the state during its fiscal year.

(d) Before accepting such deposits, the out-of-state bank shall furnish to the state treasurer an opinion of legal counsel that the condition of subparagraph (a) has been met. The treasurer shall confirm receipt of the opinion in writing not later than 60 days of receipt of the opinion, and shall make the opinion publicly available on the department's website. Thereafter, the out-of-state bank shall certify in writing under oath to the treasurer not later than March 31 in each year that it has complied with the requirements of subparagraphs (b) and (c) for the prior calendar or fiscal year and shall disclose the average amount of such deposits accepted and the number and aggregate amount of all loans made in such calendar year. A violation of this paragraph shall be a misdemeanor.

II. The treasurer may also invest public funds in interest-bearing deposits which meet all of the following conditions:

(a) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ authorized to accept deposits in New Hampshire under paragraphs I and I-a of this section, selected by the treasurer.

(b) The selected bank arranges for the redeposit of funds which exceed the federal deposit insurance limitation of the selected bank in deposits in one or more federally insured financial institutions located in the United States, for the account of the treasurer.

(c) The full amount of principal and any accrued interest of each such deposit is covered by federal deposit insurance.

(d) The selected bank acts as custodian with respect to each such deposit for the account of the treasurer.

(e) On the same date that the funds are redeposited by the selected bank, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.

3 Counties; Investments; Banks. Amend RSA 23:16, II to read as follows:

II. The funds shall be invested only ~~[by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or]~~ in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by New Hampshire ~~[savings] banks~~ and when so invested, the trustees shall not be liable for the loss thereof; ~~[and]~~ in any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23; **and in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks authorized to accept deposits under RSA 6:8, I and I-a.** The trustees may retain investments as received from donors until the maturity thereof.

4 County Treasurer; Out-of-state Banks; Deposits. Amend RSA 29:1, I to read as follows:

I. The county treasurer shall have custody of all moneys belonging to the county, and shall pay out the same only upon orders of the commissioners. The county treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in federally insured banks **authorized to accept deposits under RSA 6:8, I and I-a.** ~~In addition, [chartered under the laws of New Hampshire or the federal government with a branch within the state, except that]~~ funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits of the following types:

(a) United States government obligations,

(b) United States government agency obligations; or

(c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

5 County Treasurer; Out-of-state Banks; Investments. Amend RSA 29:1, IV to read as follows:

IV. Whenever the county treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the commissioners, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks ~~[chartered under the laws of the state of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a.** Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. At least yearly, the county treasurer, with the approval of the county commissioners, shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

6 County Treasurer; Investments. Amend RSA 29:1, V(a) to read as follows:

(a) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a,** selected by the treasurer.

7 Town Trust Funds; Investments. Amend RSA 31:25 to read as follows:

31:25 Custody; Investment. The trustees shall have the custody of all trust funds held by their town. Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner, as provided by rules adopted pursuant to RSA 383-B:3-301(e), shall be eligible to be pledged as collateral. The funds shall be invested only in deposits in ~~[any] federally [or state-chartered bank or association authorized to engage in a banking business in this state]~~ **insured banks authorized to accept deposits under RSA 6:8, I and I-a,** or in deposits in any credit union in this state,

or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by any bank ~~[or association]~~ chartered by this state to engage in a banking business; and in participation units in the public deposit investment pool established pursuant to RSA 383:22; or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. Deposits in a federally ~~[or state-chartered]~~ **insured** bank ~~[or association]~~ or credit union shall be made in the name of the town which holds the same as a trust, and it shall appear upon the books thereof as a trust fund. Shares of mutual funds are also permitted if they are registered with the Securities and Exchange Commission, qualified for sale in the state of New Hampshire in accordance with the New Hampshire uniform securities act of the New Hampshire secretary of state's office, and which have in their prospectus a stated investment policy which is consistent with the investment policy adopted by the trustees of trust funds in accordance with this chapter, and when so invested, the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. Such investment policy shall be reviewed and confirmed at least annually. A copy of the investment policy shall be filed with the attorney general.

8 Town Trust Funds; Reference to Associations. Amend RSA 31:25-a to read as follows:

31:25-a Retention of Nonlegal Securities. Any security which at the time of its purchase under RSA 31:25 constituted a legal investment for any bank ~~[or association]~~ chartered by this state to engage in a banking business or for trustees of trust funds under the laws and conditions then existing may be retained notwithstanding the fact that, because of changes in the law relating to legal investments or because of conditions arising subsequent to the purchase of such security, its purchase might not then be legal; provided, however, that no such security that is not a prudent investment under the circumstances existing at the time of its retention and thereafter may be retained by the trustees; and provided further, that the aggregate total of the market value of all securities retained under this section shall not exceed 20 percent of the total market value of all the investments held by the trustees.

9 Town Trust Funds; Investments by Single Trustee. Amend RSA 31:26 to read as follows:

31:26 Investments by Single Trustee. In towns which have chosen a single trustee of trust funds such funds shall be invested only by deposit in any federally ~~[or state-chartered bank or association authorized to engage in a banking business in this state]~~ **insured bank authorized to accept deposits under RSA 6:8, I and I-a**, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state and when so invested the trustee shall not be liable for the loss thereof; and in any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23; or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. Deposits in a federally ~~[or state-chartered bank or association]~~ **insured bank** shall be made in the name of the town which holds the same as a trust, and it shall appear upon the books thereof as a trust fund. Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. The trustee may retain investments as received from donors until the maturity thereof.

10 Trust Funds; Collective Investments. Amend RSA 31:27 to read as follows:

31:27 Collective Investments. Notwithstanding any statute or rule of law to the contrary, town and city trustees of trust funds may establish, maintain and operate one or more common trust funds, in which may be combined money and property belonging to the various trusts in their care, for the purpose of facilitating investments, providing diversification and obtaining reasonable income; provided however, that said common trust funds shall be limited to the investments authorized in RSA 31:25; provided further, that not more than \$10,000, or more than 10 percent of the fund whichever is greater, of any town or city common trust funds shall be invested under RSA 31:25 in the obligations of any one corporation or organization, excepting deposits in any federally ~~[or state-chartered bank or association authorized to engage in a banking business in this state]~~ **insured bank authorized to accept deposits under RSA 6:8, I and I-a**, in credit unions in this state, or in obligations of the United States and of the state of New Hampshire and its subdivisions; or in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in shares of open ended mutual

funds selected by the trustees for investment under RSA 31:25, and provided further, that the participating contributory interests of said trusts are properly evidenced by appropriate bookkeeping entries showing on an annual basis the capital contribution of and the profits and income allocable to each trust.

11 Town Trust Funds; Reference to Associations. Amend RSA 31:36 to read as follows:

31:36 Deposits. Deposits in any federally ~~[or state-chartered bank or association]~~ ***insured bank authorized to accept deposits under RSA 6:8, I and I-a*** or any credit union shall be made in the name of the town which holds the same in trust, and it shall appear upon the book thereof that the same is a trust fund.

12 City Treasurer; Capital Reserve Funds. Amend RSA 34:5 to read as follows:

34:5 Investment. The moneys in such fund shall be kept in a separate account and not intermingled with the other funds of the city. Said capital reserve fund shall be invested only by deposit in ~~[some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and loan association, or federal savings and loan association, in this state or in bonds or notes of this state]~~ ***a federally insured bank authorized to accept deposits under RSA 6:8, I and I-a***, in such stocks and bonds as are legal for investment by New Hampshire savings banks, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. When so invested in good faith the trustees hereinafter named shall not be liable for the loss of such moneys. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the city, and it shall appear upon the book thereof that the same is a capital reserve fund. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. The trustees shall review and confirm the investment policy at least annually. A copy of the investment policy shall be filed with the attorney general.

13 Capital Reserve Funds; Towns, Counties, Districts. Amend RSA 35:9 to read as follows:

35:9 Investment. Each capital reserve fund shall be maintained separately on the books of the town. The assets of such funds may be pooled in order to invest in a broader range of investments to maximize growth and mitigate risk. Said capital reserve funds shall be invested only in deposits in any federally ~~[or state-chartered bank or association authorized to engage in a banking business in this state]~~ ***insured bank authorized to accept deposits under RSA 6:8, I and I-a***, or in bonds or notes of this state, in such stocks and bonds as are legal for investment by banks ~~[and associations]~~ chartered by this state to engage in a banking business, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. When so invested the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the individual funds on a pro rata basis. Deposits in federally or state-chartered banks ~~[and associations]~~ shall be made in the name of the town, district, or county which holds the same as a reserve, and it shall appear upon the books thereof that the same is a capital reserve fund. Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district, or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. The trustees shall review and confirm the investment policy at least annually. A copy of the investment policy shall be filed with the attorney general.

14 Elected or Appointed Town Treasurers; Deposits. Amend RSA 41:29, II to read as follows:

II. The treasurer shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in federally insured banks ***authorized to accept deposits under RSA 6:8, I and I-a***. ***In addition,*** ~~[chartered under the laws of New Hampshire or the federal government]~~

~~with a branch within the state, except that~~ funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

15 Elected or Appointed Town Treasurers; Investments. Amend RSA 41:29, IV to read as follows:

IV. Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall invest the same in accordance with the investment policy adopted by the selectmen under RSA 41:9, VII. The treasurer may invest in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a**, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

16 Elected or Appointed Town Treasurers; Investments. Amend RSA 41:29, V(b)(1) to read as follows:

(1) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a**, selected by the treasurer.

17 City Treasurers; Deposits. Amend RSA 48:16, I to read as follows:

I. The city treasurer shall have custody of all moneys belonging to the city. The treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in federally insured banks **authorized to accept deposits under RSA 6:8, I and I-a. In addition,** ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state, except that]~~ funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

18 City Treasurers; Investments. Amend RSA 48:16, III to read as follows:

III. Whenever the city treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the city treasurer shall invest the same in accordance with the investment policy adopted by the mayor and board of aldermen or city council under RSA 47:6, II. The treasurer may invest in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a**, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

19 City Treasurers; Investments. Amend RSA 48:16, VI(a) to read as follows:

(a) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a**, selected by the treasurer.

20 School District Treasurers; Deposits. Amend RSA 197:23-a, I to read as follows:

I. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or upon orders of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. The treasurer shall deposit the moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in federally insured banks **authorized to accept deposits under RSA 6:8, I and I-a. In addition,** ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state, except that]~~ funds may be deposited in banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations,
- (b) United States government agency obligations; or
- (c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

21 School District Treasurers; Investments. Amend RSA 197:23-a, IV to read as follows:

IV. Whenever the treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the school board, invest the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks ~~[incorporated under the laws of the state of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a** and in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. At least yearly, the school board shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

22 School District Treasurers; Investments. Amend RSA 197:23-a, V(a) to read as follows:

(a) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a** selected by the treasurer.

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

AMENDED ANALYSIS

This bill allows out-of-state banks with a branch in New Hampshire to accept deposits and investments of public funds from the state treasurer and city, town, and school district treasurers.

HB 1129, relative to notice requirements for certain municipal public hearings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Dargie for Municipal and County Government. This bill allows municipalities to post notices on their town website instead of in a paper of general circulation for proposed zoning changes. The amendment requires that the web posting be on the home page. Vote 19-0.

Amendment (0696h)

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

1 Planning and Zoning; Notice Requirements for Public Hearing. Amend RSA 675:7, I to read as follows:

I.(a) Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. Any person owning property in the municipality may request notice of all public hearings on proposed amendments to the zoning ordinance, and the municipality shall provide notice, at no cost to the person, electronically or by first class mail.

(b) In lieu of publication in a paper of general circulation pursuant to subparagraph (a), notice may be posted on the municipality's Internet website, if such exists. If notice is posted on the municipality's website in lieu of publication in a paper of general circulation, the notice shall:

(1) Appear prominently on the website's home page, or a link directly to the notice shall appear prominently on the home page;

(2) Be posted at the time stated in subparagraph (a) and shall remain on the website until the conclusion of the hearing; and

(3) Be posted in 2 other public places.

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

HB 1311, relative to the semi-annual or quarterly collection of taxes in certain municipalities. **OUGHT TO PASS.** Rep. Julie Gilman for Municipal and County Government. The Department of Revenue Administration (DRA) requested this change to RSA 76:15-a, III. It will allow municipalities, counties and school districts to apply to DRA for quarterly tax rate setting when either by a change of adequate education grants or excess tax

amounts or by a change of 15% or more in taxes to be raised from current year compared to previous year. Allowing for quarterly rate setting will keep property owners from large drops or increases that may affect mortgage escrow among other financial matters. Vote 19-0.

HB 1352, relative to municipal budget meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Clyde Carson for Municipal and County Government. When municipalities using the official ballot form of government vote on their annual budget and that budget doesn't pass, there are two options available. The option most frequently used is to adopt the default budget. The other is for the governing body to prepare a new budget and hold a second deliberative session on the budget and then a vote on the resulting budget. This second option is rarely used. This bill was intended to make the second option easier by allowing the governing body to hold a town meeting where the budget would be debated and voted on in a single session. The testimony during the committee hearing on this bill convinced the majority that this approach would be inconsistent with the ballot form of government and not a good solution. Vote 18-0.

HB 1421-L, relative to the application of the equalization rate to be used for the calculation of a property tax abatement by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Dolan for Municipal and County Government. This subject needs input from numerous stakeholders before being ready for legislation. A study commission will allow that to happen as outlined in the amendment. Vote 19-0.

Amendment (0705h)

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

AN ACT establishing a commission to study the equalization rate used for the calculation of a property tax abatement by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties.

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

1 New Section; Commission to Study the Equalization Rate Used for the Calculation of a Property Tax Abatement. Amend RSA 76 by inserting after section 20 the following new section:

76:20-a Commission to Study the Equalization Rate Used for the Calculation of a Property Tax Abatement.

I. There is established a commission to study the equalization rate used for the calculation of a property tax abatement. The commission shall consider the inequity in the current system of equalization and establish a method to eliminate the use of 2 separate equalization rates, reported by the department of revenue administration, in 2 separate years, one of which is used for tax assessment purposes and one of which is used for tax appeal purposes, so that the same equalization rate is used by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties.

II. The commission shall be composed of the following members:

(a) One member of the assessing standards board, appointed by the board.

(b) One member representing the certified municipal assessing officials, appointed by the New Hampshire Association of Assessing Officials.

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

(d) Two members of the house of representatives, both of whom are members of the municipal and county government committee, appointed by the speaker of the house of representatives.

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

(f) Three public members, appointed by the New Hampshire Municipal Association, one of whom shall be a municipal attorney practicing before the board of tax and land appeals and superior court in tax abatement cases, one of whom shall be a municipal official of a town or city with relevant tax abatement and equalization experience, and one of whom shall be a member of the public, engaged in property valuation for municipalities.

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

IV. The commission shall study and report as to whether legislation is recommended to correct the inequity in the tax appeal process by establishing a method to eliminate the use of 2 separate equalization rates reported by the department of revenue administration in 2 separate years, with one rate used for tax assessment purposes and the other rate used for tax appeal purposes, so that the same equalization rate is used for both tax assessment purposes and in any subsequent appeal to the board of tax and land appeals or the superior court.

V. The members of the commission shall elect a chairperson among the members. The first meeting of the commission shall be held no later than February 1, 2021, and shall be called by the first-named house member.

VI. The commission shall report its findings and any recommendations for legislation to the speaker of the house of representatives, the senate president, the house and senate clerks, and the governor on or before November 1, 2021.

2 Repeal. RSA 76:20-a, relative to the commission to study the equalization rate used for the calculation of a property tax abatement, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2021.

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

AMENDED ANALYSIS

This bill establishes a commission to study the equalization rate used for the calculation of a property tax abatement.

HB 1467-L, relative to the taxation of commercial and residential property. **INEXPEDIENT TO LEGISLATE.** Rep. Timothy Josephson for Municipal and County Government. This bill would allow a municipality to set different property tax rates based on land use. The committee felt that this would very likely be unconstitutional as it would establish unequal tax rates. This bill is based on Massachusetts law which is incompatible with New Hampshire law for a number of reasons. Vote 18-1.

HB 1255, relative to roadside memorials. **OUGHT TO PASS.**

Rep. John Cloutier for Public Works and Highways. This bill would prohibit roadside memorials within the right-of-way of any primary or secondary highway. More specifically, it would authorize the Department of Transportation to remove such memorials in class I, II, III, or III-a highways as well as town or city highway agents to remove the memorials on any other highway, and on town-maintained portions of class II highways. Finally, it would authorize the Department of Transportation to remove and dispose of any roadside memorials after 90 days beginning from the date of the event being memorialized. At the bill's hearing, nobody testified in opposition to this measure to improve highway safety. Vote 16-0.

HB 1126, relative to removal of trees from state property. **INEXPEDIENT TO LEGISLATE.**

Rep. Rosemarie Rung for Resources, Recreation and Development. The intent of this bill is to prohibit the clear-cutting of trees from state-owned land that is within 75 feet from the boundary with abutting privately owned land. Several state agencies testified in opposition to this bill including the Departments of Corrections, Environmental Services, Fish and Game, and Transportation, and the Division of Forest and Lands. Those opposed to the bill cited its contradictory language with the regulatory definition of "clear-cutting," the obstacles it would create to responsible forest management, and the threat it would pose to safely maintaining dams, prisons, and other structures. It is clear that the unintended consequences of this bill would threaten the safety of persons and the environment. Vote 17-0.

HB 1252-FN, relative to large groundwater withdrawals from replacement wells. **OUGHT TO PASS.**

Rep. Deborah Hobson for Resources, Recreation and Development. This bill adds a requirement to an exemption application for large ground water withdrawals for replacement wells. This bipartisan legislation was developed in collaboration with Department of Environmental Services (DES) to improve and protect our groundwater resources as it relates to the permitting of certain replacement water supply wells. NH has separate rules and regulations for permits and oversight of new large water wells (over 40 gallons per minute) and new small water wells (under 40 gallons per minute). This bill would establish one additional authority for DES to ensure that replacement wells would not cause significant adverse impact to existing private wells in the surrounding area. It simply addresses an existing gap and is intended to help residents protect their current water supply. Vote 20-0.

HB 1316, relative to OHRV trails known as "Ride the Wilds." **REFER FOR INTERIM STUDY.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill, as introduced, would open up the Nash Stream Forest to increased OHRV traffic. In 2017 the Department of Natural and Cultural Resources completed the update of the Nash Stream State Forest Management Plan. This process took four years to finish and involved extensive review and input from members of the public as well as the Nash Stream Citizens Committee. The committee agreed that OHRV trails in Nash Stream should not be expanded. At the public hearing on the bill, an amendment was submitted related to Hoyt Road Marsh in Concord and reopening that area to OHRVs during the winter months for ice riding on motorcycles and other wheeled vehicles. Hoyt Road Marsh was closed to OHRVs in the most recent budget without a public hearing. The process upset some committee members and surprised those who have become accustomed to riding their motorcycles on the ice there. During a public hearing on the amendment, the committee heard from a number of Concord residents whose right to peaceful enjoyment at their homes has been compromised by the noise and crowds both spectating and riding motorcycles on Hoyt Road Marsh when frozen in the winter. The committee also heard from people from towns across central NH who love this sport. The committee agreed that through the interim study process, alternatives, including compromises among neighbors and review of laws involving OHRVs could be addressed. Vote 20-0.

HB 1347, addressing impacts to other water users from new sources of water for community water systems. **OUGHT TO PASS.**

Rep. Deborah Hobson for Resources, Recreation and Development. This bipartisan legislation was developed in collaboration with the Department of Environmental Services (DES) to establish criteria within adminis-

trative rules for new small community water supply wells. Small water supply wells draw under 40 gallons per minute. These rules would authorize DES to require a small community water supply well applicant/owner to mitigate potential adverse impacts to a private water supply well in the event that such impacts occur. The owner/applicant would be required to perform an investigation and mitigation. Increasing density of development within the state and use of small community water supply systems at subdivisions to increase land development increases the likelihood for these impacts in the future. Vote 20-0.

HB 1380, relative to the operation of personal water craft around the marshlands or flats of the Rye estuary and the New Castle back channel. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Bushway for Resources, Recreation and Development. This bill amends the statute that prohibits the use of personal water craft within 300 feet of any marshland or flat in the Hampton/Seabrook estuary to include the Rye estuary and the New Castle back channel. The amendment defines the area within the New Castle Goat Island Back Channel Mooring Field, facilitating enforcement by Marine Patrol. The bill also includes in the prohibited areas the tidal areas surrounding Berry's Brook, Seavey Creek, Witch Creek, Parson's Creek, and the Awcomin Marsh and Rye Harbor Marsh areas which flow into Rye Harbor. The bill further amends the statute to exempt water craft operated by police, fire, or other emergency from the prohibition. Vote 20-0.

Amendment (0887h)

Amend RSA 270:74-c, II as inserted by section 1 of the bill by replacing it with the following:

II. No person shall operate a personal water craft within 300 feet of any marsh land or flat in the Hampton/Seabrook estuary, ***within 300 feet of the Rye marsh areas to include Witch Creek, Seavey Creek, Berry's Brook, Parson's Creek, Awcomin Marsh, and Rye Harbor Marsh, or within the New Castle Goat Island Back Channel Mooring Field as defined in rules adopted by the Pease Development Authority Pda 500, or that area marked between Shapleigh Island and Goat Island to Red Nun #4 to the Wentworth Bridge, to include the areas around Pest, Leaches, and Clampit Islands,*** without regard to tide height. ***This paragraph shall not apply to water craft operated by police, fire, or other emergency services.***

HB 1414, relative to notification to abutters of an intent to cut timber. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Bushway for Resources, Recreation and Development. The amendment completely replaces the original bill which addressed notification to abutters of an intent to cut timber. The bill as amended clarifies the penalties for negligent and/or reckless timber harvesting under RSA 227-J:8. The bill as amended provides that any person who negligently cuts or carries away or causes to be cut or carried away any tree or timber on the land of another person without the permission of that person will be subject to a civil penalty for trespass. The bill as amended further provides that any person who recklessly cuts or carries away or causes to be cut or carried away any tree or timber on the land of another person without the permission of that person will be subject to a criminal penalty for trespass. Vote 17-0. Vote 17-0.

Amendment (0429h)

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

AN ACT relative to penalties for improper timber harvesting.

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

1 Timber Harvesting; Trespass; Civil Penalty. Amend RSA 227-J:8, I to read as follows:

I. No person shall negligently cut, fell, destroy, injure, or carry away, ***or cause to be cut, felled, destroyed, injured, or carried away,*** any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

2 Timber Harvesting; Trespass; Criminal Penalty. Amend RSA 227-J:8-a, I to read as follows:

I. No person shall recklessly cut, fell, destroy, injure, or carry away, ***or cause to be cut, felled, destroyed, injured, or carried away,*** any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

3 Effective Date. This act shall take effect January 1, 2021.

AMENDED ANALYSIS

This bill provides that any person who negligently or recklessly causes timber to be cut on the land of another shall be guilty of trespass under RSA 227-J, relative to timber harvesting.

HB 1425-FN, requiring the removal of all containers containing PFAS compounds from public schools and hospitals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill, as amended, and developed in cooperation with the Department of Environmental Services (DES), directs DES and the Department of Education to alert schools to the health impacts of using food containers containing polyfluoroalkyl substances and polystyrene. As amended, the bill also sets up a committee to look at the study by the State of Washington

on using food containers containing polyfluoroalkyl substances in schools, which is anticipated to be finished in the June/July 2020 timeframe, and to propose legislation, if appropriate, on phasing out use of those containers in our public schools. The amendment replaces the entire bill. Vote 18-2.

Amendment (0755h)

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

AN ACT directing the department of environmental services to publish an advisory to public schools on the risks associated the use of food containers containing polyfluoralkyl substances and polystyrene and establishing a committee to study how to remove food containers containing polyfluoroalkyl substances and polystyrene from schools.

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

1 Department of Education; Department of Environmental Services. The department of education, in consultation with the department of environmental services, shall publish an advisory to all public schools explaining the environmental and health risks associated with food containers containing polyfluoroalkyl substances (PFAS) and polystyrene.

2 Committee Established. There is established a committee to study how to remove food containers containing polyfluoroalkyl substances (PFAS) and polystyrene from schools.

3 Membership and Compensation.

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

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

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

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

4 Duties. The committee shall examine options for the removal of PFAS and polystyrene food containers for public schools including alternatives to food containers using PFAS and polystyrene. The committee shall also develop legislation to be filed with its report.

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

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

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

AMENDED ANALYSIS

This bill directs the department of education to publish an advisory to public schools on the risks associated the use of food containers containing polyfluoralkyl substances and polystyrene and establishes a committee to study how to remove food containers containing polyfluoroalkyl substances and polystyrene from schools.

HB 1426, requiring an off highway recreational vehicle club to have certain tests performed on a rail trail prior to use as an OHRV trail. **REFER FOR INTERIM STUDY.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill would require, prior to opening a rail trail to OHRV traffic, that it first be tested for hazardous materials and the impact of fugitive dust on the surrounding area. In the hearing and in further discussions, it became clear that hazardous materials could potentially affect all who use the rail trails and not just those on motorized vehicles. The committee agreed that the best approach for this bill would be to refer it for Interim Study so that the committee could learn from stakeholders about which tests should be conducted to determine the amount of hazardous materials present, what kinds of remediation would be expected, and the cost of such remediation. Vote 19-0.

HB 1526, relative to the division of ports and harbors mooring wait list. **INEXPEDIENT TO LEGISLATE.**

Rep. Rosemarie Rung for Resources, Recreation and Development. The intent of this bill is to require the Division of Ports and Harbors of the Pease Development Authority to disclose whether a mooring on the mooring wait list has public access or, if not, whether there is access through a private club. This information is already available through a Department of Fish and Game's publication and can be made available through state websites, without requiring legislative action. Vote 17-0.

HB 1532, establishing a commission to review and propose initiatives to implement the recommendations of the 2020 forest resources plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Smith for Resources, Recreation and Development. The original bill would have formed a commission of 15 members to review and propose initiatives to implement the recommendations of the 2020 Forest Resources Plan. The amendment changes the commission to a legislative committee which will con-

sult with the statutory forest advisory board. The originally proposed commission would have many of the same members as the forest advisory board and would essentially be duplicative. Development of the 2020 Forest Resources Plan is well underway and hearings are being scheduled so that the public may weigh in. The plan is required to be finished by June of this year. The plan, which is updated every 10 years, provides a road map not only for the Division of Forests and Lands but also for the forestry community in general. Vote 17-0.

Amendment (0673h)

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

AN ACT establishing a committee to review and propose initiatives to implement the recommendations of the 2020 forest resources plan.

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

1 Committee Established. There is established a committee to review and propose initiatives to implement the recommendations of the 2020 forest resources plan developed pursuant to RSA 227-I:6-8.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall consult with the Forest Advisory Board established in RSA 227-I:5 to review the 2020 forest resources plan and develop recommendations for implementation of its findings including the following:

I. The future of forest resources in the short and long term.

II. The management of forest resources for public benefits such as recreation, clean air and water, wildlife habitat, and climate change.

III. The future development of the forest products industry to optimize technological and market advancements and employment opportunities.

IV. The opportunities for northeast regional cooperation.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

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

AMENDED ANALYSIS

This bill establishes a committee to review and propose initiatives to implement the recommendations of the 2020 forest resources plan.

HB 1537, relative to standards for perfluorochemicals in drinking water and ambient groundwater. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. This bill changes existing chemical terminology to per and polyfluoroalkyl substances (PFAS) to be more inclusive of the entire family of these substances. The amendment addresses concerns that setting a single standard for all substances in the PFAS family is not currently supported by analytical methodology and so was removed. Vote 20-0.

Amendment (0433h)

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

AN ACT relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater.

Amend the bill by replacing section 1 with the following:

1 Per and Polyfluoroalkyl Substances; Rulemaking Required. Amend RSA 485:16-e to read as follows:

485:16-e [~~Perfluorochemicals~~] **Per and Polyfluoroalkyl Substances**. By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and other interested parties, initiate rulemaking in accordance with RSA 541-A to adopt a maximum contaminant limit for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

HB 1609, relative to seasonal platforms on public waters of the state. **OUGHT TO PASS WITH AMENDMENT.** Rep. Andrew Renzullo for Resources, Recreation and Development. This bill requires that any person seeking to anchor a seasonal platform, inflatable platform, or float on public waters of the state must adhere to requirements specified by the Department of Safety, Division of Marine Patrol. As more and more people flock to New Hampshire's beautiful lakes, there is a proliferation of more and larger anchored floats, platforms, inflatable rafts and other "toys" used in water recreation. The situation has grown such that regulation is required as a platform could, if improperly sited, constitute a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation, or be in such proximity to moorings or to other anchored seasonal platforms as to constitute a hazard to public safety, or be situated in such a manner that the platform presents an unreasonable adverse effect on the environment, including but not limited to water quality, wildlife habitats, or natural areas, or be situated in such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land. The Director of Marine Patrol shall develop rules pursuant to this legislation. The bill was amended to exempt government agencies engaged in the non-recreational execution of their duties such as construction and repair. The amendment also removed regulations concerning view obstruction from the bill. Vote 20-0.

Amendment (0897h)

Amend RSA 270:72-c and RSA 270:72-d as inserted by section 1 of the bill by replacing them with the following:
270:72-c Anchored Seasonal Platform; Limitations.

I. No person shall erect, install, maintain, or exercise control over an anchored seasonal platform on the public waters of the state who is not the legal owner of the adjacent shorefront property.

II. Any person erecting, installing, maintaining, or exercising control over an anchored seasonal platform on any public body of water shall attach his or her name and contact information to any such seasonal platform as provided in this subdivision.

270:72-d Anchored Seasonal Platform Prohibited.

I. No anchored seasonal platform shall be located:

(a) In such a manner that it constitutes a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation; or

(b) In such proximity to moorings or to other anchored seasonal platforms as to constitute a hazard to public safety; or

(c) In such a manner that it presents an unreasonable adverse effect on the environment, including but not limited to water quality, wildlife habitats, or natural areas; or

(d) In such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land.

II. The director shall develop rules for the purposes of this subdivision pursuant to RSA 541-A and 270:72-g.

Amend section 1 of the bill by inserting after RSA 270:72-h the following new section:

270:72-i Exemptions. This subdivision and any rules implemented under RSA 270:72-g shall not apply to any local, state, or federal government agency, such as an agency's sub-contractors, or to any conservation groups engaged in the non-recreational execution of their duties including, but not limited to, work related to law enforcement, bridge and road work, pollution control, the protection of fish and wildlife, or environmental studies.

HB 1262, relative to the purchase of output of limited electrical energy producers. **REFER FOR INTERIM STUDY.**

Rep. Peter Somssich for Science, Technology and Energy. This is a good bill that would promote many positive goals. The Governor gave it his strong support. However, testimony by several utility representatives indicated that it needs further refinement to make it viable. Therefore, the majority of the committee decided to include the positive elements of this bill in the more comprehensive HB 1218, making that bill even more useful. Vote 19-1.

HB 1310, relative to authorizing the state to set higher environmental standards than those established in federal law. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Wells for Science, Technology and Energy. The sponsor, after investigating the problems that would ensue if this bill was adopted, concluded that it was too broad in scope and was of doubtful legality because of constitutional concerns. He therefore recommended that the bill be deemed Inexpedient to Legislate. The committee unanimously concurred. In addition, a more targeted bill (HB 1444) directed toward requiring motor vehicle emission limits to meet California air standards was acted on by the committee, thereby covering the most important of the environmental standards that would be addressed by this bill. Vote 18-0.

HB 1317-FN, relative to funding for energy efficiency and renewable energy projects by residential, commercial, and industrial ratepayers. **INEXPEDIENT TO LEGISLATE.**

Rep. Kat McGhee for Science, Technology and Energy. This bill proposes a new way to allocate Regional Greenhouse Gas Initiative (RGGI) funds for energy efficiency programs. While this is a necessary change, the committee prefers another vehicle from this session, HB 1496. Going forward with both bills is unnecessary. Vote 18-0.

HB 1342-FN-A, establishing a program for installation of heat pumps for low-income housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McWilliams for Science, Technology and Energy. This bill provides program-specific funding for high performance air source heat pumps for buildings funded by public funds. The goal is to direct NH renovation and new construction projects that use public funds away from relying on fossil fuel heat sources and instead incentivize renewable energy sources. The bill is based on similar legislation in Maine where the state has successfully ramped-up implementation of both solar installations and heat pumps for residential customers in order to transition away from natural gas. Unfortunately, because the Regional Greenhouse Gas Initiative (RGGI) program is still refunding all funds, except the first dollar collected, to electric rate payers, there are no renewable energy program funds available in order to make this program a reality. The committee decided this bill was not appropriate for enactment at this time. Vote 18-0.

HB 1365, repealing the energy efficiency and sustainable energy board. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for Science, Technology and Energy. This bill was not recommended for passage by the sponsor. The committee agrees that the Energy Efficiency and Sustainable Energy Board continues to have value and should not be terminated as this bill would require. Vote 19-0.

HB 1366, relative to the computation of renewable energy credits. **OUGHT TO PASS.**

Rep. Michael Harrington for Science, Technology and Energy. This bill would require the Public Utilities Commission to use a capacity factor for class II solar resources equal to that found in the annual PV Energy Forecast developed by ISO New England. This is a more accurate figure than is presently used. Vote 17-1.

HB 1370, relative to baseload renewable generation credits for biomass energy facilities. **REFER FOR INTERIM STUDY.**

Rep. Troy Merner for Science, Technology and Energy. This bill is similar to HB 183 from last session which passed with large bipartisan support but was later vetoed. The veto override fell short by a few votes. This bill is designed to support the state's six independent biomass plants which, according to a study by Plymouth State University, support over 900 jobs and over \$254 million of annual economic activity statewide. While there is significant interest in supporting these plants because they serve as a base load form of renewable energy, provide hundreds of jobs, and are a major contributor to the health of our forests, the committee determined an Interim Study motion was appropriate while the industry, stakeholders, and supporters continue to work towards solutions to help the industry long-term. Pending such a solution, at this time three plants have shut down operation while three others continue to struggle. Vote 18-0.

HB 1396, relative to notice required for the termination of service of a public utility. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Somssich for Science, Technology and Energy. This bill would require a certain type of notice of termination of utility service described as verified mail. The testimony established that there is no known incident of a customer being terminated without notice of the upcoming cut-off of service or, at least, without substantial efforts to provide notice, including personal visits to the customer by utility personnel. The new requirement would also incur additional costs which would be added to costs to be recovered from other customers. Vote 18-1.

HB 1405, relative to the installation of wireless electric utility meters. **INEXPEDIENT TO LEGISLATE.**

Rep. George Saunderson for Science, Technology and Energy. Representatives of the regulated utilities assured the committee that they already provide opportunities for adversely affected members of the population to opt-out of having wireless meters at their homes. More importantly, potential health issues associated with wireless technologies are currently under consideration by the 5G study commission established by the legislature last year. The committee believes that is a better venue for addressing the concerns raised by the bill. Vote 19-0.

HB 1429-FN, relative to integrated distribution plans of energy utilities. **REFER FOR INTERIM STUDY.**

Rep. Kat McGhee for Science, Technology and Energy. This bill attempted to codify changes to the Least Cost Integrated Resource Program (LCIRP) at the Public Utilities Commission (PUC) into statute. It was determined that the bill required further consensus among the stakeholders and that the grid modernization docket at the PUC is also working to determine reasonable changes to the LCIRP as part of its responsibilities. Vote 18-0.

HB 1503, establishing a committee to study and monitor air emissions of PFAS. **INEXPEDIENT TO LEGISLATE.**

Rep. George Saunderson for Science, Technology and Energy. The committee felt that this bill was redundant in that there is already a PFAS commission studying air emissions of such chemicals. Having only one commission studying the issue makes more sense. Vote 16-2.

HB 1515, relative to group host net energy metering. **OUGHT TO PASS.**

Rep. Kenneth Wells for Science, Technology and Energy. This bill makes three technical changes. One, current statute refers to specific legislative committees which the bill makes more generic in nature. Second, it

removes one word, “residential” when referring to group net metering projects. Finally, it removes the threat of extreme penalties to group hosts and members, such as not being able to do business in the state, for unintentional clerical errors, calculation errors, or inadvertent omissions in reports or filings with the Public Utilities Commission. Vote 19-0.

HB 1519, establishing a committee to study class IV resources under the renewable portfolio standard. **OUGHT TO PASS.**

Rep. Lee Oxenham for Science, Technology and Energy. This bill establishes a committee to study class IV resources under the Renewable Portfolio Standard (RPS) based on recommendations from the RPS 2018 Review conducted by the Public Utilities Commission. The study committee is directed to review both the implications and the impact of adding new small hydroelectric facilities to the RPS by increasing the generation capacity for the fish passage exemption limit from 1 MW to 2 MWs or 5 MWs. The committee is also directed to examine whether other revenue sources might be appropriate for supporting eligible facilities, recognizing the significance of dams in the flood control management of our state’s waterways. Vote 17-1.

HB 1541, relative to including battery storage facilities in the definition of energy facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Harrington for Science, Technology and Energy. This bill as amended adds electric storage facilities to the definition of an energy facility. This would allow proposed facilities of this type to come under the jurisdiction of the Site Evaluation Committee (SEC) if they have a peak storage capacity of 30 MW-hrs or greater. It would also allow municipalities where smaller storage facilities are proposed to petition the SEC to take jurisdiction in cases where they feel they do not have adequate resources to evaluate the proposed facility. Vote 18-0.

Amendment (1016h)

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

AN ACT relative to including electrical storage facilities in the definition of energy facility.

Amend the bill by replacing section 1 with the following:

1 Energy Facility; Definition; Electrical Storage Facility. Amend RSA 162-H:2, VII(g) to read as follows:

(g) *An electrical storage facility with a peak storage capacity of 30 megawatt-hours or greater.*

(h) Any other facility and associated equipment that the committee determines requires a certificate, consistent with the findings and purposes of RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

AMENDED ANALYSIS

This bill adds certain electrical storage facilities to the definition of energy facility.

HB 1313, declaring June 6 as D-Day Remembrance Day. **OUGHT TO PASS.**

Rep. JP Marzullo for State-Federal Relations and Veterans Affairs. The committee agreed that the Governor should be required to proclaim every June 6th D-Day Remembrance Day. Some members had a relative or knew of a person who was part of the D-Day invasion. Many members sponsored this bipartisan resolution that passed the committee unanimously. It was stated that this day was the beginning of the end of the war. Vote 20-0.

HR 12, urging Congress to declare per-fluoroalkyl and polyfluoroalkyl substances (PFAs) a superfund chemical and provide sufficient programming and funding for education, treatment, and remediation of the effects of PFAS. **OUGHT TO PASS.**

Rep. Joel Desilets for State-Federal Relations and Veterans Affairs. The committee feels strongly that PFA substances in our water supply deserves greater attention at the federal level in order to ensure our state will have greater support with the costs arising in mitigating the impacts. Vote 20-0.

HB 1137, relative to the definition of “excessive speeding.” **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Pickering for Transportation. This bill would have changed the definition of “excessive speeding” as found in RSA 259:98-a to “10 miles per hour or more above the speed limit, or 5 miles per hour or more above the speed limit where the speed limit is 70 miles per hour.” The committee found this change to be unnecessary and impractical to enforce in a unanimous vote. Vote 20-0.

HB 1145-FN, authorizing Franklin Pierce University to issue decals for multi-use plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Cecilia Rich for Transportation. This bill is recommended Inexpedient to Legislate as the university has decided against the decal program at this time. Vote 19-0.

HB 1152, relative to driving to the left of an unbroken painted line. **OUGHT TO PASS.**

Rep. Nicole Klein-Knight for Transportation. This bill will resolve a conflict between the state’s new “move over law” and the prohibition of crossing a solid double yellow line. Crossing the double yellow line will only be allowed if it is safe to do so. Vote 19-1.

HB 1216, relative to the impaired driver education program. **OUGHT TO PASS.**

Rep. Charlie St. Clair for Transportation. Often, by the time a person charged with driving or operating under the influence of drugs or alcohol goes to court, up to two years in time may have passed. This bill gives the person charged the option to apply for an impaired driving education program after attending or waiving their arraignment. This commonsense bill makes it better for all parties concerned. Vote 20-0.

HB 1465, relative to ignition lock requirements. **OUGHT TO PASS.**

Rep. Laura Telerski for Transportation. This bill addresses the alcohol ignition interlock program and closes an existing loophole. Currently, participants are required to install the device on the vehicle they drive "on a regular basis." The unintended consequence of this is a person could drive, without an installed device, another vehicle, perhaps a rental car or a spouse's vehicle. Removing "on a regular basis" clarifies that the participant must have a device installed on any vehicle that is driven. Vote 14-2.

HB 1466, relative to the scanning of driver licenses and nondriver identification cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Skip Cleaver for Transportation. This bill expands the scanning of drivers' licenses and personal identification cards, causing significant privacy issues. With so many threats to personal security and misuse of personal information, the last thing we need is the proliferation of scanning/copying possibilities of our drivers' licenses. Vote 19-0.

HB 1506, establishing a commission to study ways to reduce texting while driving. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Torosian for Transportation. Distracted driving and texting while driving continue to be a safety concern and a leading cause of accidents in this state, even in spite of imposed fines and penalty assessments under current law. This bill establishes a commission, with members of the NH House, NH Senate, NH Department of Transportation, NH Department of Safety, and a representative of the telecommunications industry to look for ways to reduce this growing problem and craft a long-term solution to distracted driving in New Hampshire. Vote 20-0.

Amendment (0911h)

Amend RSA 265:162, II as inserted by section 1 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) The commissioner of the department of safety, or designee.

Amend RSA 265:162, 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 house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

HB 1517-FN, relative to roadable aircraft. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. Is it a car or an airplane? Yes. These innovative vehicles are aircraft with foldable wings that can be driven on the road. These vehicles are certified by both the National Highway Traffic Safety Administration and the Federal Aviation Administration prior to sale. The bill establishes operational safety regulations and the committee amendment defines the registration and safety inspection process. If this becomes law, New Hampshire will be a leader in bringing forward this new innovative transportation technology. Vote 20-0.

Amendment (0903h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-9 to read as 4-10, respectively:

3 New Section; Motor Vehicles; Registration; Roadable Aircraft. Amend RSA 261 by inserting after section 41-b the following new section:

261:41-c Roadable Aircraft; Registration.

I. Upon receipt of an application for registration of a roadable aircraft and payment of applicable state and municipal registration permit fees, the department shall issue a certificate of registration to the owner of such aircraft, provided that the application is accompanied by the following:

(a) Proof of valid and unexpired aircraft registration issued by the New Hampshire department of transportation.

(b) A copy of an annual aircraft inspection completed within the 12 calendar months immediately preceding the date of application.

II. For purposes of this section, roadable aircraft shall be identified by the registration number assigned to such aircraft by the New Hampshire department of transportation.

III. The expiration date of a certificate issued pursuant to this section shall match the expiration of the aircraft registration issued by the New Hampshire department of transportation.

IV. The fees for registration of roadable aircraft shall be comprised of the fee prescribed by RSA 261:141, III(g), payable to the department, plus a municipal registration permit fee of \$2,000, payable to the city or town in which the owner of such roadable aircraft resides.

AMENDED ANALYSIS

This bill defines and establishes inspection and registration requirements for roadable aircraft.

HB 1551-FN, relative to driving with a suspended license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. There are many instances where an out-of-state traffic offense conviction counts as a prior offense when convicted again in New Hampshire. Ironically, driving after revocation or suspension was not included in that category. This bill corrects that oversight. The committee amendment was supplied by the Division of Motor Vehicles and makes the penalty language consistent with other similar offenses. Vote 19-0.

Amendment (0886h)

Amend RSA 263:64, V-a(c) as inserted by section 1 of the bill by replacing it with the following:

(c) A person violating this section whose license or driving privilege has been suspended pursuant to the provisions of RSA 265-A:30, or pursuant to a reasonably equivalent law in any other jurisdiction, shall be guilty of a misdemeanor and fined \$500 plus penalty assessment.

HB 1575-FN, relative to special number plates for circuit court judges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael O'Brien for Transportation. This bill will allow justices of the New Hampshire Circuit, Superior, and Supreme Courts to purchase NH state cover plates with their individual designation. These cover plates will cost the justices \$9 for each set using the same process that the New Hampshire state legislators follow. This bill also includes Circuit Court justices which were originally not included in this program. The amendment re-numbers the statute to its appropriate section of law. Vote 19-0.

Amendment (0646h)

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

AN ACT relative to official cover plates for justices of New Hampshire circuit, superior, and supreme courts.

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

1 Official Cover Plates. Amend RSA 260:90 to read as follows:

261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of United States senators from this state, representatives to congress from this state, the governor, members of the governor's council, the president of the senate, members of the senate, the speaker of the house of representatives, members of the house of representatives, the attorney general, the secretary of state, the state treasurer, the President of the United States and members of his or her executive staff, [and] any ambassador or member of the foreign diplomatic corps, **and justices of New Hampshire circuit, superior, and supreme courts**. The fee for official cover plates shall be \$1 in addition to any other number plate manufacturing fee otherwise required. The official cover plates, exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. Official cover plates shall have the title of the person requesting the plates, except for members of the governor's council whose plates shall have their council district numbers embossed on them, and members of the general court, whose plates shall have their house seat numbers or their senate district numbers embossed on them unless the president of the senate, for members of the senate, or the speaker of the house of representatives, for members of the house of representatives, shall designate a title for their plates. The president of the senate, or a designee, and the speaker of the house of representatives, or a designee, shall provide the director with input as needed on the cover plate design for members of the general court. The director shall not issue more than 2 sets of official cover plates to any person. Official cover plates may be attached only to vehicles registered in the name of the person issued the plates or the name of the spouse of a member of the general court, or any vehicle being operated by a member of the general court. Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor. Official cover plates shall be manufactured at the state prison and the prison shall provide the plates to the department at the prison's cost.

2 Special Number Plates. Amend RSA 261:91 to read as follows:

261:91 Special Number Plates. Upon payment of the motor vehicle registration fee, if any, the director shall issue and shall designate a special plate, to be affixed to the vehicle of the county sheriffs, deputy sheriffs, members or retired members of the national guard of any state, active duty members of the armed forces, [~~justices of the supreme and superior courts,~~] and vehicles of state police and motor vehicle divisions and municipal police departments. The special plates shall have the state motto, "Live Free or Die," written on them and shall be issued with no number plate fee being charged to the state other than for those plates furnished to the state police and motor vehicle divisions. Special number plates issued to members or retired members of the national

guard of any state, active duty members of the armed forces, and justices of the supreme and superior courts may be attached only to vehicles registered in the name of the person issued the plates. Special plates for active duty members of the armed forces shall be distinct from special number plates for veterans.

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

AMENDED ANALYSIS

This bill removes justices of the supreme and superior courts from special number plate program and permits the director of the division of motor vehicles to issue official cover plates to justices of New Hampshire circuit, superior, and supreme courts.

HB 501-FN, using fees from registration of commercial animal food sellers to fund the cost of care program in the department of agriculture, markets, and food. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Almy for Ways and Means. The bill is meant to add extra funding to the cost of care fund established in HB 4 (2019) by diverting funds provided to the General Fund since 1991 from the commercial animal food seller registration fee. As such, this is spending of revenue appropriated to other purposes in the state budget. For several months, state business tax revenues have been declining below what was anticipated for that budget, inclusive of the January tax rate cut, threatening to put us in deficit. The compromise budget itself includes a back-of-the-budget cut of \$25 million from the Department of Health and Human Services, and it has not yet been determined what would be cut there. In the past month, the developing global epidemic has further reduced the prospects of an economic and revenue recovery this biennium. The state cannot afford to spend more money this term than already allocated. Instead, recognizing the importance of the cost of care fund, the amendment asks the commissioner to include a request for the money in his submission to the governor for the next budget, so it may compete on an equal basis for whatever funds will be available in 2021-2022. Vote 19-1.

Amendment (0675h)

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

AN ACT using fees from registration of commercial animal food sellers to fund the cost of care program in the department of agriculture, markets, and food and establishing a commission to study the identification of unregistered animal feed products being sold remotely in New Hampshire.

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

1 Registration of Commercial Animal Food Sellers. Amend RSA 435:20, IV to read as follows:

IV. One-half of the fees collected under this section shall be deposited with the state treasurer into a separate, nonlapsing account to be known as the agricultural product and scale testing fund. The remainder of the fees collected under this section shall be deposited in the general fund, ***provided that for each biennium, the commissioner of agriculture, markets, and food shall include in the department's biennial request for appropriations pursuant to RSA 9:4 an amount sufficient to fund an adequate cost of care fund as provided in RSA 437-B:1.***

2 Cost of Care Fund. Amend RSA 437-B:1, II to read as follows:

II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI ***and moneys received from RSA 435:20, IV provided the balance in the cost of care fund shall not exceed \$2,000,000.***

3 New Subparagraph; Cost of Care Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the cost of care fund established in RSA 437-B:1.

4 New Section; Remote Sellers of Unregistered Animal Feed Products; Study Commission. Amend RSA 435 by inserting after section 31 the following new section:

435:31-a Commission to Study Remote Sellers of Unregistered Animal Feed Products.

I. There is established a commission to study the identification of unregistered animal feed products being sold remotely in New Hampshire.

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

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

(b) The commissioner of the department of agriculture, markets, and food, or designee.

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

(d) The attorney general, or designee.

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

IV. The commission shall study the feasibility and criteria for setting up a system of identification of remote sellers into New Hampshire of unregistered products required to be registered under RSA 435:20 and the collection of registration fees due.

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 house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

5 Repeal. RSA 435:31-a, relative to the commission on the identification of unregistered animal feed products being sold remotely in New Hampshire, is repealed.

6 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2020.

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

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

AMENDED ANALYSIS

This bill uses fees from registration of commercial animal food sellers to fund the cost of care program.

This bill also establishes the remote sellers of unregistered animal feed products study commission.

HB 1567-FN-A, relative to worldwide combined reporting for unitary businesses under the business profits tax. **REFER FOR INTERIM STUDY.**

Rep. Richard Ames for Ways and Means. This bill proposes to change the water's edge method of taxation for unitary business groups under our business profits tax to a mandatory worldwide combined reporting method. Unitary business groups under worldwide combined reporting, unlike water's edge combined groups, will include foreign incorporated business organizations and companies with 80% or more of their payroll and property outside the United States. The goal of the bill is to prevent the inappropriate shifting of NH's fair share of taxable business profits away from NH and the United States to subsidiary corporations located beyond the water's edge. In 2018, the Congressional Budget Office estimated that this kind of tax-avoiding profit-shifting amounted to \$235 billion nation-wide. Several published reports indicate that a change by NH to the worldwide combined reporting method could enable appropriate NH taxation of NH's fair share of these shifted profits. Success in this effort, these reports say, would result in greater tax equity and a substantial increase of business profits tax revenue. Testifying in opposition to the bill, the Council On State Taxation (COST) reported a history of alleged failures in state efforts to use the worldwide combined reporting method, questioned the accuracy of the reports indicating inappropriate profit-shifting and lost tax revenue, expressed concern about the potential for double taxation, and identified many other complexities associated with a shift to worldwide combined reporting. The committee majority agrees that interim study is needed to enable in depth review of the likely revenue, tax equity, economic, and legal impacts of this proposal. Vote 20-0.

REGULAR CALENDAR

MOTION TO SPECIAL ORDER

Rep. Williams moved that **HB 1102**, requiring food service establishments to establish food allergy awareness procedures, be made a Special Order as the first order of business.

Rep. Williams spoke in favor.

Motion adopted.

SPECIAL ORDER

HB 1102, requiring food service establishments to establish food allergy awareness procedures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for the Majority of Commerce and Consumer Affairs. This bill with the amendment requires food service establishments to ensure that both their employees and customers are aware of the potential for allergic reactions from the food they serve. Customers will be reminded to inform their server of any allergies, and the business will be required to have their food protection manager, a position already required by law, trained on food allergy issues. These provisions will be named "Rachel's law" in honor of Rachel Hunger, a young New Hampshire woman whose death, following an allergic reaction to peanuts, inspired the creation of this bill. Vote 16-4.

Rep. Jason Osborne for the Minority of Commerce and Consumer Affairs. Many restaurants are already choosing to cater to the needs of customers with food allergies and sensitivities. This bill represents yet another example of politicians jumping out in front of the parade to take credit for solutions the market is providing while creating additional undue compliance burdens on small businesses. As with all such legislation, some consumers will be given a false sense of safety and, while some may be helped by it, others will be harmed.

Majority Amendment (0437h)

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

1 Short Title; Rachel's Law. This act shall be known as "Rachel's Law."

2 New Section; Food Allergy Awareness. Amend RSA 143-A by inserting after section 8 the following new section:

143-A:8-a Food Allergy Awareness.

I. Each food service establishment licensed by the state under RSA 143-A:6 or by the municipality in which it operates shall:

(a) Include on all menus and menu boards a notice to customers of the customer's obligation to inform the server of his or her food allergies.

(b) Have a person in charge during all hours of operation trained and certified as a food protection manager by a program approved by the department which includes training regarding food allergens. Such person shall ensure that employees are properly informed of food safety issues, including awareness of food allergies, as it is related to the employees' assigned duties.

II. A food service establishment that violates this section shall be subject to enforcement in accordance with rules adopted under RSA 143-A:9, XI, or local ordinance relative to food service licensure.

III. This section shall not apply to any food service establishment exempt from licensure or inspection under RSA 143-A:5.

IV. Nothing in this section shall establish or affect any private cause of action. This section shall not affect any other right or remedy available by statute.

3 Exemption for Food Service Establishments Regulated By Municipalities Limited. Amend RSA 143-A:5, I-II to read as follows:

I. Food service establishments and retail food stores licensed by city health officers under RSA 47:17, ***except with regard to the food allergy provisions of RSA 143-A:8-a.***

II. Food service establishments and retail food stores licensed by town health officers under RSA 147:1, ***except with regard to the food allergy provisions of RSA 143-A:8-a.***

4 New Paragraph; Food Service Licensure; Rulemaking. Amend RSA 143-A:9 by inserting after paragraph X the following new paragraph:

XI. Requirements for food allergy awareness under RSA 143-A:8-a.

5 Effective Date. This act shall take effect January 1, 2021.

Majority committee amendment adopted.

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

YEAS 232 - NAYS 81

**YEAS - 232
BELKNAP**

Bean, Harry

Fields, Dennis

Huot, David

Tilton, Franklin

Burroughs, Anita
Knirk, Jerry
Ticehurst, Susan

Butler, Edward
MacDonald, John
Woodcock, Stephen

DesMarais, Edith
Marsh, William

Kanzler, Harrison
Nelson, Bill

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Ames, Richard
Gomarlo, Jennie
Meader, David
Swinburne, Sandy
Pearson, William

Berch, Paul
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

Bordenet, John
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

COOS

Laflamme, Larry
Tucker, Edith

Merner, Troy

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Gordon, Edward
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Fellows, Sallie
Josephson, Timothy
Nordgren, Sharon
Stringham, Jerry

Campion, Polly
Ford, Susan
Maes, Kevin
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline

Backus, Robert
Bernet, Jennifer
Cleaver, Skip

Balch, Chris
Bordy, William
Cohen, Bruce

Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Hopper, Gary
King, Mark
Ober, Lynne
Mangipudi, Latha
Murphy, Nancy
Panasiti, Reed
Piedra, Israel
Radhakrishnan, Julie
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Heath, Mary
Indruk, Greg
Klee, Patricia
Langley, Diane
Martin, Joelle
Nutter-Upham, Frances
Pedersen, Michael
Porter, Marjorie
Renzullo, Andrew
Stack, Kathryn
Vail, Suzanne
Williams, Kermit

Danielson, David
Espitia, Manny
Griffith, Willis
Herbert, Christopher
Schmidt, Janice
Klein-Knight, Nicole
Long, Patrick
Marzullo, JP
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Newman, Sue
Stevens, Deb
Van Houten, Constance
Woodbury, David

Dargie, Paul
Davis, Fred
Hall, Brett
Hinch, Richard
Jack, Martin
Komi, Richard
Murray, Megan
Mullen, Sue
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Sofikitis, Catherine
Smith, Timothy
Vann, Ivy

MERRIMACK

Allard, James
Doherty, David
Karrick, David
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wolf, Dan

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

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

ROCKINGHAM

Abbas, Daryl
Berrien, Skip
Cushing, Robert Renny
Edgar, Michael
Grote, Jaci
Murray, Kate
Pearson, Mark
McConnell, Liz
Packard, Sherman
Roy, Terry
Welch, David

Abrami, Patrick
Bunker, Lisa
DiLorenzo, Charlotte
Elliott, Robert
Guthrie, Joseph
Le, Tamara
Maggiore, Jim
McMahon, Charles
Pratt, Kevin
Somssich, Peter

Altschiller, Debra
Bushway, Patricia
Dolan, Tom
Gay, Betty
Harb, Robert
Loughman, Tom
Major, Norman
Meuse, David
Prudhomme-O'Brien, Katherine
Ward, Gerald

Barnes, Arthur
Cahill, Michael
Doucette, Fred
Gilman, Julie
Hoelzel, Kathleen
Lovejoy, Patricia
Malloy, Dennis
O'Connor, John
Read, Ellen
Warner, Anne

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Rooney, Abigail
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Salloway, Jeffrey
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Sandler, Catt
Wall, Janet

Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Southworth, Thomas

SULLIVAN

Cloutier, John
Rollins, Skip

Lucas, Gates
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 81 BELKNAP

Comtois, Barbara
Beaudoin, Richard

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

Mackie, Jonathan
Varney, Peter

CARROLL

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

Alexander, Joe
Burt, John

Griffin, Barbara
Camarota, Linda

Barry, Richard
Erf, Keith

Boehm, Ralph
Flanagan, Jack

Gagne, Larry
Lascelles, Richard
Prout, Andrew
Lekas, Tony

Gould, Linda
McLean, Mark
Ober, Russell
Ulery, Jordan

Greene, Bob
Nunez, Hershel
Rice, Kimberly
Warden, Mark

Gunski, Michael
Proulx, Mark
Somero, Paul

MERRIMACK

Hill, Gregory
Pearl, Howard
Yakubovich, Michael

Horn, Werner
Seaworth, Brian

Klose, John
Testerman, Dave

McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Baldasaro, Al
Desilets, Joel
Hobson, Deborah
Love, David
Piemonte, Tony
True, Chris

Bershtein, Alan
DeSimone, Debra
Osborne, Jason
Griffin, Mary
Potucek, John
Verville, Kevin

Costable, Michael
Edwards, Jess
Janigian, John
Melvin, Charles
Pearson, Stephen
Weyler, Kenneth

Thomas, Douglas
Green, Dennis
Kolodziej, Walter
Milz, David
Torosian, Peter
Yokela, Josh

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Beaudoin, Steven

Horgan, James
Wuelper, Kurt

Perreault, Mona

SULLIVAN

Aron, Judy

Laware, Thomas

Stapleton, Walter

Smith, Steven

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

Rep. Avellani declared a conflict of interest and did not participate.

REGULAR CALENDAR CONT'D

HB 1162, relative to adoption and parentage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for the Majority of Children and Family Law. Currently, there is no statutory allowance for an unmarried couple to adopt a person, even if one member of the couple is the biological parent of the person. This limitation creates a number of complications for those who are providing a stable home for a person, a home that deserves to be recognized and legally established through the person's adoption by both persons in the relationship. This limitation also creates unnecessary complications for a person who is the parent of a person conceived via assisted reproduction as defined by RSA 168-B:1, II. This bill removes those limitations. Vote 16-1.

Rep. Deanna Jurius for the Minority of Children and Family Law. While the intent of this bill, to allow children to have permanency and stability from two loving parents, is laudable, the changes proposed do not fulfill what they set out to achieve. This bill contains several parts, the most noteworthy change is to remove the requirement for a couple to be married to adopt a child together. The argument is that there are children being cared for by two adults in a committed relationship that may not be married for one reason or another. It seems to me that when two people get married, it communicates permanency. The institution of marriage, by definition, means the union of two people into one, typically vowed "until death do us part." That's pretty permanent. Additionally, if a couple is going to adopt a child together, they willingly take on a lifetime commitment to love and raise a child. These lifetime commitments go hand in hand. Our changing cultural views of marriage do not change the fact that children thrive in stable, loving, two-parent households. This opinion is not to judge or condemn any person who has either been a child or a parent in a family where this is not the case. This life is full of brokenness, and some of it is out of one's control. However, from a strict policy standpoint, the minority of the committee cannot endorse this policy change that will inherently destabilize the family.

Majority Amendment (0438h)

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

1 Adoption; Who May Adopt. Amend RSA 170-B:4 to read as follows:

170-B:4 Who May Adopt. Any of the following adults may adopt:

I. ~~[Husband and wife together.]~~ **Two adults together.**

II. An unmarried adult.

III. The unmarried parent of the adoptee.

IV. A married ~~[person]~~ **adult** without that person's spouse joining as a petitioner, if the adoptee is not the petitioner's spouse; and if any one of the following circumstances apply:

(a) The petitioner's spouse is a parent of the adoptee and assents to the adoption;

(b) The petitioner and ~~[his or her]~~ **the petitioner's** spouse are legally separated;

(c) The failure of the petitioner's spouse to join in the petition is excused by the court by reason of prolonged unexplained absence, unavailability, or circumstances constituting an unreasonable withholding of assent; or

(d) The petitioner's spouse assents to the adoption and the adoptee is over the age of 18.

V. An unmarried adult with the assent of at least one of the adoptee's parents and with the intention to share parenting responsibilities with one of the adoptee's parents.

VI. A person or persons who are parents of a child conceived via assisted reproduction as defined in RSA 168-B:1, II for the purpose of confirming the legal relationship between child and parent.

2 New Paragraph; Adoption; Persons Not Required to Surrender Amended. Amend RSA 170-B:7 by inserting after paragraph IV the following new paragraph:

IV-a. Any parent of the adoptee with whom the petitioner and that parent intend to share parenting responsibilities.

Amend RSA 168-B:2, VII(a) as inserted by section 7 of the bill by replacing it with the following:

VII.(a) Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (as gestational carrier arrangements are governed by RSA 168-B:12), may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction. Such a petition may be brought in the court in the county where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the child was conceived through assisted reproduction as defined in RSA 168-B:1, II, with the use of donor gametes or donor embryos, if applicable, and with the intent to parent. Sworn affidavits demonstrating the same shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. Parentage orders issued under this paragraph shall conclusively establish or affirm, where applicable, the parent-child relationship.

(b) Upon the request of any party, such parentage order shall direct that any record of birth and the certificate of birth name the intended parent or parents as the sole parent or parents of the resulting child. Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Adoption; Definition of Birth Mother. Amend RSA 170-B:2, IV to read as follows:

IV. "Birth mother" means a woman who gestates an embryo conceived by natural or artificial insemination, in vitro fertilization, or preembryo transfer, or becomes a parent pursuant to [RSA 168-B:23, IV] ***RSA 168-B:12.***

Majority committee amendment adopted.

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

Rep. Juris spoke against.

Rep. Long spoke in favor.

Majority committee report adopted and ordered to third reading.

Rep. Prout moved the adoption of House Rule 22 (e).

AMENDMENT TO HOUSE RULES

To add the following new section to House Rules:

22. (e) Notwithstanding any other rule to the contrary, any member who is prevented from attending a session of the house due to a public health situation in accordance with recommendations or orders of the United States Centers for Disease Control or New Hampshire Department of Health and Human Services, shall be entitled to participate in all roll call and division votes by electronic or telephonic means as if they were present, according to procedures prescribed by the clerk.

Rep. Prout spoke in favor and yielded to questions.

Rep. Weber spoke against and yielded to questions.

On a division vote, with 58 members having voted in the affirmative, and 269 in the negative, the motion failed.

MOTION TO PRINT DEBATE

Rep. Prout moved that the debate on the adoption of House Rule 22 (e) be printed in the Permanent Journal. Motion failed.

REGULAR CALENDAR CONT'D

HB 1167, relative to the type of counseling that may be required by the state. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michelle St. John for the Majority of Children and Family Law. This bill, as amended, addresses the problem of court-order counseling in two ways. First, is to assure that only qualified counseling, that can be attributed to a current procedural terminology (CPT code), is ordered by state courts, and second, that families participating in court ordered counseling are not subject to undue financial burden resulting from unsanctioned therapies. Vote 12-6.

Rep. Deanna Jurius for the Minority of Children and Family Law. This bill intervenes in billing where the issue is in the court order. Statute currently dictates that courts give consideration to a party's insurance. Additionally, the state does not have jurisdiction within a counseling office to decide what qualifies as a billable service. The ethical practice of a provider, which is of major concern, will not be addressed by this legislation, even with the majority amendment.

Majority Amendment (0992h)

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

1 New Section; Child Welfare and Social Service Programs; Counseling. Amend RSA 161 by inserting after section 2-b the following new section:

161:2-c Child Welfare and Social Service Programs; Counseling. Nothing in this chapter or any other provision of law shall permit a state agency, or a public or private provider acting on behalf of a state agency, to require individuals to participate in counseling that has no Current Procedural Terminology (CPT) medical code, and thus is ineligible for insurance reimbursement.

2 Parental Rights and Responsibilities; Parenting Plan; Court Ordered Counseling. Amend RSA 461-A:4, III to read as follows:

III. If the parties are insured and the parenting plan directs the parties to participate in counseling, the court shall give due consideration to selecting a counselor who accepts direct payment from the parties' health insurance carrier. ***In no case shall the court require the parties to participate in any type of counseling that has no Current Procedural Terminology (CPT) medical code, and thus is ineligible for insurance reimbursement.***

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

AMENDED ANALYSIS

This bill provides that neither state agencies nor the courts shall require individuals to participate in counseling that has no Current Procedural Terminology (CPT) medical code and thus is ineligible for insurance reimbursement.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1278, relative to the use of psychotropic medications for children in foster care. **REFER FOR INTERIM STUDY.**

Rep. David Coursin for Children and Family Law. The bill addresses a major problem in the services provided to children in foster care. The committee agrees with its intent, but believes there are important issues that argue against its passage in its present form. It is unclear that it is necessary at this time, given the commitment and unfolding plans of the Division of Children, Youth and Families, to directly monitor and resolve the deficiencies identified by the Inspector General's report from September 2018, referenced in the bill. The definition of psychotropic medications, despite reportedly being used by the Division of Health and Human Services, is unnecessarily vague. Psychotropic medications can be more specifically defined as those medications indicated to treat mental disorders defined in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders. Finally, and most importantly, the bill seeks to add new duties to both the Boards of Medicine and Nursing that would be unprecedented and inappropriate to the mission of these boards. Interim Study will create the opportunity for these issues and others to be resolved, and to determine whether there is an appropriate bill to proceed with. Vote 19-0.

Committee report adopted.

HB 1349, establishing a committee to study firearms incidents involving children with access to unsecured firearms. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Petrigno for the Majority of Children and Family Law. This bill would only establish a study committee to examine incidents involving children with access to unsecured firearms. The safety of children is of utmost importance. A bipartisan committee consisting of an equal number of majority and minority members would be established to ensure a balanced perspective. Vote 11-6.

Rep. Josh Yokela for the Minority of Children and Family Law. The minority believes this bill could only propose legislation which would infringe upon our citizens' 2nd amendment rights or regulate citizens' ability to make choices about weapon safety in their homes. This bill could lead the way to making criminals of people who are abiding by current law.

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

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 205 - NAYS 128

YEAS - 205

BELKNAP

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

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
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

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Long, Patrick
Mullen, Sue
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Stevens, Deb
Van Houten, Constance
Woodbury, David

Backus, Robert
Bernet, Jennifer
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Komi, Richard
Murray, Megan
Murphy, Nancy
Panasiti, Reed
Piedra, Israel
Radhakrishnan, Julie
Sofikitis, Catherine
Smith, Timothy
Vann, Ivy

Balch, Chris
Bordy, William
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
King, Mark
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Pedersen, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ebel, Karen
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Buchanan, Ryan
Ellison, Arthur
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wolf, Dan

Carson, Clyde
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Doherty, David
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
Maggiore, Jim
Read, Ellen

Berrien, Skip
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Somssich, Peter

Bunker, Lisa
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

Bushway, Patricia
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Warner, Anne

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 128**BELKNAP**

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Crawford, Karel

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burt, John
Flanagan, Jack
Hinch, Richard
Marzullo, JP
Plett, Fred
Renzullo, Andrew
Ulery, Jordan

Griffin, Barbara
Camarota, Linda
Gagne, Larry
Hopper, Gary
McLean, Mark
Proulx, Mark
Rice, Kimberly
Warden, Mark

Barry, Richard
Danielson, David
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Somero, Paul

Boehm, Ralph
Erf, Keith
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, Tony

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
McGuire, Carol
Walsh, Thomas

Horn, Werner
Pearl, Howard
Yakubovich, Michael

Klose, John
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Desilets, Joel
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Yokela, Josh

Abrami, Patrick
Bershtein, Alan
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janigian, John
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott

Acton, Dennis
Costable, Michael
Dolan, Tom
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Welch, David

Baldasaro, Al
Thomas, Douglas
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

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.

HB 1360, relative to confidentiality under the child protection act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David Coursin for the Majority of Children and Family Law. This bill would create the possibility for representatives to access confidential information about a constituent in order to resolve the constituent's issues with a state agency. However, it sets no limits on what information can be accessed, the reasons for access, or how long access would be available. Representatives can respond to a constituent issue by taking that issue directly to the agency involved and request that the agency contact the constituent to resolve the issue. Vote 12-7. Rep. Deanna Jurius for the Minority of Children and Family Law. This bill is enabling legislation that allows a legislator to request a release so that the department may discuss case information in a child protection case. Any discussion would be with written parental consent. It does not require that any change be made, but simply allows a legislator to choose to advocate for a constituent and gather information.

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

Rep. Horn spoke against.

Rep. Coursin spoke in favor.

Committee report adopted.

HB 1516, raising the minimum age for marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cassandra Levesque for the Majority of Children and Family Law. The bill, as amended, will allow for no child under the age of 18 to be married except if they are emancipated. Vote 13-5.

Rep. Werner Horn for the Minority of Children and Family Law. The solution being proposed in this legislation brings graver, unintended consequences than actually addressing the problem. As written, 16- and 17-year-old minors will be unable to obtain a marriage license. This is the proposed solution to minors being exploited by their parents for financial gain, with the assistance of the judicial system. This legislation sends a powerful message that we can't trust the judicial branch to protect minors from being exploited. The unintended consequences are to tell 16 and 17 year-olds that they are incapable of establishing a stable marriage; that they are incapable of establishing a family when a pregnancy occurs, given the age of consent for sex is 16 in NH; that they don't deserve prenatal medical care through the military's Tri-Care health benefit program when the father is deployed into a combat zone. In connection with this legislation, we heard that there were five marriages between now and when the age of marriage consent was changed to 16 years old. Given that there were more than five pregnancies from 16 and 17-year-olds in the same time frame, placing the state in the position of prohibiting those mothers from obtaining a marriage license or allowing them to start their families does NH families a grave disservice.

Majority Amendment (1085h)

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

1 Marriage; Age. Amend RSA 457:4 to read as follows:

457:4 Marriageable. ~~[No person below the age of 16 years shall be capable of contracting a valid marriage, and all marriages contracted by such persons shall be null and void.]~~ ***No individual under the age of 18 shall be granted a marriage license. Notwithstanding the foregoing, a person who is 16 or 17 years of age, who has been emancipated pursuant to an order of emancipation under RSA 461-B, shall be capable of contracting a valid marriage.***

2 Prohibitions. Amend RSA 457:8 to read as follows:

457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person below the age of ~~[consent]~~ **18**, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age, unless ~~[permission for such marriage has been given under this subdivision]~~ ***the person presents a valid order of emancipation issued pursuant to RSA 461-B.*** No magistrate or minister of religion shall solemnize any marriage by proxy.

AMENDED ANALYSIS

This bill provides that, unless the person has been emancipated, the minimum age for marriage is 18 years of age.

MOTION TO LAY ON THE TABLE

Rep. Edwards moved that **HB 1516**, raising the minimum age for marriage, be laid on the table.

Rep. Buchanan requested a roll call; sufficiently seconded.

YEAS 128 - NAYS 209

YEAS - 128

BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Comtois, Barbara
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Crawford, Karel

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burt, John
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Sanborn, Laurie
Ulery, Jordan

Griffin, Barbara
Camarota, Linda
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Shaw, Barbara

Barry, Richard
Danielson, David
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Somero, Paul

Boehm, Ralph
Erf, Keith
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Lekas, Tony

MERRIMACK

Allard, James
Kotowski, Frank
Yakubovich, Michael

Hill, Gregory
McGuire, Carol

Horn, Werner
Pearl, Howard

Klose, John
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Thomas, Douglas
Elliott, Robert
Harb, Robert
Janigian, John
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott

Abrami, Patrick
Barnes, Arthur
DeSimone, Debra
Fowler, William
Hobson, Deborah
Katsakiores, Phyllis
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Welch, David

Abramson, Max
Bershtein, Alan
Dolan, Tom
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Weyler, Kenneth

Acton, Dennis
Costable, Michael
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Yokela, Josh

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

**NAYS - 209
BELKNAP**

Fields, Dennis

Huot, David

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

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

Ames, Richard
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

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

Bordenet, John
Gomarlo, Jennie
Morrill, David
Tatro, Bruce
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Lafamme, Larry
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

Bouldin, Amanda
Beaulieu, Jane
Bosman, James

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline

Balch, Chris
Bordy, William
Cleaver, Skip

Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Newman, Sue
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Radhakrishnan, Julie
St. John, Michelle
Telerski, Laura
Vann, Ivy

Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ebel, Karen
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Wallner, Mary Jane
Woods, Gary

Buchanan, Ryan
Ellison, Arthur
Luneau, David
Myler, Mel
Saunderson, George
Seaworth, Brian
Walz, Mary Beth

Carson, Clyde
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Soucy, Timothy
Wells, Kenneth

Doherty, David
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Turcotte, Alan
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

Berrien, Skip
Coursin, David
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Warner, Anne

Bunker, Lisa
Cushing, Robert Renny
Gay, Betty
Murray, Kate
Maggiore, Jim
Read, Ellen

Bushway, Patricia
Desilets, Joel
Gilman, Julie
Le, Tamara
Malloy, Dennis
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

and the motion failed.

The question now being adoption of majority committee amendment (1085h).

Rep. Grassie spoke against and yielded to questions.

Rep. Walz spoke against.

Rep. Levesque requested a roll call; sufficiently seconded.

YEAS 113 - NAYS 230

YEAS - 113

BELKNAP

Bean, Harry
Mackie, Jonathan

Comtois, Barbara
Beaudoin, Richard

Howard, Raymond
Sylvia, Michael

Jurius, Deanna
Varney, Peter

CARROLL

Avellani, Lino
Nelson, Bill

Burroughs, Anita
Ticehurst, Susan

Crawford, Karel

MacDonald, John

CHESHIRE

Bordenet, John
Weber, Lucy

Ley, Douglas

Meador, David

O'Day, John

COOS

Furbush, Michael

Merner, Troy

GRAFTON

Fellows, Sallie

Hennessey, Erin

Nordgren, Sharon

Stavis, Laurel

HILLSBOROUGH

Alexander, Joe
Burt, John
Erf, Keith
Lascelles, Richard
Mullen, Sue
Plett, Fred
Newman, Ray
Ulery, Jordan

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Leishman, Peter
Nunez, Hershel
Porter, Marjorie
Newman, Sue
Woodbury, David

Backus, Robert
Connors, Erika
Gould, Linda
Long, Patrick
O'Brien, Michael
Proulx, Mark
Shaw, Barbara

Boehm, Ralph
Cote, David
Greene, Bob
McLean, Mark
Panasiti, Reed
Prout, Andrew
Lekas, Tony

MERRIMACK

Doherty, David
Luneau, David
Schamberg, Thomas
Yakubovich, Michael

Ebel, Karen
McGuire, Carol
Schuett, Dianne

Horn, Werner
Myler, Mel
Soucy, Timothy

Karrick, David
Pearl, Howard
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Coursin, David
Edgar, Michael
Gilman, Julie
Hoelzel, Kathleen
McMahon, Charles
Pratt, Kevin
Spillane, James
Yokela, Josh

Abramson, Max
Cushing, Robert Renny
Edwards, Jess
Green, Dennis
Kolodziej, Walter
Melvin, Charles
Prudhomme-O'Brien, Katherine
Sytek, John

Bushway, Patricia
DeSimone, Debra
Elliott, Robert
Guthrie, Joseph
Pearson, Mark
Milz, David
Pearson, Stephen
Verville, Kevin

Costable, Michael
Dolan, Tom
Fowler, William
Hobson, Deborah
McKinney, Betsy
Potucek, John
Somssich, Peter
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Salloway, Jeffrey

Horgan, James
Wuelper, Kurt

Pitre, Joseph

Beaudoin, Steven

SULLIVAN

Callum, John
Merchant, Gary

Cloutier, John
Sullivan, Brian

Laware, Thomas

Lucas, Gates

NAYS - 230**BELKNAP**

Fields, Dennis

Huot, David

Spanos, Peter

Tilton, Franklin

CARROLL

Butler, Edward
Knirk, Jerry

Comeau, Ed
Marsh, William

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Swinburne, Sandy
Pearson, William

Ames, Richard
Fenton, Donovan
Morrill, David
Tatro, Bruce

Berch, Paul
Gomarlo, Jennie
Parkhurst, Henry
Thompson, Craig

Eaton, Daniel
Harvey, Cathryn
Schapiro, Joe
Von Plinsky, Sparky

COOS

Craig, Kevin
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Mulligan, Mary Jane
Stringham, Jerry

Adjutant, Joshua
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

Campion, Polly
Ford, Susan
Maes, Kevin
Osborne, Richard
Sykes, George

Diggs, Francesca
French, Elaine
Migliore, Vincent Paul
Ruprecht, Dennis
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Freitas, Mary
Gunski, Michael
Heath, Mary

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Gagne, Larry
Hall, Brett
Herbert, Christopher

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Danielson, David
Espitia, Manny
Goley, Jeffrey
Hamer, Heidi
Hinch, Richard

Barry, Richard
Bordy, William
Cleaver, Skip
Dargie, Paul
Davis, Fred
Griffith, Willis
Harriott-Gathright, Linda
Hopper, Gary

Indruk, Greg
King, Mark
Ober, Lynne
Martin, Joelle
Nutter-Upham, Frances
Pickering, Daniel
Radhakrishnan, Julie
Sanborn, Laurie
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

Schmidt, Janice
Klee, Patricia
Langley, Diane
Marzullo, JP
Nutting-Wong, Allison
Piedra, Israel
Renzullo, Andrew
Sofikitis, Catherine
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rice, Kimberly
Somero, Paul
Smith, Timothy
Van Houten, Constance

Jeudy, Jean
Komi, Richard
Mangipudi, Latha
Notter, Jeanine
Petrigno, Peter
Ober, Russell
Riel, Cole
St. John, Michelle
Telerski, Laura
Vann, Ivy

MERRIMACK

Allard, James
Ellison, Arthur
Klose, John
McWilliams, Rebecca
Rogers, Katherine
Testerman, Dave
Wells, Kenneth

Bartlett, Christy
Fox, Samantha
Kotowski, Frank
Moffett, Howard
Saunderson, George
Turcotte, Alan
Wolf, Dan

Buchanan, Ryan
Fulweiler, Joyce
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Walsh, Thomas
Woods, Gary

Carson, Clyde
Hill, Gregory
MacKay, James
Richards, Beth
Seaworth, Brian
Walz, Mary Beth

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Cahill, Michael
Doucette, Fred
Harb, Robert
Murray, Kate
Love, David
Major, Norman
O'Connor, John
Roy, Terry
Wallace, Scott

Acton, Dennis
Berrien, Skip
Thomas, Douglas
Gay, Betty
Osborne, Jason
Katsakiores, Phyllis
Lovejoy, Patricia
Malloy, Dennis
Packard, Sherman
Terosian, Peter
Ward, Gerald

Altschiller, Debra
Bershtein, Alan
Desilets, Joel
Grossman, Gaby
Janigian, John
Le, Tamara
Griffin, Mary
McConnell, Liz
Piemonte, Tony
True, Chris
Warner, Anne

Baldasaro, Al
Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Janvrin, Jason
Loughman, Tom
Maggiore, Jim
Meuse, David
Read, Ellen
Vose, Michael
Welch, David

STRAFFORD

Bixby, Peter
Fargo, Kristina
Hayward, Peter
Levesque, Cassandra
Perreault, Mona
Southworth, Thomas

Cannon, Gerri
Fontneau, Timothy
Horriggan, Timothy
Smith, Marjorie
Rich, Cecilia
Towne, Matthew

Chase, Wendy
Frost, Sherry
Keans, Sandra
Opderbecke, Linn
Rooney, Abigail
Treleaven, Susan

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

SULLIVAN

Aron, Judy
Smith, Steven

O'Hearne, Andrew
Tanner, Linda

Rollins, Skip

Stapleton, Walter

and the majority committee amendment failed.

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

Rep. Levesque offered floor amendment (1142h).

Floor Amendment (1142h)

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

1 Marriage; Age. Amend RSA 457:4 to read as follows:

457:4 Marriageable. ~~[No person below the age of 16 years shall be capable of contracting a valid marriage, and all marriages contracted by such persons shall be null and void.]~~ ***No individual under the age of 18 shall be granted a marriage license.***

2 Prohibitions. Amend RSA 457:8 to read as follows:

457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person below the age of ~~[consent]~~ **18**, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age~~[-, unless permission for such marriage has been given under this subdivision].~~ No magistrate or minister of religion shall solemnize any marriage by proxy.

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

YEAS 208 - NAYS 137

YEAS - 208

BELKNAP

Fields, Dennis

Huot, David

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
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
Meader, David
Swinburne, Sandy
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
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

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Newman, Sue
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
St. John, Michelle
Telerski, Laura
Vann, Ivy

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
Wells, Kenneth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Turcotte, Alan
Woods, Gary

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

Berrien, Skip
Coursin, David
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Warner, Anne

Bunker, Lisa
Cushing, Robert Renny
Gay, Betty
Murray, Kate
Maggiore, Jim
Read, Ellen

Bushway, Patricia
Desilets, Joel
Gilman, Julie
Le, Tamara
Malloy, Dennis
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 137 BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Comtois, Barbara
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Crawford, Karel

MacDonald, John

CHESHIRE

O'Day, John

Tatro, Bruce

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burt, John
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Sanborn, Laurie
Ulery, Jordan

Griffin, Barbara
Camarota, Linda
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Shaw, Barbara
Warden, Mark

Barry, Richard
Danielson, David
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Somero, Paul

Boehm, Ralph
Erf, Keith
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Lekas, Tony

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian
Yakovovich, Michael

Hill, Gregory
McGuire, Carol
Testerman, Dave

Horn, Werner
Pearl, Howard
Walsh, Thomas

Klose, John
Schuett, Dianne
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Kolodziej, Walter
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Abrami, Patrick
Barnes, Arthur
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janigian, John
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Dolan, Tom
Fowler, William
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael
Yokela, Josh

Acton, Dennis
Costable, Michael
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Wallace, Scott

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

and floor amendment (1142h) was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Horn offered floor amendment (1125h).

Floor Amendment (1125h)

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

1 Marriage; Age. Amend RSA 457:4 to read as follows:

457:4 Marriageable. ~~[No person below the age of 16 years shall be capable of contracting a valid marriage, and all marriages contracted by such persons shall be null and void.]~~ ***No person under the age of 18 shall be granted a marriage license, unless the person is pregnant and permission for the marriage has been granted under this subdivision, or the person has been emancipated pursuant to an order of emancipation under RSA 461-B.***

2 Petition by Party Under Age. Amend RSA 457:6 to read as follows:
457:6 Petition by Party Under Age.

I. If the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being ~~[below the age of consent and above the ages specified in RSA 457:4]~~ **16 or 17 years of age**, is desired, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to the judicial branch family division having jurisdiction in the location in which one of them resides, for permission to contract such marriage **due to the pregnancy of one of the parties**.

II. The petition shall indicate whether, to the knowledge of the petitioner, the department of health and human services, bureau of child protection services has contacted or been involved with the family of the person under the age of consent.

III. As part of the decision making process, the court may conduct an in camera interview of each person under the age of consent, without that person's parent or guardian or the other party to the marriage present.

IV. Permission to contract such marriage shall be granted only upon clear and convincing evidence that **one of the parties is pregnant and** the marriage is in the best interest of the person or persons below the age of consent.

V. No permission shall be granted to persons below the age of consent if both parties are nonresidents.

3 Granting of Permission. Amend RSA 457:7, I to read as follows:

I. Such justice or judge shall at once hear the parties, and, if satisfied that it has been shown by clear and convincing evidence that **one of the parties is pregnant and** the marriage is in the best interest of the person or persons below the age of consent, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

4 Effective Date. This act shall take effect January 1, 2021.

AMENDED ANALYSIS

This bill provides that the minimum age for marriage shall be 18 years of age, unless the person is 16 or 17 years of age and has been emancipated or is pregnant.

Rep. Horn spoke in favor.

Rep. Long spoke against.

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 136 - NAYS 209

YEAS - 136

BELKNAP

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Comtois, Barbara
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Crawford, Karel

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Laflamme, Larry

Merner, Troy

GRAFTON

Hennessey, Erin

Migliore, Vincent Paul

Nordgren, Sharon

HILLSBOROUGH

Alexander, Joe
Burt, John
Erf, Keith
Greene, Bob
Ober, Lynne
Notter, Jeanine
Plett, Fred
Rice, Kimberly
Ulery, Jordan

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Proulx, Mark
Sanborn, Laurie
Warden, Mark

Barry, Richard
Cote, David
Gagne, Larry
Hinch, Richard
Marzullo, JP
O'Brien, Michael
Prout, Andrew
Somero, Paul

Boehm, Ralph
Danielson, David
Gould, Linda
Hopper, Gary
McLean, Mark
Panasiti, Reed
Renzullo, Andrew
Lekas, Tony

MERRIMACK

Allard, James

Hill, Gregory

Horn, Werner

Klose, John

McGuire, Carol
Testerman, Dave
Yakubovich, Michael

Pearl, Howard
Turcotte, Alan

Schultz, Kristina
Wallner, Mary Jane

Seaworth, Brian
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Thomas, Douglas
Edwards, Jess
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Pearson, Stephen
True, Chris
Welch, David

Abrami, Patrick
Barnes, Arthur
DeSimone, Debra
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Kolodziej, Walter
Major, Norman
Milz, David
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Dolan, Tom
Fowler, William
Harb, Robert
Janigian, John
Love, David
McKinney, Betsy
O'Connor, John
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael
Yokela, Josh

Acton, Dennis
Costable, Michael
Doucette, Fred
Gilman, Julie
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
McMahon, Charles
Packard, Sherman
Roy, Terry
Torosian, Peter
Wallace, Scott

STRAFFORD

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

Pitre, Joseph

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

NAYS - 209 BELKNAP

Fields, Dennis

Huot, David

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

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
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Maes, Kevin
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Stavis, Laurel
Weston, Joyce

Almy, Susan
Egan, Timothy
Gordon, Edward
Muscatel, Garrett
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Piedra, Israel
Ober, Russell
Shaw, Barbara

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Sofikitis, Catherine

Balch, Chris
Bordy, William
Cleaver, Skip
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Murray, Megan
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Riel, Cole
St. John, Michelle

Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

Stevens, Deb
Vail, Suzanne
Williams, Kermit

Smith, Timothy
Van Houten, Constance
Woodbury, David

Telerski, Laura
Vann, Ivy

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Walz, Mary Beth

Buchanan, Ryan
Ellison, Arthur
Kotowski, Frank
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wells, Kenneth

Carson, Clyde
Fox, Samantha
Lane, Connie
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Woods, Gary

Doherty, David
Fulweiler, Joyce
Luneau, David
Myler, Mel
Saunderson, George
Walsh, Thomas

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Ward, Gerald

Berrien, Skip
Coursin, David
Edgar, Michael
Murray, Kate
Maggiore, Jim
Potucek, John
Warner, Anne

Bunker, Lisa
Cushing, Robert Renny
Gay, Betty
Le, Tamara
Malloy, Dennis
Read, Ellen

Bushway, Patricia
Desilets, Joel
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Harrington, Michael
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Ellis, Donna
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

and floor amendment (1125h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Horn offered floor amendment (1127h).

Floor Amendment (1127h)

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2022.

Rep. Horn spoke in favor and yielded to questions.

On a division vote, with 135 members having voted in the affirmative, and 211 in the negative, floor amendment (1127h) failed.

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

Rep. Timothy Smith moved the previous question.

The question being shall debate be limited?

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 133

YEAS - 213

BELKNAP

Fields, Dennis

Huot, David

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Marsh, William

DesMarais, Edith
Nelson, Bill

Kanzler, Harrison
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

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

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

Bordenet, John
Harvey, Cathryn
Parkhurst, Henry
Thompson, Craig

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
French, Elaine
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

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

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Bouldin, Andrew
Bergeron, Paul
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
King, Mark
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Radhakrishnan, Julie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

Backus, Robert
Bernet, Jennifer
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klein-Knight, Nicole
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Riel, Cole
St. John, Michelle
Telerski, Laura
Vann, Ivy

Balch, Chris
Boehm, Ralph
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Komi, Richard
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
MacKay, James
Pearl, Howard
Schamberg, Thomas
Turcotte, Alan
Wolf, Dan

Buchanan, Ryan
Ellison, Arthur
Klose, John
McWilliams, Rebecca
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Fox, Samantha
Lane, Connie
Moffett, Howard
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Doherty, David
Fulweiler, Joyce
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

ROCKINGHAM

Berrien, Skip
Coursin, David
Edgar, Michael
Grossman, Gaby
Murray, Kate
Malloy, Dennis
Milz, David
Ward, Gerald

Bunker, Lisa
Cushing, Robert Renny
Elliott, Robert
Grote, Jaci
Loughman, Tom
McConnell, Liz
Read, Ellen
Warner, Anne

Bushway, Patricia
DiLorenzo, Charlotte
Gay, Betty
Guthrie, Joseph
Lovejoy, Patricia
McKinney, Betsy
Somssich, Peter
Weyler, Kenneth

Cahill, Michael
Dolan, Tom
Gilman, Julie
Harb, Robert
Maggiore, Jim
Meuse, David
Sytek, John

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

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 133**BELKNAP**

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Comtois, Barbara
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino
Ticehurst, Susan

Comeau, Ed

Crawford, Karel

MacDonald, John

CHESHIRE

Eaton, Daniel

Ley, Douglas

O'Day, John

COOS

Craig, Kevin	Furbush, Michael	Merner, Troy
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GRAFTON

Adjutant, Joshua	Gordon, Edward	Hennessey, Erin	Migliore, Vincent Paul
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HILLSBOROUGH

Alexander, Joe	Griffin, Barbara	Barry, Richard	Burt, John
Camarota, Linda	Danielson, David	Erf, Keith	Flanagan, Jack
Gagne, Larry	Gould, Linda	Greene, Bob	Gunski, Michael
Hinch, Richard	Hopper, Gary	Jack, Martin	Klee, Patricia
Ober, Lynne	Lascelles, Richard	Marzullo, JP	McLean, Mark
Notter, Jeanine	Nunez, Hershel	Panasiti, Reed	Plett, Fred
Porter, Marjorie	Proulx, Mark	Prout, Andrew	Ober, Russell
Renzullo, Andrew	Rice, Kimberly	Sanborn, Laurie	Shaw, Barbara
Somero, Paul	Lekas, Tony	Ulery, Jordan	Warden, Mark

MERRIMACK

Allard, James	Hill, Gregory	Horn, Werner	Kotowski, Frank
McGuire, Carol	Rogers, Katherine	Seaworth, Brian	Testerman, Dave
Walsh, Thomas	Yakubovich, Michael		

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Altschiller, Debra	Baldasaro, Al	Barnes, Arthur	Bershtein, Alan
Costable, Michael	Thomas, Douglas	Desilets, Joel	DeSimone, Debra
Doucette, Fred	Edwards, Jess	Fowler, William	Green, Dennis
Hobson, Deborah	Hoelzel, Kathleen	Osborne, Jason	Janigian, John
Janvrin, Jason	Katsakiores, Phyllis	Kolodziej, Walter	Le, Tamara
Love, David	Griffin, Mary	Pearson, Mark	Major, Norman
McMahon, Charles	Melvin, Charles	O'Connor, John	Packard, Sherman
Piemonte, Tony	Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine
Roy, Terry	Pearson, Stephen	Spillane, James	Torosian, Peter
True, Chris	Verville, Kevin	Vose, Michael	Wallace, Scott
Welch, David	Yokela, Josh		

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Horrigan, Timothy
Perreault, Mona	Pitre, Joseph	Rooney, Abigail	Beaudoin, Steven
Wuelper, Kurt			

SULLIVAN

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

and the motion to limit debate was adopted.

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

Rep. Abramson spoke against and yielded to questions.

Reps. Levesque and Ruprecht spoke in favor.

Rep. Jurius spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 207 - NAYS 132**YEAS - 207****BELKNAP**

Fields, Dennis	Huot, David
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CARROLL

Burroughs, Anita	Butler, Edward	DesMarais, Edith	Kanzler, Harrison
Knirk, Jerry	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	Meador, David
Morrill, David	Parkhurst, Henry	Schapiro, Joe	Swinburne, Sandy
Tatro, Bruce	Thompson, Craig	Von Plinsky, Sparky	Pearson, William
Weber, Lucy			

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
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

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Williams, Kermit

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Woodbury, David

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Komi, Richard
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Telerski, Laura
Vann, Ivy

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
Wells, Kenneth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Turcotte, Alan
Woods, Gary

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Coursin, David
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Warner, Anne

Berrien, Skip
Cushing, Robert Renny
Gay, Betty
Murray, Kate
Maggiore, Jim
Read, Ellen

Bushway, Patricia
Desilets, Joel
Gilman, Julie
Le, Tamara
Malloy, Dennis
Somssich, Peter

Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horriggan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 132**BELKNAP**

Bean, Harry
Mackie, Jonathan
Varney, Peter

Comtois, Barbara
Spanos, Peter

Howard, Raymond
Sylvia, Michael

Jurius, Deanna
Tilton, Franklin

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

MacDonald, John

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burt, John
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Somero, Paul

Griffin, Barbara
Camarota, Linda
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Lekas, Tony

Barry, Richard
Danielson, David
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Rice, Kimberly
Ulery, Jordan

Boehm, Ralph
Erf, Keith
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Shaw, Barbara
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
McGuire, Carol
Testerman, Dave

Horn, Werner
Pearl, Howard
Walsh, Thomas

Klose, John
Schuett, Dianne
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Kolodziej, Walter
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Bershtein, Alan
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janigian, John
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Vose, Michael
Yokela, Josh

Abramson, Max
Costable, Michael
Dolan, Tom
Fowler, William
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott

Acton, Dennis
Davis, Dan
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Welch, David

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Rooney, Abigail

Horgan, James
Wuelper, Kurt

Perreault, Mona

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

MOTION TO PRINT DEBATE

Rep. Rice moved that the debate on **HB 1516**, raising the minimum age for marriage, be printed in the Permanent Journal.
Motion adopted.

DEBATE ON HB 1516

Representative Edwards: Thank you, Mister Speaker. I rise to make a motion that we table HB 1516.

Speaker Shurtleff: Your motion is in order. Rep. Edwards moves to table this bill. The question before the House is on the motion to table HB 1516. A division has been requested. A roll call has been requested. Is that sufficiently seconded? Who requested the roll call? Okay. Just for the records. This will be a roll call vote. Members will kindly take their seats. The question before the House is the motion to table HB 1516. The Chair recognizes Rep. Edwards for a parliamentary inquiry.

Representative Edwards: Thank you, Mister Speaker. If I knew that HB 1516 intends to establish extremely strong state powers and has not considered the exception for pregnancy in a couple, would I go ahead and vote in favor of tabling now so that the bill can be subjected to another motion and studied further to be fixed?

Speaker Shurtleff: The question before the House is the motion to table HB 1516. The Chair recognizes Rep. Walz for a parliamentary inquiry.

Representative Walz: Thank you, Mister Speaker. If I know this bill has been worked on multiple years, multiple terms and has examined all contingencies including pregnancy. If I know that there is a large number of people in here ready, willing and able and anxious to vote on this bill, would I please press red and vote no on this tabling motion? Thank you.

Speaker Shurtleff: This will be a roll call vote. The question before the House is the motion to table HB 1516. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 128 members voting Yea and 209 voting Nay, the motion to table fails. The question before the House is the adoption of the majority amendment (1085h) printed in House Record 10A on page 84. The Chair recognizes the member from Rochester, Rep. Grassie, to speak against the majority amendment.

Representative Grassie: Mister Speaker, members of the House, I rise today to oppose the committee amendment. How did we come about getting this committee amendment? Originally there was an amendment by the sponsor to correct a drafting error in the bill and something was done when they discovered it going through the bill. There was an additional amendment put in to add an additional exemption in the bill that basically allowed for emancipated minors to get married. What the amendment does to the bill, well and those two amendments were basically mashed together and we end up with the amendment we have. What we would like to do today is defeat the committee amendment and get the original drafting amendment back in so we have a proper bill to send over to the Senate. What the amendment does is basically opens up a huge hole in the bill. If you support ending child marriage, you should support the bill without this amendment because it's very important when we take a look at what child marriage means. It's something that the US State Department has addressed as a human rights abuse. By talking about emancipated minors one of the things we have to consider is first of all the results that occurs by having someone who is a minor. If you take a look at RSA 461-B it talks about the emancipation of minors. It says that these people, these children basically, are given abilities to sign contracts. They have other abilities that adults have but one of the provisions in there allows judges to continue to have oversight over that minor child. Are they really emancipated from their family at all? Then if we take emancipation from a, maybe an abusive family or some situation that that child does not want to be in. Maybe they are in love with their boyfriend and want to get married so they go to a judge and they say they want to be married and the judge says well I agree with you but you need to be emancipated because if we pass this bill that's what will happen. Are we creating a situation that we don't want to run into? If you take a look at what happens with a young lady, a young girl or a child basically who enters into marriage and this would be through emancipation, 40% of them are likely to give birth within 24 months of a first child if they are married because they are pregnant. 50% of them are more likely to drop out of school. They are 4 times more likely not to complete college. They earn low wages. So what we are doing is we are looking at basically chaining these children to a lifetime of poverty. Let's take a look at the basic question that we have here, emancipation. What does it mean? It means to set free, to liberate, to unrepres, to free from restraint, control over the power of another, to free from bondage, to free from any controlling influence, to unchain. That's the first part. Minor. What does minor mean? Minor means a person who is not yet old enough to have the rights of an adult. Now when I approached people about this bill and said how did this amendment get put on there; I was told it's complicated. We spend a lot of time in this House talking about the rights and protections of children. What's so complicated about that? When we take a look at the problems that children have when they marry, what's so complicated about that? My answer is the definition of a minor, not an adult, it's a child. Are we going to be looking at a child being put into a marriage where 80% of them, 80% end up in divorce? It's a child. I urge you to oppose this amendment so we may bring another amendment to the floor.

Speaker Shurtleff: The question before the House is on the motion to adopt the majority amendment. The Chair recognizes the member from Bow, Rep. Walz. Oh, I'm sorry, does the member yield to a question? Rep. Horn, you may inquire.

Representative Horn: Thank you, Mister Speaker. Thank you to the Representative for taking my question. The amendment we are speaking on was a result. Would you believe the amendment we are speaking on is the result of the committee voting separately on each issue and passing each issue with the understanding that emancipated minor meets the criteria, which is independently living and continuing education?

Representative Grassie: I'm not sure I understand your question. I do know that I asked if we could divide the question so and I was told that we could not divide the question because of the wording of the amendment dealing with emancipation. In the amendment we have before us talks about an emancipated child.

Representative Horn: Mister Speaker, may I clarify?

Speaker Shurtleff: Will the member yield to a follow up?

Representative Horn: So, you are confused about how, you expressed confusion in your statement about how we got to this point with the amendment so would you believe that this is a standard practice on committees when they have multiple amendments on a bill that the OLS ties all of the amendments voted on separately by the committee and produces one amendment for the House to vote on during the day?

Representative Grassie: I would believe that. The thing is what the amendment does is it basically guts the bill because right now someone can be married under the age of 18, between 16 and 18, with a judge's permission. What this does is just add one more step. While they're in seeing that judge to get married and the judge says well, I can't do it if this bill passed. I can't do it unless you are emancipated. Well, just emancipate me please. If the parents are there and they say yeah, it's okay, it's okay for you to marry your 25-year-old boyfriend, we'll emancipate you as well. It doesn't do anything. What we will end up with is exactly what we have now on the law and that's unacceptable.

Speaker Shurtleff: Will the member yield to another question? The member does not yield. The question before the House is on the adoption of the amendment. The Chair recognizes the member from Bow, Representative Walz, to speak against the amendment.

Representative Walz: Thank you, Mister Speaker. I'm going to be brief. The reason I ask to speak here today is because I was on the Committee of Conference when we passed the emancipation bill here. When the House initially passed emancipation, they passed a limited emancipation so that when an underage child was married and that marriage failed as 80 to 90% of them do, that they would have a way out, that they would have the authority to sign a lease, to open a bank account, to do those things that they would need to do to live independently. This amendment takes emancipation and turns it on its head. It uses emancipation to open the door for further child marriage because what it does is it allows somebody to become emancipated in order to get married thereby avoiding the scrutiny of a judge that they would have to do if they just wanted to get married. So, I am opposing this amendment because it is contrary to everything this House has done the last few terms and it completely turns upside down what the goal has been. I understand it was well intended, but I think it has unintended consequences that members of the committee did not understand or hear about. So I stand here today to ask you to vote down this amendment because I don't think this is what this body intends. Thank you.

Speaker Shurtleff: The question before the House is the recommendation on the adoption of amendment (1085h). A roll call has been requested by Representative Levesque. Is that sufficiently seconded? You must be in your seats in order to. This will be a roll call. I missed that Representative Long had signed up to speak in support of the amendment. My apologies to the member. Wait until everybody takes their seat. Representative Long is recognized to speak in support of the committee amendment, in support of the majority amendment.

Representative Long: Thank you, Mister Speaker. In defense of the committee, emancipation isn't as easy as I want to be emancipated and you are emancipated. There is a process that goes through that. Also, we were hearing in committee where somebody who is currently married at 16 as a result can't file to get a divorce because they're not 18 years old. So we thought that this emancipation amendment would fix that. If they are able to contract for marriage, they're able to contract to get out of marriage. So that was the thought process in this so I ask that you support the committee and this amendment. Thank you.

Speaker Shurtleff: The question before the House is on the adoption of majority amendment (1085h). This will be a roll call vote. Members will kindly take their seats. The question before the House is on the adoption of the majority amendment (1085h). The Chair recognizes Representative Walz for a parliamentary inquiry.

Representative Walz: If I know that this amendment turns on its head everything that this legislature tried to do with emancipation. If I know this has unintended consequences that were not fully considered by the committee, would I please vote no on this amendment? Thank you.

Speaker Shurtleff: The question before the House is on the adoption of the majority amendment. The Chair recognizes Representative Long for a parliamentary inquiry.

Representative Long: Thank you, Mister Speaker. Mister Speaker, if I believe that this gives an opportunity for young people that are currently married a way out by being able to contract, then would I press green and support this amendment? Thank you.

Speaker Shurtleff: This will be a roll call vote. The question before the House is on the adoption of the majority amendment. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 113 members voting Yea, 230 voting Nay, the motion to adopt the amendment fails. The bill is now on second reading and open to further amendments. Representative Levesque offers floor amendment (1142h) which is found in your seat pockets. Representative Levesque is recognized to speak to her motion.

Representative Levesque: Thank you, Mister Speaker. Hello members of the House of Representatives. My amendment is just cleaning up some language. That's all it's doing. It's just housekeeping. I did this in committee and it was attached to emancipation and so now I brought it back since the emancipation amendment has failed so I just wanted to clean things up here. Thank you.

Speaker Shurtleff: The question before the House is on the adoption of floor amendment (1142h). Representative Levesque has requested a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the motion to adopt floor amendment (1142h). The Chair recognizes Representative Horn for a parliamentary inquiry.

Representative Horn: Thank you, Mister Speaker. Mister Speaker, if I know that the amendment is anything but housekeeping. And, if I know that the amendment changes language so that people already married in this state wouldn't have their marriages annulled. And, if I further know, Mister Speaker, that when you change the language of a bill to that kind of significance, would it not then fall under housekeeping, would I then, if I know all of that, vote red?

Speaker Shurtleff: The question before the House is on the adoption of floor amendment (1142h). The Chair recognizes Representative Walz for a parliamentary inquiry.

Representative Walz: Thank you, Mister Speaker. If I know it is near impossible to getting a marriage annulled in this state anyway once it has been consummated. If I know that this bill really or this amendment really is just a housekeeping amendment that the committee was in strong support of, would I please now vote yes and support the committee and clean the bill up and make it a better bill? Thank you.

Speaker Shurtleff: The question before the House is on the adoption of floor amendment (1142h). This will be a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 208 members voting Yea, 137 Nay the floor amendment is adopted. The bill is on second reading and open to further amendment. The Chair recognizes Representative Horn for an amendment. Again, members can come down these aisles if there is nobody at the well, just when there is somebody there standing not to interfere. Representative Horn you are recognized to introduce floor amendment (1125h).

Representative Horn: Thank you, Mister Speaker. Floor amendment (1125h) introduces the idea of moving of, introduces the idea of an exemption in cases of pregnancy. We have been given and treated to a lot of statistics about how bad somebody's life is when they're forced into marriage against their will and I would introduce to you that there are statistics that talk about how bad somebody's life is if they are a single unwed teenager. When you introduce the state in the role of forbidding a young family from starting out, I believe that is a massive overreach. When the age of consent is 16 in New Hampshire and a child occurs as a result of that legal activity, for the state to be in a position of saying doing the right thing and marrying the mother of your child is tremendous overreach. We want these families to be successful. We want these families to be stable and to say to every single 16 and 17-year-old that we don't believe in you; we don't believe you have the ability to get into a stable family; we don't believe in you to do the right thing is just awful. We can't be in the position of doing that so I ask for the body to consider my amendment which calls for an exception in the cases of pregnancy. This isn't mandated. This provides an opportunity for families to get a start. Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is on the adoption of the Horn floor amendment, (1125h). The Chair recognizes Representative Long to speak against the adoption of the floor amendment. Let's get this speaker. Let him speak first and then I'll recognize the roll call.

Representative Long: Thank you, Mister Speaker. This amendment suggests that if you're 16 now because the age of marriage is 16, or 17, if you are pregnant, you ought to have the option of getting married. The committee reviewed this and discussed this and voted it down because we didn't, the committee didn't believe that ought to be an option. That marriage is the only option that would save their lives. We didn't believe that would be the case so I ask you to vote down this amendment. Thank you.

Speaker Shurtleff: The question before the House is on the. Will the member yield to a question? The member does not yield. In the interest of time, I'm sure. The question before the House is on the adoption of floor amendment (1125h). Somebody requested a roll call. Representative Edwards requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. Members will kindly take their seats. While we are waiting for members to come in, two things, our friend from Epping is back in the Chamber. He had a call from his health officer in the Town of Epping. He's fine and he can join us and we welcome him back into our fold. The other thing is this afternoon I talked to Ann FitzGerald. I asked her to provide water and snacks for everybody. I know some people have to eat because of medical reasons and other people are just like me that like to eat so those will be available this afternoon so you are aware of that. The question before the House is on the adoption of the Horn floor amendment (1125h). The Chair recognizes Representative Walz for a parliamentary inquiry.

Representative Walz: Thank you, Mister Speaker. If I know that if a teenager is pregnant and that teenager wants to get married, they do have the option to get married with going to court under the supervision of a judge or after a judge has looked at the case to make sure that that teenager is not unduly being coerced into that marriage. So if I know that this issue has already been addressed, would I please vote no on this amendment?

Speaker Shurtleff: This will be a roll call vote. The question before the House is on the adoption of the Horn floor amendment (1125h). Why does the member rise? We didn't have anything but you may have another opportunity. I got a feeling. This will be a roll call vote. The question before the House is on the adoption of floor amendment (1125h). If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members had an opportunity to vote?

The House will be attentive to the state of the vote. With 136 members voting Yea, 209 voting Nay, the motion fails. The bill is on second reading and open to further amendment. The Chair recognizes Representative Horn to introduce floor amendment (1127h) which is found in your seat pockets.

Representative Horn: Thank you, Mister Speaker. Members of the House, this amendment is very simple. All we have to do is ask that this bill take effect on the first of January 2022. In the occasion of somebody being married. Let me rephrase. With the passage of the bill being presumed, the effect will be 16 to 17-year olds who are intending to marry in good faith, having put money down on venues of their choice, this would them to continue to be married without losing their deposits.

Speaker Shurtleff: Will the member yield for a question? Representative Baldasaro is recognized for a question.

Representative Baldasaro: Thank you, Mister Speaker. Thank you, Representative, for taking my question. You know I was staying silent listening to all these amendments coming in on a bill that sounds like it's very broken and we are trying to fix something. Can you tell me how does this affect these young veterans, this bill, okay with them having a young girl that is pregnant? What does this do to those veterans?

Representative Horn: I thank the good Representative from Londonderry for his question. This will have the effect of prohibiting marriage for veterans who had fathered a child prior to their enlistment and denies those spouses to have access to health benefits, specifically prenatal care.

Speaker Shurtleff: The question before the House is on the motion to adopt the Horn floor amendment (1127h). Why does the member rise?

Representative DeSimone: Mister Speaker, I request Personal Privilege.

Speaker Shurtleff: As I am informed by the Clerk, Personal Privilege does not take precedent while we are in the middle of a debate. After we finish with this bill, would the member be able to come forward to state your personal privilege?

Representative DeSimone: So, that would be after the bill?

Speaker Shurtleff: After the vote. After we finish with this bill. After we finish with this amendment. We are in the process of adopting or not adopting an amendment. When that is completed, then I will recognize the member for Personal Privilege. The question before the House is on the adoption of the amendment, floor amendment (1127h). A division has been requested. This will be a division vote. Members will kindly take their seats. The question before the House is on the adoption of floor amendment (1127h). This will be a roll call vote. The Chair recognizes Representative Horn for a parliamentary inquiry.

Representative Horn: Thank you, Mister Speaker. Mister Speaker, if I know that putting deposits down in anticipation.

Speaker Shurtleff: Will the member suspend? I stand corrected. I said roll call and this is a division vote. Member may proceed.

Representative Horn: Thank you, Mister Speaker. If I know that deposits are costly and when they are put down to secure venues and caterers, they are not often recovered if there is a cancellation, Mister Speaker. And, if I further know that by extending the date to the 22, the year 2022, we give people who are intending to marry time to capitalize on those deposits and have that ceremony, would I now vote red, sorry, would I now vote green for the amendment?

Speaker Shurtleff: The question before the House is on the adoption of floor amendment (1127h). The Chair recognizes Representative Long for a parliamentary inquiry.

Representative Long: Thank you, Mister Speaker. Mister Speaker, if I know this amendment postpones this effective date for a year. And, if I know that there has been a lot of conversations and vetting over this and I believe this House is ready to decide on this, then shall I press the red button to oppose this?

Speaker Shurtleff: This will be a division vote. The question before the House is on the adoption of floor amendment (1127h). If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 135 members voting Yea, 211 voting Nay, the amendment fails. The question now before the House is on the recommendation that the bill Ought to Pass as Amended. Why does the member rise?

Representative Timothy Smith: Parliamentary inquiry.

Speaker Shurtleff: Please state your inquiry.

Representative Timothy Smith: Am I correct that the current parliamentary situation is that we are on the main mode for HB 1516 on second reading with a pending question of Ought to Pass as Amended?

Speaker Shurtleff: That's what I just said.

Representative Timothy Smith: Motion?

Speaker Shurtleff: Please state your motion.

Representative Timothy Smith: I move the question.

Speaker Shurtleff: Just so members are aware. The motion to move the question is in order. What it entails, we have 4 people against the motion and 2 for. They have already signed up and they will be heard first. By moving the question means no other people can come up and sign in to speak. So just so people, especially

for our new people, what it means when we move the question. Also to remind myself. The question before the House now is on the motion. The question before the House is the motion to move the question to limit debate. All those in favor, say Aye, opposed, Nay. A division vote was requested before the gavel came down. This will be a division vote. Members in the Chamber will take their seats. Representative Edwards has requested a roll call on the motion. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. I want to make sure that everyone is perfectly clear on what the motion is before us and especially for our newer members that I think this is maybe the first time they've had a motion to move the question. What the motion does, it limits debate, but what it means is it doesn't stop those that have already signed up to speak from speaking. All it simply means is that no other members can sign up to speak for or against the pending motion. So, the motion before us is to limit debate, but those 6 people that have already signed up will be allowed to speak. Just so you are aware of what the motion is. The Chair recognizes Representative Sylvia for a parliamentary inquiry.

Representative Sylvia: Thank you, Mister Speaker. If I understand that during the debate one may have something to further consider. And, if I know that sometimes a question will take care of that issue that they may want to speak to and if an answer is not given, then they will not have an answer, then they would want to sign up to speak themselves. This motion would disallow them from essentially asking a question, not that it technically does, but if they don't get an answer then they would want to speak. So, if I know that this motion.

Speaker Shurtleff: Will the member suspend for a moment? I think what I'm hearing you say is this means that members cannot ask a question?

Representative Sylvia: No.

Speaker Shurtleff: Okay, I want to make sure that you are on the right track. Okay so you are saying that if somebody had a question and they didn't feel was answered, they could speak afterward. I'm sorry. I apologize to the member.

Representative Sylvia: If I thought I covered that and if I think that we should allow members to speak if they do not get a question answered, then I would press the red button?

Speaker Shurtleff: The question before the House is on the motion to move the question, to limit debate. The Chair recognizes Representative Walz to speak in support of the motion.

Representative Walz: If I know we have heard a lot of data on this, a lot of arguments on this already by debating the amendment. If I know we have a very long day in front of us and we have already spent a long time on this bill. And, if I know the speakers in favor of the bill are comfortable with this motion to move the question, would I please now vote yes on this motion?

Speaker Shurtleff: This will be a roll call vote. The question before the House is on the motion to limit debate. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 213 members voting Yea, 133 Nay, the motion to limit debate passes. The question now before the House is on the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Franklin, Representative Horn, to speak against the recommendation.

Representative Horn: Thank you, Mister Speaker.

Speaker Shurtleff: The member will suspend. If members wish to leave the Chamber, do so quietly. The member at the well has a right to be heard. The member may proceed.

Representative Horn: Thank you, Mister Speaker. Mister Speaker, we are going to hear later on that this bill is to safeguard 16 and 17-year-olds against exploitation. I will start by telling you this doesn't do that, that marriage in neighboring states is still 14 so that if somebody was despicable enough to want to exploit a 16 and 17-year-old, they could go South to Massachusetts and do so. That marriage would even be recognized as legal in New Hampshire. So, no, this bill does not do that. The way that 16 and 17-year olds are being exploited in New Hampshire is that the justice system hearing the court case to permit a 16 or 17-year-old to marry would be blind to the possibility of exploitation and would sign off on this marriage as a matter of routine. So, as this bill does not address that process, this does not prevent 16 and 17-year olds from being exploited in New Hampshire. What this bill does do and Mister Speaker I am speaking from experience. What this bill does do is prevent service members from marrying the mothers of their children in order to extend health benefits to the mother to be. We are going to hear, I suspect, that it takes up to 22 months for somebody to be sent to a combat zone if you are a service member and I'm living proof that is not the case in all cases. I enlisted in the Army in September of 1999 and I found myself deployed to a war zone six months later. By March of 2001 I was in a position where I could be shot at or I could be asked to shoot somebody else. So, that is the principal reason for my objection is that when you tell somebody that they can't have their mother to be as a benefit of their health benefits because you are in the military, that's set a very disastrous standard for our state. They are going to suggest that we have pregnancy options available to teenage pregnancies, that Tricare, the very excellent health program our military benefits from, isn't needed. Well, I would ask the comparison, if you travel today to the state house in a Ford Escort manufactured in 1999, that could be an acceptable means of transportation. That would be the equivalent of whatever question mark healthcare is being offered to an unwed mother or you could ride to the state house in a Cadillac Escalade, brand new 2020

version. What would be your preferred method of transportation? Mister Speaker, I submit that most people would pick the Cadillac Escalade, which represents the military version of healthcare known as Tricare. It is an excellent military program. We've knocked down the exception for pregnancies. We've knocked down them getting a deposit back. We've even knocked down emancipated minors being allowed to marry. Now, there was some confusion about the definition, sorry, there was some confusion about the process by which a minor can become emancipated. Let me clear up that confusion. You can only be emancipated in New Hampshire by going before a judge, the same judges this bill proposes are not fit to rule on whether or not a child can be exploited, but you would go before a judge and you would have to prove to that judge that you would be satisfying your educational opportunities. In other words, couldn't drop out and be emancipated. You would be able to survive on your own, which means no you wouldn't be headed back to your family for a handout or you wouldn't be getting entitlements from the state and you would be able to sustain those issues in order to become emancipated. So, in other words, you're qualified by the justice department, the judiciary specifically, to make decisions on your own. You can enter into contracts; you can leave contracts on your own. You're not a ward of the state, but we have knocked that down. We've said that if you are an emancipated minor, not only can you not get married in New Hampshire, but if you come in from outside of New Hampshire, we suggest that you can't get married. If you were emancipated in a different state, you couldn't get married. Mister Speaker, I want to protect 16 and 17-year olds from exploitation more than probably, well actually I can't say that. That would be impugning intent. My apologies, Mister Speaker. I will stand with everybody when it comes to preventing minors from being exploited. I'm probably going to be louder than most, as is my nature. If this bill prevented that exploitation, I would be the first to support it, but what this bill does is it sends a variety of negative messages out into the world, especially negative messages aimed at women, girls, people who are pregnant. They tell you that you can't start a family. They tell you; you can't provide for your family. If 80% of these young marriages end in divorce, then 20% of those people shouldn't be told that they don't have the opportunity to make this happen. Adults entering into marriage, Mister Speaker, fail in their marriages over 50% of the time. There is no law being drafted that people should be prohibited from marrying because the majority of those marriages end in divorce. I am not in favor of a bill that limits what is possible for a lady in New Hampshire. Mister Speaker, I respectfully ask for a division vote.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Auburn, Representative Edwards. I have you down as speaking. Okay. The Chair recognizes Representative Jurius.

Representative Jurius: Thank you, Mister Speaker. I rise in opposition to the Ought to Pass motion on HB 1516. The sponsor of this bill has done tireless research and found stories of young women being sold with parental consent to much older men where they experience abuse. This is a disgusting and heinous occurrence that I oppose with the strongest possible language. That is not the purpose of marriage at all and anyone promoting such unions is deliberately manipulating our laws to achieve their own personal gain, however deranged it may be. That being said, raising the marriage age to 18 in our state when the age of consent is 16, is to say that a person is able to consent to a sexual union, but not to marriage. I know it's crazy, but there are still a number of us that don't think that anyone should have intimate relations outside of marriage. From this perspective, having two separate ages makes no sense. It would be like saying a person can operate a motor vehicle at 16, but cannot obtain a driver's license until age 18. I have no intention to bring us back into middle school health class, but please just allow me to note that one of the possible consequences of having sex is pregnancy. This statute, even as amended, would make it illegal for two people to marry with the intention of raising their child together if either is under 18. Please hear me. I don't endorse this choice either way. I'm not saying it's a good idea or a bad idea. I truly just think that people should be allowed to make that decision. The State forbidding marriage when a baby is involved is really concerning overreach. I have not spoken to a single person opposed to this bill because they think that 16 and 17-year olds getting married is a fantastic idea and everyone should do it. We are just saying the government doesn't get to be that involved in family decisions. I'd like to get back to the abhorrent cases of abuse that prompted this bill. As I mentioned these cases of abuse and manipulation of the highest order are horrible. Here's the thing about abusive and manipulative people. They will use whatever statute we put in place to abuse and manipulate people. I have said it before. I have a feeling I will say it again. There is no law that is immune to abuse by our citizens. I will repeat there is no law that is immune to abuse by our citizens. Breaking the law is bad. Breaking the law to hurt people is worse. This law while attempting to curb abuse, which a laudable goal, introduces the government into serious family decisions. For this reason, I urge you to vote against the committee recommendation of Ought to Pass so that another motion can be made.

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

Representative Edwards: Thank you, Mister Speaker. If this bill were to pass, wouldn't we effectively be saying as a state that our preferred policy options for 17-year old pregnant woman is go on welfare, escape an intolerant state to marry elsewhere or get an abortion? And, if those were the policy preferences of the state, do you find that morally acceptable?

Representative Jurius: Thank you for the question. I am digesting the multiple pieces of that. I'm not going to say that we will immediately take that position specifically, but those are options that were all mentioned in our executive session and our public hearing and I do think that it is a ridiculous suggestion to say that rather than someone getting married to help a family raise a child, that the government should just be the one to come in and take care of a child. I do. I do think that is reprehensible.

Speaker Shurtleff: Will the member yield to a follow up? Representative Edwards.

Representative Edwards: Thank you, Mister Speaker. If I were to tell you that small businesses, particularly restaurants, have a failure rate of 90% in the first two years, would you recommend as a matter of state policy that we make it illegal for anyone to start a restaurant?

Representative Jurius: Thank you for that follow up question. I certainly would not. I think the inference is that the statistic of failure is not necessarily justification for the passage of any law or of any ban, so I would agree with that sentiment.

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

Representative Notter: Thank you, Mister Speaker. Did anyone mention the forced illegitimacy that this bill could create?

Representative Jurius: I'm not sure I can comment specifically on that, but I think that is a major concern.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Landaff, Representative Ruprecht to speak in support of the recommendation.

Representative Ruprecht: Thank you, Mister Speaker. Mister Speaker, I rise in support of HB 1516. I'd like to begin by addressing an argument that was made that if this bill were to be enacted into law, that it would not recognize out of state marriages by minors. That simply isn't true because state statute already requires that we recognize all out of state marriages. But, Mister Speaker, more importantly, I support this bill because child marriage is a widespread practice. One that reaches every corner of the United States, including New Hampshire. The practice is a threat the health and wellbeing of the children with girls, in particular, at risk. Girls who marry before the age of 18 are more likely to experience domestic violence, are less likely to remain in school and are more likely to live in poverty. Girls who are married often become pregnant at a young age which can jeopardize the health of the mother and baby. Child brides often become isolated from friends, peers and family which can be damaging to their emotional and psychological wellbeing. Child marriage has a detrimental impact on a girl's health, future and family. Child marriage is prevalent in the United States and it does occur in New Hampshire. Between the years of 2000 and 2015 over 200,000 minors, some as young as 12, were married in the United States and 87% of child marriage cases in the US, the minor is a girl and in 86% of cases, she is marrying an adult. In this Chamber we often talk about governments solemn responsibility to protect children. Those who are in the dawn of life and who are among our most vulnerable constituents. While we as a state legislature cannot end the practice of child marriage globally or nationally, we can use our power to eliminate the practice within our own state. Mister Speaker, I urge my colleagues to support the committee recommendation. Thank you

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Seabrook, Representative Abramson, to speak against the recommendation.

Representative Abramson: Thank you, Mister Speaker. Mister Speaker, I rise in opposition to the Ought to Pass motion. Most instances of high school sweethearts getting married either have been military couples or those with child, neither of which benefits from forcing couples to wait another year before getting married. To receive medical or housing benefits in the military, college or work, couples must already be legally married. This bill would do nothing but take exceptional cases and make them exceptionally difficult for high school sweethearts. Another reason why we should get the state out of marriage. Red button.

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

Representative Yokela: Thank you, Mister Speaker. Thank you for taking the question. Do you believe that the restriction for people that have been deemed to be competent to sign other contracts and forbidding them to sign this contract, for example an emancipation, do you believe that is unequal treatment under the law?

Representative Abramson: Yes, I believe that is inconsistent.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Atkinson, Representative DeSimone. The Chair recognizes our last speaker, the member from Barrington, Representative Levesque, to speak in support of the recommendation.

Representative Levesque: Thank you, Mister Speaker. HB 1516 will let a child be a child. It will let them fully develop mentally, physically, emotionally and socially. The committee received testimony from survivors of child marriage and I would love to share their testimony with you, but with our busy schedule, I won't do that. However, I will summarize it. We heard from approximately 20 women. Their stories are similar but they stand in unity asking us to end child marriage so that not one more child has to endure the horrors that they have survived. What can I say about child marriage that has not been said before? Do you want

survivor testimony? We have it. It was provided to the committee. Do you want facts and figures? We have it in testimony from Unchained at Last, the AHA Foundation, the Tahirih Justice Center, organizations who are campaigning to end human rights abuse was submitted to the committee. We have guidance from the United States State Department in the document The US Global Strategy to Empower Adolescent Girls, it states, "The goal of the US Government efforts under this strategy is to ensure adolescent girls are educated, healthy, economically and socially empowered and free from violence and discrimination, thereby promoting global developments, security and prosperity. Our efforts aim to enhance their access to quality education, to reduce the risk of child early enforced marriage and to reduce their vulnerability to gender based violence and to provide them with the tools necessary to fully participate in their societies, claim their rights and make informed decisions about their lives." We already have the tools available to empower the children. We just have to use them. Today you are being presented with proposed exceptions to child marriage, but I urge you to remember there is no data, no facts, no studies that say child marriage is beneficial to any child and we as lawmakers, especially when we are making laws pertaining to children, have to base our laws on facts and not on opinions. So I ask you today to support the recommendation of Ought to Pass as Amended. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. This will be a division vote. Members will kindly take their seats. A roll call has been requested. Is that sufficiently seconded? You've got to stand up. It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Representative DeSimone to speak against the recommendation, for a parliamentary inquiry.

Representative DeSimone: Thank you, Mister Speaker. Mister Speaker, if I know that in 2017 the State of New Hampshire gave 16 and 17-year olds the right to consent to sex. And, if I know that if any of these 16 or 17-year olds become pregnant, HB 1516 does not allow marriage to be an option. If I further know that the State of New Hampshire has the upmost of respect for the judicial system and contrary to the believe of the prior speaker, HB 1516 takes away the option of parental consent or judicial consent to marry. And, if I understand correctly, Mister Speaker, that by giving permission to have the right to consent to sex said that a 16 or 17-year-old is mature enough to engage in that behavior, but this bill says they are not mature enough to consent to marriage, doesn't make any sense. Finally, Mister Speaker, if I firmly believe that HB 1516 is putting the horse before the cart by not increasing the age of consent to sex to the age of 18, before changing the age of marriage with parental or judicial consent to the age of 18. If I finally know that if you take into consideration all of the discussion that we have had today with all of the amendments, this bill is fatally, horribly flawed and should not pass, then I ask, Mister Speaker, wouldn't it make sense for me to vote red so that an alternative motion of ITL can be brought forth?

Speaker Shurtleff: The question before the House is the adoption of the recommendation of Ought to Pass as Amended. The Chair recognizes Representative Walz for a parliamentary inquiry.

Representative Walz: Thank you, Mister Speaker. If I know that 16 and 17-year olds are not an adult under our national constitution, our state constitution or our state statutes. That they cannot vote, they cannot sit on juries, they cannot buy tobacco or alcohol, they cannot do certain things with firearms, they can't gamble, then in many ways we recognize they are not adults. If I know that it is our job here in the legislature is to protect children. And, if I know that there is a movement both in the US and internationally to end child marriage. In fact there was just a full-page Ad in Sunday's New York Times about this. And, if I know that we should be in the forefront of this movement and be one of the state's leading the way on finally and completely ending child marriage, then please join me in pressing the green button to take another step on how to end marriage for all children? Thank you.

Speaker Shurtleff: This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass as Amended. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members had an opportunity to vote? The House will be attentive to the state of the vote. With 207 members voting Yea, 132 Nay, the motion carries.

REGULAR CALENDAR CONT'D MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Timothy Smith moved that the House reconsider its action whereby, on a roll call vote of 207-132, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 1516**, raising the minimum age for marriage.

Rep. Timothy Smith spoke against.

On a division vote, with 115 members having voted in the affirmative, and 221 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 1597-FN, relative to dispositional hearings under RSA 169-B. **OUGHT TO PASS WITH AMENDMENT.** Rep. Francesca Diggs for Children and Family Law. This bill directs the juvenile court to refer children committed to the Department of Health and Human Services for the remainder of their minority care management entity under RSA 135-F for further support, assessment, and services. Vote 18-0.

Amendment (0543h)

Amend RSA 169-B:19, I(j) as inserted by section 2 of the bill by replacing it with the following:

(j) Commit the minor to the custody of the department of health and human services for the remainder of minority. Commitment under this subparagraph may only be made following written findings of fact by the court, supported by clear and convincing evidence, that commitment is necessary to protect the safety of the minor or of the community, and may only be made if the minor has not waived the right to counsel at any stage of the proceedings. ***If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment.*** Commitment may not be based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding or at any stage of the proceedings from which the contempt arises. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is notified. Commitment under this subparagraph shall not be ordered as a disposition for a violation of RSA 262 or 637, possession of a controlled drug without intent to sell under RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if committed by an adult. However, commitment may be ordered under this subparagraph for any offense which would be a felony or class A misdemeanor if committed by an adult if the minor has previously been adjudicated under this chapter for at least 3 offenses which would be felonies or class A misdemeanors if committed by an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses relied upon was not part of a common scheme or factual transaction with any of the other offenses relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense for which the minor is before the court, and that the minor was represented by counsel at each stage of the prior proceedings following arraignment.

Amend the bill by replacing all after section 3 with the following:

4 Release and Discharge from the Youth Services Center. Amend RSA 621:19, III-a to read as follows:

III-a. In every case in which there is a diagnosis or other evidence that a minor at the center may have a serious emotional disturbance or other behavioral health disorder, the center shall, with the consent of the minor and the minor's family, refer the minor to a care management entity, as defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health services to be coordinated and supervised by that entity before and after discharge from the facility. ***Such referral shall be made upon the minor's confinement at the center and, in no event, later than 7 days after the confinement begins.*** Discharge plans shall incorporate the recommendations of the care management entity whenever appropriate. In any case where the recommendations of the care management entity are not incorporated into the discharge planning process, the minor, the minor's family, and counsel for the minor shall be notified in writing of the decision and of the basis for the decision.

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

AMENDED ANALYSIS

This bill provides that, if a minor diagnosed with a serious emotional disturbance or other behavioral health issues is committed to the department of health and human services for the remainder of their minority, the minor shall be referred to a care management entity under RSA 135-F for a care plan intended to reduce the period of commitment.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1657-FN-A, relative to reimbursement of court-ordered services for juveniles. **OUGHT TO PASS.**

Rep. Mary Jane Mulligan for Children and Family Law. This bipartisan bill removes the requirement that parents and guardians must reimburse the state for services provided to a child or family. It encourages families to access necessary and critical services. This bill puts the state's focus on helping children, not charging families who are struggling financially. It removes an undue burden on children and families. Vote 17-2.

Committee report adopted and ordered to third reading.

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 the committee report of Ought to Pass on **HB 1657-FN-A**, relative to reimbursement of court-ordered services for juveniles.

On a division vote, with 213 members having voted in the affirmative, and 121 in the negative, the motion was adopted.

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

Rep. Horn spoke against.

Rep. Mulligan spoke in favor.

Committee report adopted and ordered to third reading.

HB 546-FN, relative to the regulation of art therapists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. The majority of the committee agrees that the information needed to consider an insurance mandate for art therapists does not yet exist. Additionally, further education on the role and impact of art therapy is needed before agreeing to support health insurance coverage. The amendment deletes the language relative to insurance coverage for the services of art therapists and retains the sections of the bill approved by the House ED&A Committee regarding licensure. Vote 10-9.

Amendment (0981h)

Amend the bill by replacing section 10 with the following:

10 New Subparagraph; Persons Exempted. Amend RSA 330-A:34, I by inserting after subparagraph (e) the following new subparagraph:

(f) The activities of an art teacher, professional artist, professional entertainer, or any no profit/non-profit entity or person who does not represent himself or herself as an art therapist.

Amend the bill by deleting sections 11-13 and renumbering the original sections 14 and 15 to read as 11 and 12, respectively.

AMENDED ANALYSIS

This bill adds the licensure and regulation of art therapists under the board of mental health practice. The bills repeal the current provisions for regulating art therapists.

Committee amendment adopted.

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

Rep. Butler spoke in favor.

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

YEAS 197 - NAYS 139

YEAS - 197

BELKNAP

Huot, David

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

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

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

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

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

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Muscatel, Garrett
Stringham, Jerry

Almy, Susan
Egan, Timothy
Josephson, Timothy
Nordgren, Sharon
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Danielson, David
Espitia, Manny
Griffith, Willis
Heath, Mary

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Dargie, Paul
Davis, Fred
Hall, Brett
Herbert, Christopher

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Indruk, Greg

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice

Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Mullen, Sue
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Jeudy, Jean
Komi, Richard
Murray, Megan
Murphy, Nancy
Pickering, Daniel
Riel, Cole
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

King, Mark
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Newman, Sue
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Klee, Patricia
Leishman, Peter
Martin, Joelle
Pedersen, Michael
Query, Joshua
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Woodbury, David

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
Myler, Mel
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

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

Doherty, David
Fulweiler, Joyce
Moffett, Howard
Saunderson, George
Soucy, Timothy
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Murray, Kate
Maggiore, Jim
Read, Ellen

Berrien, Skip
Coursin, David
Gilman, Julie
Le, Tamara
Malloy, Dennis
Somssich, Peter

Bunker, Lisa
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

Bushway, Patricia
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Warner, Anne

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

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BELKNAP

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Crawford, Karel

MacDonald, John

CHESHIRE

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

Tucker, Edith

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burt, John
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Radhakrishnan, Julie
Snow, Kendall
Warden, Mark

Griffin, Barbara
Camarota, Linda
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Somero, Paul

Barry, Richard
Erf, Keith
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Rice, Kimberly
Lekas, Tony

Boehm, Ralph
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Sanborn, Laurie
Ulery, Jordan

MERRIMACK

Allard, James

Hill, Gregory

Horn, Werner

Klose, John

Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

MacKay, James
Testerman, Dave

McGuire, Carol
Walsh, Thomas

Pearl, Howard
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Dolan, Tom
Fowler, William
Harb, Robert
Janigian, John
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Doucette, Fred
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis
Major, Norman
Milz, David
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Desilets, Joel
Edwards, Jess
Green, Dennis
Hoelzel, Kathleen
Love, David
McKinney, Betsy
O'Connor, John
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael
Yokela, Josh

Acton, Dennis
Costable, Michael
DeSimone, Debra
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Wallace, Scott

STRAFFORD

Harrington, Michael
Perreault, Mona
Wuelper, Kurt

Hayward, Peter
Pitre, Joseph

Horgan, James
Rooney, Abigail

Kears, Sandra
Beaudoin, Steven

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

HB 1140, establishing a hospital merger advisory commission. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs.

This bill establishes a Hospital Merger Advisory Commission until 2025 to study the issue of mergers of hospitals and health care institutions. Currently our Division of Charitable Trusts in the Attorney General's Office is responsible for the review and oversight of the merger process taking place throughout our state where healthcare institutions are finding it advantageous to merge with larger regional systems. This bill creates a 13-member commission which will be charged to gather information about proposed transactions and review how they may impact health care and the communities they serve. The commission will determine if legislation or policy changes are necessary in order to ensure such mergers are in the public interest. Though our Division of Charitable Trusts does a good job of reviewing proposed mergers, the majority believes that more robust oversight by elected officials, involved state agencies and the public will help to inform the process and add a valuable layer of analysis as our health care systems evolve. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. This bill will confuse the current process under the authority of the Attorney General's (AG) Office of Charitable Trust. Passing this bill will potentially undermine and delay the potential affiliations and mergers under consideration. It is also unclear to the minority how this advisory commission will interact with the AG's office, if at all. The AG is responsible for ensuring that non-profit hospital assets are protected, because they belong to the community. Hospital affiliations are improving hospital's efficiencies which are intended to drive down health care costs. Hospitals are committed to caring for patients in their communities and doing what is in the best interest of the community. We do not need a new advisory board in addition to what the AG's office is already required to do. It is the position of the minority of the committee, to make it clear that the hospital boards of trustees are qualified to determine what the community needs are. The AG's Office of Charitable Trust is responsible for ensuring that the merger or affiliation is in the best interest of the patients that the hospital serves. For these reasons the minority of the committee has voted to not support the passage of this bill.

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

Majority committee report adopted and ordered to third reading.

HB 1166, establishing a committee to study obtaining health insurance for those persons who are uninsured in New Hampshire. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill will establish a study committee charged with seeking data and working to understand the underlying reasons that many Granite Staters remain without health insurance. Certainly, we have various studies and information about this issue. This committee will work to piece together information that helps to explain why over 75,000 of our citizens remain uninsured and will work to make recommendations regarding this issue. Vote 11-9.

Rep. Sylvia spoke against.

Rep. Knirk spoke in favor.

On a division vote, with 208 members having voted in the affirmative, and 130 in the negative, the committee report was adopted and ordered to third reading.

HB 1186, establishing a committee to study the filing of certain organizational income reports with the secretary of state. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.** Rep. Rebecca McBeath for the Majority of Commerce and Consumer Affairs. This bill establishes a committee to examine, for accuracy and completeness, the financial disclosure statements filed annually by advocacy and lobbyist organizations with the Secretary of State's Office. The study committee will also have the authority to make recommendations to improve disclosure, transparency and accountability of the advocacy disclosure process, and refer any cases that might benefit from further review and investigation to the Secretary of State or the Attorney General. Vote 11-9.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. The minority is not opposed to studying the filings of advocacy organizations and lobbyists with the Secretary of State to ensure accuracy and completeness. However, the study committee members are charged with the responsibility of determining whether the disclosures are consistent with the organization's mission and actions and then referring appropriate cases to the Attorney General or Secretary of State for further investigation and review. The minority feels that these are impossible tasks and absolutely inappropriate for a study committee. The minority amendment deletes the first three duties of the committee and leaves one appropriate duty, which is to make recommendations to improve disclosure, transparency, and accountability in the filing of organizational income reports with the Secretary of State.

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

Majority committee report adopted and ordered to third reading.

HB 1209, requiring fidelity insurance coverage for condominium board members, managers, and employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill requires condominiums to have blanket fidelity insurance coverage against the dishonest acts of persons responsible for handling organizational funds. The committee heard that some mortgage guarantors such as the Federal National Mortgage Association (Fannie Mae) would not allow a mortgage loan in a condominium association that does not have a fidelity bond to reimburse the association if embezzlement or another covered loss occurs. This is likely because the guarantor wants to be sure that the condominiums are properly maintained – a significant uncovered financial loss might affect proper maintenance. Without such guarantees, condominium mortgages are hard to obtain, causing problems for both buyer and seller. Such coverage is relatively inexpensive, and most associations already have it in place. Vote 11-8.

Amendment (0714h)

Amend the bill by replacing section 1 with the following:

1 Condominium Act; Insurance Required. Amend RSA 356-B:43, I(c) to read as follows:

(c) For an organization of unit owners in condominiums of more than 10 units, blanket fidelity insurance coverage, which shall be secured and maintained at its own cost and expense, insuring against the dishonest acts of any person, trustee, manager, managing agent, or employee, or the organization of unit owners responsible for handling organizational funds, in an amount equal to at least 1/4 of the annual assessments, excluding special assessments. Such fidelity insurance policy, according to its definition of employee, shall specifically include the manager or managing agent or provide for same by an endorsement to the fidelity policy. Such fidelity insurance shall name the organization of unit owners as the insured and include a provision requiring 10 days' written notice to the organization or manager, in the event of cancellation or substantial modification. The manager or managing agent shall be the designated agent on the fidelity insurance policy, and the fidelity insurance policy shall be the property and for the sole benefit of the organization of unit owners. The manager or managing agent shall maintain, at its sole cost and expense, its own fidelity insurance with substantially the same form of coverage; and

(d) Such other policies as may be required by the condominium instruments, including, without limitation, workers' compensation insurance, liability insurance on motor vehicles owned by the association, and specialized policies covering lands or improvements in which the unit owners' association has or shares ownership or other rights.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1233-FN, relative to coverage for children's early intervention services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. In 2007 the legislature passed a bill that required private insurance to cover early intervention services for children and this bill would update the law to account for changes in insurance contracts that now carry much higher deductibles and co-pays. Early intervention in

years 0-3 can pay huge dividends later in the lives of these children. When brain injuries and developmental disabilities are manifested early in a child's life and can be addressed early with physical therapy or speech therapy and the like, their lives can be improved dramatically. The providers of these services have seen a large increase in the children affected by the opioid crisis and in need of help. Providers who served about 600 children 7 years ago are now serving 820 children. About 60% of the children who receive early intervention services do not need further services and can move on and have productive lives. The issue is that if the family is not Medicaid-eligible and has insurance coverage, the providers of the services are prevented from "balance billing" the family. If the family's insurance has a high deductible or co-pay, the providers have no way to recover the cost of the services. This prevents the providers from reaching many children, which will, ultimately, affect us all. This bill would not affect the current "cap" of \$3,200 per child per year, but adds a provision specifying that these benefits would not be subject to the deductible, copayments or coinsurance of the insurance contract. Some insurance carriers already provide this coverage when they are writing regional contracts and other states provide this coverage. The amendment allows for primary care providers to make the referrals. Vote 12-8.

Amendment (0341h)

Amend the bill by replacing sections 1-4 with the following:

1 Coverage for Children's Early Intervention Services; Individual. Amend RSA 415:6-n to read as follows:

415:6-n Coverage for Children's Early Intervention Therapy Services. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care ~~[physician]~~ **provider** if applicable. The benefits ~~[included in this section may be subject to deductibles, copayments, coinsurance, or other terms and conditions of the policy, and]~~ **in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section** may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

2 Coverage for Children's Early Intervention Services; Group. Amend RSA 415:18-s to read as follows:

415:18-s Coverage for Children's Early Intervention Services. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care ~~[physician]~~ **provider** if applicable. The benefits ~~[included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and]~~ **in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section** may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

3 Coverage for Children's Early Intervention Services; Health Service Corporations. Amend RSA 420-A:17-g to read as follows:

420-A:17-g Coverage for Children's Early Intervention Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care ~~[physician]~~ **provider** if applicable. The benefits ~~[included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and]~~ **in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section** may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

4 Coverage for Children's Early Intervention Services; Health Maintenance Organizations. Amend RSA 420-B:8-r to read as follows:

420-B:8-r Coverage for Children's Early Intervention Services. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care ~~[physician]~~ **provider** if applicable. The benefits ~~[included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and]~~ **in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section** may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1274, relative to the labeling of bottled water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill as amended requires that bottled water meet the same purity requirements as the water that comes from a municipal water system. New Hampshire bottlers are okay with this requirement, and they believe that they meet the requirements already. Ensuring that out-of-state bottlers meet the same requirement is more complex, so the amendment requires the Department of Environmental Services to conduct administrative rulemaking to develop a plan for compliance that won't be affected by federal law. Vote 12-6.

Amendment (0994h)

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

AN ACT requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

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

1 Short Title. This act may be known as the safe bottled drinking water act of 2020.

2 Purpose Statement. The general court finds that water is essential to life and it is a fundamental responsibility of government to protect the public health and safety of the people of the state. It is the intent of the legislature that bottled drinking water sold in the state meet the same maximum contaminant levels for public drinking water established under the New Hampshire safe drinking water act, RSA Chapter 485.

3 Container Sterilization and Sanitation; Water Source; Maximum Contaminant Levels. Amend RSA 143:16 to read as follows:

143:16 Container Sterilization and Sanitation; Water Source. All containers used in the manufacture of beverages, other than cider manufacturers regulated by the department of agriculture, shall be cleaned and sterilized in such manner as may be provided in the rules adopted under this chapter. All materials used in the manufacture of beverages shall be pure and wholesome and shall be stored, handled, transported, and kept in such manner as to protect them from spoilage, contamination, and unwholesomeness. Manufacturers of bottled water shall only utilize a source of water ~~[for which a permit has been issued by the department of environmental services in accordance with RSA 485:3, XI]~~ **that complies with the requirements in rules adopted under RSA 143:6. All sources of bottled water in New Hampshire that began service on or after August 8, 1997 shall be approved by the department of environmental services in accordance with RSA 485:3, XI.** All products shall comply as to composition, labeling, conditions of manufacture, transportation, storage, handling, and sale with existent statutory provisions relating thereto and with rules adopted under this chapter. **All bottled water manufactured in the state shall comply with requirements specified in departmental rules adopted under RSA 143:6, and the maximum contaminant levels established under RSA 485.**

4 New Section; Sale of Bottled Water; Maximum Contaminant Levels. Amend RSA 143 by inserting after section 16 the following new section:

143:16-a Sale of Bottled Water Manufactured Out of State. All bottled water for retail sale, manufactured or bottled out of state, shall comply with the requirements specified in departmental rules under RSA 143:6, and maximum contaminant levels established under RSA 485. The department shall implement rules under RSA 541-A relative to bottled water manufactured out of state that are in compliance with any federal regulations on the matter.

5 Effective Date. This act shall take effect January 1, 2021.

AMENDED ANALYSIS

This bill requires bottled water to comply with the maximum contaminant levels in the New Hampshire safe drinking water act.

Committee amendment adopted.

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

Rep. Williams yielded to questions.

Committee report adopted and ordered to third reading.

HB 1280-FN, relative to copayments for insulin. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Garrett Muscatel for the Majority of Commerce and Consumer Affairs. This bill caps copayments that health insurers can charge Granite Staters for insulin at \$100 per month. The amendment adds a provision stating that coverage for prescription insulin drugs shall not be subject to any deductible. This bill is similar to legislation in effect in Colorado and Illinois and has been introduced in 30 states across the country. Massachusetts passed this legislation with a \$25 cap and Maine appears likely to pass similar legislation. Many Granite Staters are struggling to pay their insulin bills, with 1 in 4 diabetics turning to rationing in order to make ends meet. The committee also heard that the price of insulin has tripled in the last decade. Additionally, the committee considered the potential savings to the overall costs of healthcare. The complications from uncontrolled diabetes are significant: they include infections from poor circulation, kidney disease, coronary artery disease, among others. Such complications can be slowed or prevented if a constituent can afford an adequate supply of insulin. The majority believes that this legislation is necessary to protect Granite State families who are struggling to afford their insulin and that of their children. Vote 12-8.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. Due to the high cost of health insurance, employers and individuals have been trying to reduce costs by getting policies with higher deductibles and co-pays. Just this year, Colorado was the first state to limit co-pays to \$100 per month for insulin. The cost of insulin varies widely since it is a very old drug that can cost less than \$30 while new variations come on the market annually that can run into the hundreds of dollars. The minority understands the need to help those who depend on this life saving drug. However, this bill as amended went further than what Colorado passed by limiting not only the co-pays but also the deductible. The minority is very concerned about this precedent because the purpose of the deductible is to ensure the insured is considering the cost of the prescription relative to a lower cost generic drug. If an individual or employer, for that matter, wants to limit the deductible they should purchase the plan with a lower deductible, which of course comes with a higher premium. Passing this bill as amended may disrupt the balance of how a health insurance policy premium is determined and may cause an increase in premiums for small employers and individuals who would be affected by this legislation. Large employers who are self-insured, which includes the NH state employees' plan, are exempt. Before we go down this path, we should take advantage of RSA 400-A:39-b, which allows the Department of Insurance to conduct a mandate review of this bill, to examine the financial, social and medical impact it would have. Every other health insurance mandate in statute includes language that allows deductibles. Passing this amendment could set a precedent that may lead to higher premiums for those who can least afford them, individuals and small employers.

Majority Amendment (0105h)

Amend the bill by replacing sections 1-4 with the following:

1 Accident and Health Insurance; Coverage for Diabetes Services and Supplies; Individual. Amend RSA 415:6-e to read as follows:

415:6-e Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***An insurer that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

2 Accident and Health Insurance; Coverage for Diabetes Services and Supplies; Group. Amend RSA 415:18-f to read as follows:

415:18-f Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any policy, plan, or contract of group accident or health insurance providing benefits for medical or hospital expenses, shall provide each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***An insurer that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each insurer that issues or renews any group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

3 Health Service Corporations; Coverage for Diabetes Services and Supplies. Amend RSA 420-A:17-a to read as follows:

420-A:17-a Coverage for Diabetes Services and Supplies. Every health service corporation and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health service corporation that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each health service corporation that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each health service corporation that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

4 Health Maintenance Organizations; Coverage for Diabetes Services and Supplies. Amend RSA 420-B:8-k to read as follows:

420-B:8-k Coverage for Diabetes Services and Supplies. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health maintenance organization that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each health maintenance organization that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each health maintenance organization that issues or renews any individual or group policy, plan, or contract of accident

or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

Majority committee amendment adopted.

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

YEAS 223 - NAYS 121

YEAS - 223 BELKNAP

Huot, David

CARROLL

Burroughs, Anita
Kanzler, Harrison
Woodcock, Stephen

Butler, Edward
Knirk, Jerry

Crawford, Karel
Marsh, William

DesMarais, Edith
Ticehurst, Susan

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
Meador, 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
Maes, Kevin
Osborne, Richard
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Gordon, Edward
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

Almy, Susan
Egan, Timothy
Hennessey, Erin
Muscatel, Garrett
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Marzullo, JP
Nutting-Wong, Allison
Pickering, Daniel
Query, Joshua
Newman, Sue
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hall, Brett
Herbert, Christopher
Judy, Jean
Komi, Richard
Murray, Megan
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutter-Upham, Frances
Petrigno, Peter
Proulx, Mark
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

MERRIMACK

Allard, James
Doherty, David
Fulweiler, Joyce
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Bartlett, Christy
Ebel, Karen
Horn, Werner
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Buchanan, Ryan
Ellison, Arthur
Karrick, David
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

Carson, Clyde
Fox, Samantha
Kotowski, Frank
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Abramson, Max	Altschiller, Debra	Berrien, Skip	Bunker, Lisa
Bushway, Patricia	Cahill, Michael	Coursin, David	Cushing, Robert Renny
DiLorenzo, Charlotte	Dolan, Tom	Edgar, Michael	Gay, Betty
Gilman, Julie	Grossman, Gaby	Grote, Jaci	Janvrin, Jason
Murray, Kate	Le, Tamara	Loughman, Tom	Lovejoy, Patricia
Maggiore, Jim	Malloy, Dennis	McConnell, Liz	Meuse, David
Read, Ellen	Roy, Terry	Somssich, Peter	Vallone, Mark
Ward, Gerald	Warner, Anne	Welch, David	

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Ellis, Donna
Fargo, Kristina	Fontneau, Timothy	Frost, Sherry	Grassie, Chuck
Horrigan, Timothy	Keans, Sandra	Kenney, Cam	Levesque, Cassandra
Smith, Marjorie	Opderbecke, Linn	Schmidt, Peter	Rich, Cecilia
Salloway, Jeffrey	Sandler, Catt	Southworth, Thomas	Towne, Matthew
Treleaven, Susan	Wall, Janet		

SULLIVAN

Cloutier, John	Merchant, Gary	O'Hearne, Andrew	Sullivan, Brian
Tanner, Linda			

NAYS - 121**BELKNAP**

Bean, Harry	Comtois, Barbara	Fields, Dennis	Howard, Raymond
Jurios, Deanna	Mackie, Jonathan	Beaudoin, Richard	Spanos, Peter
Sylvia, Michael	Tilton, Franklin	Varney, Peter	

CARROLL

Avellani, Lino	Comeau, Ed	MacDonald, John	Nelson, Bill
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CHESHIRE**COOS**

O'Day, John			
Craig, Kevin	Furbush, Michael	Merner, Troy	

GRAFTON**HILLSBOROUGH**

Alexander, Joe	Griffin, Barbara	Barry, Richard	Boehm, Ralph
Burt, John	Camarota, Linda	Danielson, David	Erf, Keith
Flanagan, Jack	Gagne, Larry	Gould, Linda	Greene, Bob
Gunski, Michael	Hinch, Richard	Hopper, Gary	Ober, Lynne
Lascelles, Richard	McLean, Mark	Notter, Jeanine	Nunez, Hershel
Panasiti, Reed	Plett, Fred	Prout, Andrew	Ober, Russell
Renzullo, Andrew	Rice, Kimberly	Sanborn, Laurie	Somero, Paul
Lekas, Tony	Ulery, Jordan	Warden, Mark	

MERRIMACK

Hill, Gregory	Klose, John	McGuire, Carol	Pearl, Howard
Seaworth, Brian	Testerman, Dave	Walsh, Thomas	Wolf, Dan
Yakubovich, Michael			

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Acton, Dennis	Baldasaro, Al
Barnes, Arthur	Bershtein, Alan	Costable, Michael	Davis, Dan
Thomas, Douglas	Desilets, Joel	DeSimone, Debra	Doucette, Fred
Edwards, Jess	Elliott, Robert	Fowler, William	Green, Dennis
Guthrie, Joseph	Harb, Robert	Hobson, Deborah	Hoelzel, Kathleen
Osborne, Jason	Janigian, John	Katsakiores, Phyllis	Love, David
Griffin, Mary	Pearson, Mark	Major, Norman	McKinney, Betsy
McMahon, Charles	Melvin, Charles	Milz, David	O'Connor, John
Piemonte, Tony	Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine
Pearson, Stephen	Spillane, James	Sytek, John	Torosian, Peter
True, Chris	Verville, Kevin	Vose, Michael	Wallace, Scott
Weyler, Kenneth	Yokela, Josh		

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Perreault, Mona
Pitre, Joseph	Rooney, Abigail	Beaudoin, Steven	Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

HB 1287-FN, relative to the duration of antibiotic therapy for tick-borne illness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. There is some controversy over the efficacy of the administration of long-term antibiotic therapy for tick borne illnesses. However, the committee heard compelling testimony that, in some cases, such treatment can be curative. The majority believes that such treatment, when medically necessary as determined by an infectious disease practitioner, as the amendment clarifies, can return a person to health and, as such, should be covered by their insurance, subject to all the usual parameters such as deductibles and coinsurance. Vote 11-7.

Amendment (0712h)

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

1 New Section; Accident and Health Insurance; Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness; Individual. Amend RSA 415 by inserting after section 6-x the following new section:

415:6-y Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for long-term antibiotic therapy for tick-borne illness when determined to be medically necessary and ordered by a licensed infectious disease physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. In this section, "long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks.

2 New Section; Accident and Health Insurance; Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness; Group. Amend RSA 415 by inserting after section 18-bb the following new section:

415:18-cc Coverage for Long-Term Antibiotic Therapy Tick-Borne Illness. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for long-term antibiotic therapy for tick-borne illness when determined to be medically necessary and ordered by a licensed infectious disease physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. In this section, "long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

The House recessed at 12:05 p.m.

RECESS

The House reconvened at 1:20 p.m.

(Speaker Shurtleff in the Chair)

REPORT OF REPRIMAND

Rep. Comeau moved that a motion of reprimand be considered.

MOTION TO LAY ON THE TABLE

Rep. Weber moved that the motion of reprimand for Rep. Comeau, be laid on the table.

Rep. Verville requested a roll call; sufficiently seconded.

YEAS 210 - NAYS 115

YEAS - 210

BELKNAP

Fields, Dennis

Huot, David

Jurius, Deanna

Beaudoin, Richard

CARROLL

Burroughs, Anita
Kanzler, Harrison

Butler, Edward
Knirk, Jerry

Crawford, Karel
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

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

Laflamme, Larry

Noel, Henry

Tucker, Edith

Thomas, Yvonne

GRAFTON

Abel, Richard
Dontonville, Roger
French, Elaine
Muscatel, Garrett
Smith, Suzanne

Almy, Susan
Egan, Timothy
Josephson, Timothy
Osborne, Richard
Sykes, George

Campion, Polly
Fellows, Sallie
Maes, Kevin
Ruprecht, Dennis
Weston, Joyce

Diggs, Francesca
Ford, Susan
Mulligan, Mary Jane
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Barry, Richard
Boehm, Ralph
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Mangipudi, Latha
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Indruk, Greg
King, Mark
Langley, Diane
Martin, Joelle
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

Backus, Robert
Bergeron, Paul
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hamer, Heidi
Schmidt, Janice
Klee, Patricia
Long, Patrick
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Balch, Chris
Bernet, Jennifer
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Newman, Sue
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Carson, Clyde
Fox, Samantha
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wolf, Dan

Doherty, David
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Ebel, Karen
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Abbas, Daryl
Bushway, Patricia
DiLorenzo, Charlotte
Gilman, Julie
Murray, Kate
Malloy, Dennis
Read, Ellen
Ward, Gerald

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grossman, Gaby
Le, Tamara
McConnell, Liz
Somssich, Peter
Warner, Anne

Berrien, Skip
Cushing, Robert Renny
Elliott, Robert
Grote, Jaci
Loughman, Tom
McKinney, Betsy
Sytek, John

Bunker, Lisa
DeSimone, Debra
Gay, Betty
Guthrie, Joseph
Maggiore, Jim
Meuse, David
Vallone, Mark

STRAFFORD

Bixby, Peter
Fargo, Kristina
Keans, Sandra
Opderbecke, Linn
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Southworth, Thomas

Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Rooney, Abigail
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 115**BELKNAP**

Bean, Harry
Spanos, Peter

Comtois, Barbara
Sylvia, Michael

Howard, Raymond
Tilton, Franklin

Mackie, Jonathan
Varney, Peter

CARROLLAvellani, Lino
Nelson, Bill

Comeau, Ed

MacDonald, John

Marsh, William

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Adjutant, Joshua

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGHGriffin, Barbara
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Somero, PaulBurt, John
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Lekas, TonyCamarota, Linda
Gidge, Kenneth
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Ulery, JordanErf, Keith
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Warden, Mark**MERRIMACK**Allard, James
Kotowski, Frank
Testerman, DaveHill, Gregory
McGuire, CarolHorn, Werner
Pearl, HowardKlose, John
Seaworth, Brian**ROCKINGHAM**Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Green, Dennis
Osborne, Jason
Love, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Welch, DavidAbramson, Max
Bershtein, Alan
Dolan, Tom
Harb, Robert
Janigian, John
Griffin, Mary
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin
Weyler, KennethActon, Dennis
Costable, Michael
Edwards, Jess
Hobson, Deborah
Janvrin, Jason
Major, Norman
O'Connor, John
Pratt, Kevin
Spillane, James
Vose, Michael
Yokela, JoshBaldasaro, Al
Davis, Dan
Fowler, William
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Wallace, Scott**STRAFFORD**Harrington, Michael
Pitre, JosephHayward, Peter
Beaudoin, StevenHorgan, James
Wuelper, Kurt

Perreault, Mona

SULLIVANAron, Judy
Rollins, SkipCallum, John
Stapleton, WalterLaware, Thomas
Smith, Steven

Lucas, Gates

and the motion was adopted.

MOTION TO SPECIAL ORDER

Rep. Hoelzel moved that **HB 1299**, relative to selectmen pro tem on state election day, be made a Special Order as the first order of business for Thursday, March 12, 2020.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1320, establishing a renter's insurance notification requirement. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for the Majority of Commerce and Consumer Affairs. The goal of this bill was to ensure that home and apartment renters knew that their possessions would not be covered by the landlord's insurance, so they would need to get renter's insurance. While the committee was sympathetic to the issue, and the loss stories presented by the sponsor and others, we were not sure that the proposal would address the problem. We recommend further study on this issue. Vote 18-1.

Rep. Christy Bartlett for the Minority of Commerce and Consumer Affairs. This bill was filed after two fires that occurred in Salem. The stories of these tenants are too familiar. Several families lost all of their belongings, had no insurance and nowhere to live. Even community fundraisers cannot replace all these families lost. The sponsor brought this bill to the House with the intention of helping our neighbors and friends who rent. There are even landlords who do not know that their insurance policies provide no coverage for the property or liability losses of their tenants. A renter's insurance policy is low cost and provides property coverage, ad-

ditional living expense in the event that an apartment is not livable and liability insurance, if, for example, their dog bites someone. This bill would have included a statement in the lease with acknowledgment that the landlord's insurance policy provided no coverage for the tenant. The amendment expands and refines the language of the original bill. The minority felt that this was a very small effort to educate and inform renters of their risk.

The question being adoption of the majority committee report of Refer for Interim Study.

Rep. Bartlett spoke against.

Rep. Herbert spoke in favor and yielded to questions.

On a division vote, with 287 members having voted in the affirmative, and 51 in the negative, the majority committee report was adopted.

HB 1345, relative to the organization of alternative treatment centers. **OUGHT TO PASS WITH AMENDMENT.** Rep. Christy Bartlett for Commerce and Consumer Affairs. When the alternative treatment centers for medical cannabis became lawful a few years ago, they were allowed only to be opened as not-for-profit businesses. Due to the federal classification of cannabis as a Type 1 drug, the ability to borrow money for these businesses is limited and expensive. In order for them to grow and to keep the pricing reasonable for the patients who need their product, it has become difficult and expensive. All of our surrounding states offer recreational cannabis at much lower prices than what NH alternative treatment centers can offer. This bill would allow these businesses to incorporate as a for-profit business or limited liability company. This would allow them to have equity owners or membership to attract investors. NH does not want to see its residents cross state lines to purchase medical cannabis. We want to help businesses flourish and provide valuable products and services. The amendment limits any further conversion for an additional three years, so that a business could not just turn around and sell to a larger out-of-state corporation and the NH Charitable Trust would be consulted before any conversion could occur. Vote 11-9.

Amendment (0898h)

Amend RSA 126-X:8, XX as inserted by section 4 of the bill by replacing it with the following:

XX. An alternative treatment center organized as a voluntary corporation under RSA 292 may, on or before December 31, 2020, convert from a voluntary corporation under RSA 292 to either a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C in any of the following ways:

(a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA 304-C, as applicable, that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, provided that each such conversion shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent.

(b) By adopting a plan of merger in accordance with RSA 293-A that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic business corporation shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors of the alternative treatment center at a meeting duly called for the purpose or by unanimous written consent.

(c) By adopting a plan of merger in accordance with RSA 304-C that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic limited liability company shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent. Amend RSA 126-X:8, XXIV as inserted by section 4 of the bill by replacing it with the following:

XXIV.(a) Any alternative treatment center choosing to convert or merge pursuant to this section shall obtain an independent fair market valuation of its total assets as of June 30, 2020. The valuation of the total assets of such alternative treatment center, if positive, shall be distributed to one or more charitable organizations solely for charitable purposes. The director of charitable trusts shall receive a copy of the valuation and may file any objection relating thereto with the court within 60 days. Except as set forth in this section and notwithstanding any other law to the contrary, no portion of the assets of such alternative treatment center after the conversion or merger, as applicable, shall be deemed to be charitable assets.

(b) Any alternative treatment center choosing to convert or merge pursuant to this section shall submit a copy the plan of conversion or merger to the director of charitable trusts. The director may file an objection relating to the plan with the court within 60 days.

(c) Any alternative treatment center that has converted or merged pursuant to this section shall on December 31, 2020 and thereafter for 2 years file a letter with the director of charitable trusts certifying compliance with the requirements of RSA 128-X:8, XX.

Amend RSA 292:7, II as inserted by section 5 of the bill by replacing it with the following:

II. An alternative treatment center registered pursuant to RSA 126-X and organized under this chapter may, pursuant to RSA 126-X:8, XX, convert to either a domestic corporation organized

under RSA 293-A or a limited liability company organized under RSA 304-C, and may merge with a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C.

Committee amendment adopted.

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

Rep. Horn spoke against.

Rep. Abel spoke in favor.

Committee report adopted and ordered to third reading.

HB 1410, prohibiting the use of flavors and certain chemicals in vaping products. OUGHT TO PASS WITH AMENDMENT.

Rep. Constance Van Houten for Commerce and Consumer Affairs. In the wake of President Trump's December 20, 2019 signing of legislation amending the Federal Food, Drug and Cosmetic Act to raise the federal minimum age of sale of tobacco products, including e-cigarettes, to 21, federal law and the U.S. Food and Drug Administration's companion enforcement of flavored vaping products have been playing out. However, New Hampshire's enforcement authority for tobacco sales, the Liquor Commission, can only enforce state law. This bill, as amended, provides the Liquor Commission with enforcement authority relating to flavors in vaping products. It prohibits flavors in e-cigarettes and other vaping products, which would include disposable products not specifically covered by federal law, for any person under age 21. In addition, all flavors, except tobacco and menthol, are prohibited in cartridges for all persons. Refillable tanks are exempt from this prohibition. Vote 11-9.

Amendment (0723h)

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

AN ACT prohibiting the use of flavors in vaping products.

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

1 New Section; Youth Access to Tobacco Products; Flavors in E-Liquids. Amend RSA 126-K by inserting after section 4-a the following new section:

126-K:4-b Flavors Prohibited in E-Liquids.

I. Flavors shall be prohibited in e-cigarettes and other vaping products for any person under age 21.

II. For cartridges used in e-cigarettes and other vaping devices, all flavors other than menthol and tobacco shall be prohibited for all persons. Refillable tanks shall be exempted from the prohibition under this paragraph.

2 New Section; Alcoholic Beverages; Tobacco Products; Flavors in E-Liquids. Amend RSA 175 by inserting after section 5-b the following new section:

175:5-c Flavors Prohibited in E-Liquids.

I. Flavors shall be prohibited in e-cigarettes and other vaping products for any person under age 21.

II. For cartridges used in e-cigarettes and other vaping devices, all flavors other than menthol and tobacco shall be prohibited for all persons. Refillable tanks shall be exempted from the prohibition under this paragraph.

3 Effective Date. This act shall take effect January 1, 2021.

AMENDED ANALYSIS

This bill prohibits flavors from being added to e-liquids or other vaping products for any person under age 21. This bill prohibits flavors other than menthol and tobacco for cartridges used in e-cigarettes and other vaping devices for all persons.

Committee amendment adopted.

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

Rep. Warden spoke against.

Rep. Adjutant spoke against and yielded to questions.

Rep. Van Houten spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 192 - NAYS 143

YEAS - 192

BELKNAP

Fields, Dennis

CARROLL

Burroughs, Anita
Knirk, Jerry
Woodcock, Stephen

Butler, Edward
Marsh, William

Crawford, Karel
Nelson, Bill

DesMarais, Edith
Ticehurst, Susan

CHESHIRE

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

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

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

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

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

Almy, Susan
Egan, Timothy
Gordon, Edward
Muscatel, Garrett
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Nordgren, Sharon
Smith, Suzanne

Diggs, Francesca
Ford, Susan
Maes, Kevin
Osborne, Richard
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Newman, Sue
Stevens, Deb
Wilhelm, Matthew

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Goley, Jeffrey
Herbert, Christopher
Judy, Jean
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Snow, Kendall
Tellerski, Laura
Williams, Kermit

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Indruk, Greg
King, Mark
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
St. John, Michelle
Vail, Suzanne
Woodbury, David

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Davis, Fred
Hamer, Heidi
Schmidt, Janice
Klee, Patricia
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Stack, Kathryn
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Ebel, Karen
Kotowski, Frank
Moffett, Howard
Saunderson, George
Turcotte, Alan
Wolf, Dan

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Fox, Samantha
Luneau, David
Richards, Beth
Schultz, Kristina
Walz, Mary Beth

Doherty, David
Karrick, David
MacKay, James
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gay, Betty
Murray, Kate
Pearson, Mark
McMahon, Charles
Ward, Gerald

Berrien, Skip
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Maggiore, Jim
Meuse, David
Warner, Anne

Bunker, Lisa
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
Malloy, Dennis
Somssich, Peter
Welch, David

Bushway, Patricia
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Vallone, Mark

STRAFFORD

Bixby, Peter
Fargo, Kristina
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Rich, Cecilia
Towne, Matthew

Ellis, Donna
Horrigan, Timothy
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 143**BELKNAP**

Bean, Harry
Mackie, Jonathan
Tilton, Franklin

Comtois, Barbara
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Sylvia, Michael

CARROLL

Avellani, Lino	Comeau, Ed	Kanzler, Harrison	MacDonald, John
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CHESHIRE

Bordenet, John O'Day, John	Eaton, Daniel	Faulkner, Barry	Gomarlo, Jennie
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COOS

Craig, Kevin	Furbush, Michael	Merner, Troy
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GRAFTON

Adjutant, Joshua	Hennessey, Erin	Migliore, Vincent Paul
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HILLSBOROUGH

Alexander, Joe	Griffin, Barbara	Barry, Richard	Boehm, Ralph
Burt, John	Camarota, Linda	Dutzy, Sherry	Erf, Keith
Flanagan, Jack	Gagne, Larry	Gidge, Kenneth	Gould, Linda
Greene, Bob	Gunski, Michael	Hall, Brett	Hinch, Richard
Ober, Lynne	Lascalles, Richard	Marzullo, JP	McLean, Mark
Notter, Jeanine	Nunez, Hershel	Panasiti, Reed	Plett, Fred
Proulx, Mark	Prout, Andrew	Ober, Russell	Renzullo, Andrew
Rice, Kimberly	Sanborn, Laurie	Shaw, Barbara	Sofikitis, Catherine
Somero, Paul	Lekas, Tony	Smith, Timothy	Toomey, Dan
Ulery, Jordan	Warden, Mark		

MERRIMACK

Allard, James	Hill, Gregory	Horn, Werner	Klose, John
McGuire, Carol	McWilliams, Rebecca	Pearl, Howard	Pimentel, Roderick
Schamberg, Thomas	Seaworth, Brian	Testerman, Dave	Walsh, Thomas
Yakubovich, Michael			

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Barnes, Arthur	Bershtein, Alan	Costable, Michael
Davis, Dan	Thomas, Douglas	Desilets, Joel	DeSimone, Debra
Dolan, Tom	Doucette, Fred	Edwards, Jess	Elliott, Robert
Green, Dennis	Guthrie, Joseph	Harb, Robert	Hobson, Deborah
Hoelzel, Kathleen	Osborne, Jason	Janigian, John	Janvrin, Jason
Katsakiores, Phyllis	Love, David	Griffin, Mary	Major, Norman
McKinney, Betsy	Melvin, Charles	Milz, David	O'Connor, John
Packard, Sherman	Piemonte, Tony	Potucek, John	Pratt, Kevin
Prudhomme-O'Brien, Katherine	Read, Ellen	Roy, Terry	Pearson, Stephen
Spillane, James	Sytek, John	Torosian, Peter	True, Chris
Verville, Kevin	Vose, Michael	Wallace, Scott	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Keans, Sandra
Kenney, Cam	Levesque, Cassandra	Perreault, Mona	Pitre, Joseph
Rooney, Abigail	Beaudoin, Steven	Wuelper, Kurt	

SULLIVAN

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

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

HB 1417, prohibiting the use or collection of biometric data. OUGHT TO PASS WITH AMENDMENT.

Rep. Garrett Muscatel for Commerce and Consumer Affairs. This bill as amended expands the prohibition on collecting biometric information from state agencies to include private entities. It prohibits a private entity from requiring the provision of biometric information as a condition of doing business with that entity, and it requires a private entity to receive the consent of an individual before collecting their biometric information. The bill does not prohibit the use or collection of this information; it just requires said entity to get the consumer's permission. This bill comes in response to the growing use of facial recognition and other biometric information by private companies in our state and nationwide. The committee heard that this technology is imperfect, often misidentifying the elderly, people of color, and women, putting them at risk of possible harm. The majority of the committee believes this bill is necessary to protect the privacy of Granite Staters. Vote 11-9.

Amendment (0989h)

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

1 Regulation of Biometric Information; Definitions. Amend RSA 359-N:1 to read as follows:
359-N:1 Definitions. In this chapter:

I.(a) "Biometric data" includes, but is not limited to, the following:

[(a)] (1) Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics.

[(b)] (2) Facial feature pattern characteristics.

[(c)] (3) Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence.

[(d)] (4) Voice data used for comparing live speech with a previously-created speech model of a person's voice.

[(e)] (5) Iris recognition data containing color or texture patterns or codes.

[(f)] (6) Keystroke dynamics, measuring pressure applied to key pads.

[(g)] (7) Hand geometry, measuring hand characteristics, including the shape and length of fingers, in 3 dimensions.

[(h)] (8) Retinal scans, reading through the pupil to measure blood vessels lining the retina.

[(i)] (9) DNA/RNA **or representations thereof**.

(b) **Biometric data does not include the following:**

(1) **Surveillance footage used for security purposes, if such footage is not used to identify, collect, or use biometric data.**

(2) **Data collected or used by a health care provider, as defined in RSA 141-C:2, pursuant to the Health Insurance Portability and Accountability Act, and implementing regulations, if the collection or use complies with such law and regulations.**

(3) **Data collected or used pursuant to the Gramm-Leach-Bliley Act, and implementing regulations, if the collection or use complies with such law and regulations.**

II. **"Consent" means a clear affirmative act taken after receiving explicit notice that biometric data will be collected and signifying a freely given, specific, informed, and unambiguous indication of a consumer's agreement to the collection, use, or retention of personal data relating to the consumer, such as by a written statement, including by electronic means.**

[(H)] III. "Government agency" includes any employee, agent, elected official or entity of the state, a municipality, or any other political subdivision of the state of New Hampshire.

IV. **"Private entity" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization.**

2 Collection of Biometric Data Prohibited. Amend RSA 359-N:2, III to read as follows:

III. **No private entity shall require an individual to disclose or provide biometric data as a condition of doing business with, engaging in any business activity or relationship with, or obtaining services from that private entity, unless the good, service, or activity provided by the private entity cannot be provided without the collection of biometric information from an individual. A private entity shall not collect, use, or retain the biometric information of an individual without the individual's consent and shall not condition access to its good, service, or activity on the provision of biometric data.**

[(H)] IV. Nothing in paragraphs [I and H] **I-III** shall prohibit the disclosure, collection, or retention of biometric data from applicants for and persons employed in positions with state, county, or local public safety agencies **or private entities** as part of the employment screening process, or for obtaining required security clearances, or in connection with investigations of internal misconduct or crimes and offenses **as long as the biometric data is used solely for such purposes.**

3 Regulation of Biometric Information; Violation; Civil Action. Amend RSA 359-N:4 to read as follows:

359-N:4 Violation; Civil Action. Any individual aggrieved by a violation of this chapter, including the loss or misuse of biometric data lawfully collected under RSA 359-N:2 or 359-N:3, may bring a civil action against a government agency **or private entity** under this section to obtain the following:

I. An injunction of the agency **or private entity** practice;

II. Actual damages or \$2,500 for each violation, whichever is greater; and

III. Reasonable attorney's fees and court costs.

4 Effective Date. This act shall take effect January 1, 2021.

AMENDED ANALYSIS

This bill expands the prohibition against collecting biometric data to private entities.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1446, establishing a committee to study the labeling of products containing PFAS. **OUGHT TO PASS.** Rep. Kermit Williams for Commerce and Consumer Affairs. Per- and polyfluoroalkyl compounds, or PFAS, are substances found in many manufactured products from nonstick pans to clothing to firefighting foam.

They are best known in New Hampshire for the contamination of groundwater that has infiltrated wells and municipal water systems, but there are other areas where PFAS contamination is an issue, including sewage treatment. This bill would create a committee to study how New Hampshire could require disclosure of PFAS content in products sold in the state, so consumers and businesses could be aware of the presence of potentially harmful material. Vote 12-8.

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

Rep. Sylvia spoke against and yielded to questions.

Rep. Weston spoke in favor.

Committee report adopted and ordered to third reading.

HB 1455-FN, relative to vehicle repairs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Edward Butler for the Majority of Commerce and Consumer Affairs. This bill is a further modification of the insurance payment for autobody repairs bill that was passed by the legislature last year and which failed a veto-override by just a few votes. After discussions with the Insurance Department the phrase ‘rebuttal presumption’ was included in order to make it clear that the repair shop must understand that its claim for payment must be clearly defined and defensible with the goal of returning the vehicle to safe operation and pre-loss condition. Furthermore, the language in the original version of this iteration was changed by the amendment from addressing payment for all ‘procedures’ required by the manufacturer of the vehicle to simply that supported through scans and calibrations. This bill comes out of a study committee created a few years ago because independent auto repair shops are struggling to survive because insurance companies often minimize repair quotes. This bill works to provide balance to the relationship between the two parties. Vote 13-7.

Rep. John Hunt for the Minority of Commerce and Consumer Affairs. Both sides generally agree that this bill could increase auto premiums. The proponents of the bill justify increasing auto costs in the name of safety. But there are very few complaints to the Insurance Department about safety or quality of repair. The real objective of this bill—and most of the bill’s supporters will admit it—is to pay auto repairers more money. The evidence shows that repairs are increasingly being done by the new car dealers and the large shops. They can afford the equipment and training and do not need our help. Manufacturers’ procedures increasingly freeze out the small shop, and yet this bill endorses them. The bottom line is that if this bill passes our constituents will be asked to pay more money for insurance in order to give that money to new car dealers and large repair facilities. NH has the ninth lowest auto insurance costs in the U.S., thanks to a competitive market. No state has adopted legislation along the lines of this bill. RI comes the closest, and it has one of the highest auto insurance costs in the country. This bill interferes with the ability of the insurance adjuster to negotiate repairs and prices with the repair facility. This issue was vetoed last year by the recommendation of the Insurance Department and this new amendment does nothing to change the recommendation by the Insurance Department to not pass this bill.

Majority Amendment (0970h)

Amend RSA 417:4, XXIV as inserted by section 1 of the bill by replacing it with the following:

XXIV. Vehicle Scans, Calibrations, and Painting.

(a) There shall be a rebuttable presumption that manufacturer recommendations for scans and calibrations are necessary for vehicle safety and for restoration of a vehicle to its pre-loss condition. No insurance company, agent, or adjuster shall knowingly fail to pay a claim to the claimant unless such presumption has been rebutted by evidence that the scan and calibration are not necessary for vehicle safety and to restore a vehicle to its pre-loss condition.

(b) If the vehicle is equipped with an advanced driver assistance system, an automotive glass company, repair facility, or insurer informing, approving, or conducting glass repair or replacement shall:

(1) Prior to approving or performing glass repair or replacement, inform the consumer if a calibration of that system is required and if such calibration will be performed;

(2) If performing such calibration, meet or exceed the manufacturer’s recommendations or specifications; and

(3) If a calibration was not performed or not completed successfully, inform the consumer that the vehicle should be taken to a vehicle manufacturer’s certified dealership, a qualified automobile glass company, repair facility, or other qualified repairer capable of performing the calibration of an advanced driver assistance system that meets or exceeds the manufacturer’s recommendations or specifications.

(c) If the vehicle is equipped with an advanced driver assistance system, an automotive glass company, repair facility, or insurer informing, approving, or conducting a scan or calibration for motor vehicle repairs or replacement:

(1) Shall not be limited to tooling or equipment dictated or recommended by the manufacturer’s recommendations for scans and calibrations.

(2) Shall calibrate an advanced driver assistance system meeting or exceeding the manufacturer's recommendations for scans and calibrations.

(d) If a repairer does not accept a paint and materials estimate proposed by an insurer, there shall be a rebuttable presumption that estimates based upon independent third party paint and material guidelines used by the repairer are necessary to restore a vehicle to its pre-loss condition. No insurance company, agent, or adjuster shall knowingly fail to pay a claim to the claimant unless this presumption has been rebutted by evidence that the paint and material estimate is not necessary to restore a vehicle to its pre-loss condition.

(e) In this paragraph, "manufacturer's recommendations for scans and calibrations" means a manufacturer's written procedures, specifications, tolerances, and other technical requirements or instructions with respect to scans and calibrations.

AMENDED ANALYSIS

This bill establishes a rebuttable presumption that manufacturer recommendations for scans and calibrations are necessary for vehicle safety and for restoration of a vehicle to its pre-loss condition, and makes it an unfair insurance practice for an insurance company, agent, or adjuster to knowingly fail to pay a claim to the claimant or repairer to the extent the claimant's vehicle is repaired in conformance with applicable manufacturer's recommendations or specifications.

Majority committee amendment adopted.

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

YEAS 216 - NAYS 120

YEAS - 216

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

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

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

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

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

COOS

Hatch, William
Noel, Henry

Laflamme, Larry
Tucker, Edith

Merner, Troy
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Muscatel, Garrett
Stringham, Jerry

Almy, Susan
Egan, Timothy
Josephson, Timothy
Nordgren, Sharon
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Flanagan, Jack
Griffith, Willis
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Newman, Sue
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Freitas, Mary
Hall, Brett
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Sanborn, Laurie
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Gidge, Kenneth
Hamer, Heidi
Schmidt, Janice
Klee, Patricia
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Williams, Kermit

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
Wells, Kenneth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Turcotte, Alan
Wolf, Dan

Doherty, David
Hill, Gregory
MacKay, James
Pimentel, Roderick
Schuett, Dianne
Walsh, Thomas
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grossman, Gaby
Loughman, Tom
Malloy, Dennis
Prudhomme-O'Brien, Katherine
Vallone, Mark

Berrien, Skip
Cushing, Robert Renny
Gay, Betty
Grote, Jaci
Love, David
McConnell, Liz
Read, Ellen
Ward, Gerald

Bunker, Lisa
Thomas, Douglas
Gilman, Julie
Murray, Kate
Lovejoy, Patricia
Meuse, David
Pearson, Stephen
Warner, Anne

Bushway, Patricia
DiLorenzo, Charlotte
Green, Dennis
Le, Tamara
Maggiore, Jim
Packard, Sherman
Somssich, Peter
Weyler, Kenneth

STRAFFORD

Bixby, Peter
Fargo, Kristina
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Smith, Steven

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

Rollins, Skip

NAYS - 120**BELKNAP**

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Crawford, Karel

MacDonald, John

CHESHIRE**COOS**

Craig, Kevin

Furbush, Michael

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burt, John
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Rice, Kimberly
Warden, Mark

Griffin, Barbara
Camarota, Linda
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Somero, Paul

Barry, Richard
Erf, Keith
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Lekas, Tony

Boehm, Ralph
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

Allard, James
McGuire, Carol
Testerman, Dave

Horn, Werner
Pearl, Howard
Yakubovich, Michael

Klose, John
Schamberg, Thomas

Kotowski, Frank
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Doucette, Fred

Abrami, Patrick
Barnes, Arthur
Desilets, Joel
Edwards, Jess

Abramson, Max
Bershtein, Alan
DeSimone, Debra
Elliott, Robert

Acton, Dennis
Costable, Michael
Dolan, Tom
Guthrie, Joseph

Harb, Robert
Janigian, John
Griffin, Mary
Melvin, Charles
Potucek, John
Sytek, John
Vose, Michael

Hobson, Deborah
Janvrin, Jason
Major, Norman
Milz, David
Pratt, Kevin
Torosian, Peter
Wallace, Scott

Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Roy, Terry
True, Chris
Welch, David

Osborne, Jason
Kolodziej, Walter
McMahon, Charles
Piemonte, Tony
Spillane, James
Verville, Kevin
Yokela, Josh

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Laware, Thomas

Lucas, Gates

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

HB 1470, permitting elementary, middle, and high schools to produce and sell certain amounts of maple syrup for educational purposes. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would allow students to produce maple syrup and sell it for educational purposes without adhering to labeling requirements. Maple syrup production has a long tradition in NH and the committee would like to encourage schools to continue to teach students how maple syrup is made. Maple syrup production has a very short season and there are a few schools that have the support of local producers, but the schools have been hampered in the ability to sell the few gallons produced if they didn't follow the state requirements for labeling. This bill would just ease the regulations for the schools. Vote 12-8.

MOTION TO LAY ON THE TABLE

Rep. Janvrin moved that **HB 1470**, permitting elementary, middle, and high schools to produce and sell certain amounts of maple syrup for educational purposes, be laid on the table.

Motion failed.

The question now being adoption of the committee report of Ought to Pass.
Committee report adopted and ordered to third reading.

HB 1472, restricting the distribution of plastic straws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for the Majority of Commerce and Consumer Affairs. This is a very simple bill that discourages the use of plastic straws in restaurants by permitting their distribution only upon request of a customer. The amendment exempts self-service dispensers. This practice has been in place in some NH cities over the past three years with an estimated decrease of plastic straw use of 90%. Some restaurants have converted to paper and other biodegradable material straws. The plastic used in straws is not recyclable. The public is starting to become aware that plastic straws are taking a terrible toll on wildlife and enter our waterways easily due to their prolific use and light weight. This bill was brought to the House by the NH Youth Advisory Council with a unanimous vote and would be a real way to show we are listening to our young people in a meaningful way. Vote 12-8.

Rep. Mark Warden for the Minority of Commerce and Consumer Affairs. This bill adds a new section of law to the solid waste management statute, including a new definition for straws: "A single-use plastic straw means a single-use, disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of a person drinking the beverage." But single-use plastic straw "does not included a straw made from a non-plastic material, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo." The law makes it illegal for a food service business to provide a single-use plastic straw to a customer unless the customer explicitly requests it, or if the customer selects the straw from a self-service dispenser. The minority believes this is unnecessary legislation that limits consumer choice, micro-manages business practices, and does nothing meaningful to address solid waste disposal in this state.

Majority Amendment (0697h)

Amend RSA 149-M:62 as inserted by section 2 of the bill by replacing it with the following:

149-M:62 Plastic Straw Restriction. A food service business shall provide a single-use plastic straw to a customer only when explicitly requested by the customer, or when a customer selects a single-use plastic straw from a self-service dispenser. This section shall be exempt from RSA 149-M:5.

Majority committee amendment adopted.

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

Rep. Sylvia spoke against and yielded to questions.

Rep. Warden spoke against.

Rep. Bartlett spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 197 - NAYS 135

YEAS - 197

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Pearson, William

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe
Weber, Lucy

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

Bordenet, John
Harvey, Cathryn
Morrill, David
Tatro, Bruce

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Muscatel, Garrett
Stringham, Jerry

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Egan, Timothy
Maes, Kevin
Osborne, Richard
Sykes, George

Campion, Polly
Fellows, Sallie
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Griffith, Willis
Schmidt, Janice
Klee, Patricia
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Radhakrishnan, Julie
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hall, Brett
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Herbert, Christopher
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Goley, Jeffrey
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Ebel, Karen
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Buchanan, Ryan
Ellison, Arthur
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Carson, Clyde
Fox, Samantha
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wolf, Dan

Doherty, David
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gay, Betty
Murray, Kate
Maggiore, Jim
Read, Ellen
Warner, Anne

Berrien, Skip
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Somssich, Peter

Bunker, Lisa
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Vallone, Mark

Bushway, Patricia
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Keans, Sandra

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra

Ellis, Donna
Horrigan, Timothy
Smith, Marjorie

Opderbecke, Linn
Sandler, Catt
Wall, Janet

Schmidt, Peter
Southworth, Thomas

Rich, Cecilia
Towne, Matthew

Salloway, Jeffrey
Treleven, Susan

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 135

BELKNAP

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Comeau, Ed
Nelson, Bill

Crawford, Karel

MacDonald, John

Marsh, William

CHESHIRE

Eaton, Daniel

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Josephson, Timothy

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burt, John
Gagne, Larry
Hamer, Heidi
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Riel, Cole
Lekas, Tony

Griffin, Barbara
Camarota, Linda
Gould, Linda
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Sanborn, Laurie
Ulery, Jordan

Barry, Richard
Erf, Keith
Greene, Bob
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Shaw, Barbara
Warden, Mark

Boehm, Ralph
Flanagan, Jack
Gunski, Michael
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Somero, Paul

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
McGuire, Carol
Walsh, Thomas

Horn, Werner
Pearl, Howard
Yakubovich, Michael

Klose, John
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Dolan, Tom
Guthrie, Joseph
Osborne, Jason
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Edwards, Jess
Harb, Robert
Janigian, John
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael
Yokela, Josh

Abramson, Max
Bershtein, Alan
Desilets, Joel
Elliott, Robert
Hobson, Deborah
Katsakiores, Phyllis
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Wallace, Scott

Acton, Dennis
Costable, Michael
DeSimone, Debra
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Rooney, Abigail

Horgan, James
Beaudoin, Steven

Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas

Lucas, Gates

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

MOTION TO REMOVE FROM THE TABLE

Rep. Panasiti moved that **HB 1149-FN**, relative to child obscenity, be removed from the table.
On a division vote, with 96 members having voted in the affirmative, and 240 in the negative, the motion failed.

REGULAR CALENDAR CONT'D**HB 1483**, relative to allowing dogs on open air restaurant patios. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill, as amended, will make it possible for restaurants with outdoor patio serving areas to allow companion dogs to accompany their owners. Several restrictions, such as clear signage, permitting management to ask the companion dog owner to remove the animal if there are problems, requiring dogs to be licensed and vaccinated for rabies are included in the bill. In our state, regarding public health, we have several self-inspecting towns and municipalities. Some of those municipalities already allow companion dogs in outside dining areas. We did not hear of any problems with this practice from those officials. There is concern from some in the disability community about the potential for broadening the practice of allowing dogs in outside dining areas. We heard from two disabled citizens with service animals that they support this proposal. Furthermore, companion dogs are not allowed in the interior of restaurants. And this practice is allowed in some other states without known problems. The majority believes that broadening access to citizens with companion dogs to outside areas in restaurants can be beneficial for all involved. Vote 14-6.

Amendment (0946h)

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

AN ACT relative to allowing dogs in outdoor dining areas of restaurants.

Amend the bill by replacing section 1 with the following:

1 Dogs on Restaurant Outdoor Dining Areas. RSA 466:44, II is repealed and reenacted to read as follows:

II.(a) A restaurant owner may allow dogs onto any outdoor dining area at his or her place of business, if:

(1) Such dogs and owners access the outdoor dining area from the exterior of the restaurant, regardless of whether food or drink are served in such outdoor dining area.

(2) All food is prepared and all utensils stored in the interior of the restaurant.

(3) The owner allowing dogs shall prominently display a sign at all public entrances advising patrons that dogs are allowed on the premises. The sign shall state the following text in English:

Companion dogs are only allowed in certain outdoor dining areas of this establishment.

Only service dogs are allowed in other parts of this establishment.

Your companion dog must be licensed and currently vaccinated against rabies to remain in the outdoor dining area with you.

You are responsible for controlling your dog at all times.

(4) The owner of such dog shall control his or her dog within the outdoor dining area.

(5) The owner of a dog shall keep the dog on the ground and out of the aisles of the outdoor dining area and shall not allow the dog to eat or drink using glasses, plates, or utensils from the restaurant.

(6) The staff of the restaurant shall not pet or play with the dog.

(7) The restaurant owner may ask a dog owner to remove his or her threatening or aggressive dog from the outdoor dining area.

(8) The restaurant owner calls 911 if such dog bites or hurts another person.

(9) Restaurant staff who do not prepare or serve food shall clean up after dogs in outdoor dining areas.

(10) Such dogs shall not be allowed in food preparation or production areas.

(b) In this paragraph "patio" means an open air, exterior, paved space with an entrance separate from the restaurant.

(c) This paragraph shall not apply to service animals as defined by RSA 167-D:1, IV.

AMENDED ANALYSIS

This bill allows dogs in outdoor dining areas of restaurants.

Committee amendment adopted.

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

Rep. Bartlett spoke against.

Rep. Butler spoke in favor.

On a division vote, with 208 members having voted in the affirmative, and 125 in the negative, the committee report was adopted and ordered to third reading.

Rep. Avellani declared a conflict of interest and did not participate.

HB 1484, relative to retroactive denials of previously paid claims. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Constance Van Houten for Commerce and Consumer Affairs. As amended, this bill makes changes in accident and health insurance law as it relates to retroactive denials of claims. The bill expands the requirement in current law that an insurance provider must give the reason for a retroactive denial of all or some of a previously paid claim. It stipulates, instead, that an insurer must notify a health care provider at least 15 days in advance of any retroactive denial of a claim and provide a written statement specifying the basis

for any denial. Additionally, this bill changes the time period during which denial of a previously paid claim may be permitted, under conditions currently in law, to 6 months. The bill also provides that the insurance carrier must furnish the health care provider with the name and address of the entity responsible for the denied claim and stipulates that, when prior approval for service has been granted, an insurance carrier may not retrospectively deny coverage or payment unless fraudulent or materially incorrect information was provided at the time of prior approval. Vote 12-7.

Amendment (0964h)

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

1 Accident and Health Insurance; Retroactive Denials. RSA 415:6-i, II and III are repealed and reenacted to read as follows:

II.(a) No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(1) The insurer has notified the health care provider at least 15 days in advance of the imposition of any retroactive denial and provided a written statement specifying the basis for any denial; and

(2) The time which has elapsed since the date of payment of the challenged claim does not exceed 6 months. The retroactive denial of a previously paid claim may be permitted beyond 6 months from the date of payment only for the following reasons:

(A) The claim was submitted fraudulently;

(B) The claim payment was incorrect because the health care provider or the insured was already paid for the health care services identified in the claim;

(C) The health care services identified in the claim were not delivered by the health care provider;

(D) The claim payment is the subject of legal action;

(E) The claim payment is the subject of an adjustment with a different insurer, administrator, or payor and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing; or

(F) The claim payment was for services subject to coordination of benefits with another carrier or under Title XVIII, Title XIX, or Title XXI of the Social Security Act.

(b) In those cases where the retroactive denials relate to coordination of benefits, the carrier shall furnish the provider with the name and address of the entity responsible for the denied claim.

(c) When prior approval for a service or other covered item is granted, a carrier shall not retrospectively deny coverage or payment for the originally approved service unless fraudulent or materially incorrect information was provided at the time prior approval for the services was granted.

III. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured had other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

2 Effective Date. This act shall take effect January 1, 2021.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1495-FN, prohibiting the sale of over-the-counter rape test kits. **OUGHT TO PASS WITH AMENDMENT.** Rep. Greg Indruk for Commerce and Consumer Affairs. This bill prohibits the sale of "over-the-counter rape kits." In contrast to the official rape kits distributed by the Attorney General's office to trained healthcare professionals, over-the-counter rape kits are dangerous and deceptive as they are very likely not admissible in court and do not provide the comprehensive care delivered as part of forensic medical exams. Given these dangers, and the ongoing development of such kits, we were told prohibition of sale is a best practice and that reliance on the Consumer Protection Act (RSA 358-A) is inadequate. The amendment makes the sale of such kits a violation, adds a savings clause to clarify that rights of action under RSA 358-A are not affected by this bill's language, and incorporates a change to the definition of "over-the-counter rape kits" to accurately reflect the range of medical environments in which proper forensic medical exams are conducted. Vote 12-7.

Amendment (0909h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Over-the-Counter Rape Test Kit. Amend RSA by inserting after chapter 359-Q the following new chapter:

CHAPTER 359-R

OVER-THE-COUNTER RAPE TEST KIT

359-R:1 Sale of Over-the-Counter Rape Test Kit Prohibited.

I. No person shall sell or offer for sale in the state of New Hampshire an over-the-counter rape test kit. Any person who sells a kit in violation of this section shall be guilty of a violation and shall be fined not more than \$1,000 for each offense.

II. In this section, an “over-the-counter rape test kit” means a sexual assault forensic exam kit for sale to members of the public, that allows an individual to independently collect evidence of a sexual assault outside of a hospital or other designated health care setting.

III. Nothing in this section shall affect any right of action under RSA 358-A.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1500-FN, relative to a student loan bill of rights and a student loan ombudsman. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Garrett Muscatel for the Majority of Commerce and Consumer Affairs. This bill with the amendment aims to provide consumer protections for our state’s student loan borrowers through the creation of an ombudsman to provide advice on and take complaints regarding student loan servicing in the state. The committee heard that there have been problems with student loan servicers misleading students into further debt or intentionally not informing students of forgiveness programs they were eligible for. This bill also provides for licensure of student loan servicers that service state loans, which the state can regulate. The committee heard that all but one of the servicers operating in the state services these loans. This will allow the Banking Department to guarantee that these servicers are acting in the best interest of student borrowers through the department’s examination process. This bill does not attempt to forgive loans; it simply provides borrowers, who fully intend to pay back their loans, with the support and advice they need. Vote 12-8.

Rep. Mark Warden for the Minority of Commerce and Consumer Affairs. This bill would create a new license for student loan servicers and mandate a new position of ombudsman within the NH Banking Department. The 20-page bill sets a framework for licensing and operational requirements for servicing companies in this state. It places a huge new burden on the Banking Department. However, the department has explained that they don’t have the personnel to handle this new obligation and there is no commensurate appropriation. No one doubts that there is a large problem nationwide with student loan debt, much of which will never be repaid. However, we did not hear of any compelling issue with servicing here in New Hampshire. We did hear testimony from student loan advocates and servicers that student borrowers are well informed up front that they must repay their loans. They also receive guidance and counseling when they exit college. Everyone knows that when you borrow money, you have to pay it back. Whether it’s a home mortgage or a car loan, when a person signs an obligation to repay a loan, it’s understood there are ramifications for defaulting. With student loans, the vast majority, some 90%, are federal loans and are thus heavily regulated already. Lenders and servicers have a vast regulatory web already in place. The minority feels this legislation is unneeded and does nothing to address the root of the problem. By increasing the cost of doing business, such mandates will indirectly increase the cost to future student borrowers.

Majority Amendment (0980h)

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

1 New Subdivision; Student Loan Ombudsman. Amend RSA 383 by inserting after section 25 the following new subdivision:

Student Loan Ombudsman

383:26 Student Loan Ombudsman.

I. The commissioner shall designate a student loan ombudsman within the department to provide timely assistance to any student loan borrower, as defined in RSA 399-H:1, VII, on any student education loan, as defined in RSA 399-H:1, VI.

II. The student loan ombudsman, in consultation with the commissioner, shall:

(a) Administer and coordinate the commissioner’s response to consumer complaints related to student education loans.

(b) Make available information to assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans.

(c) Take any other actions necessary to assist the commissioner in enforcement of RSA 399-H.

2 New Chapter; Student Loan Servicing. Amend RSA by inserting after chapter 399-G the following new chapter:

CHAPTER 399-H STUDENT LOAN SERVICING

399-H:1 Definitions. In this chapter:

I. “Control” means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any person is presumed to be a control person if that person:

(a) Is a director, general partner, or executive officer;

(b) Directly or indirectly has the right to vote 10 percent or more of a class of a voting security or membership interest, or has the power to sell or direct the sale of 10 percent or more of a class of voting securities or membership interest;

(c) In the case of a limited liability company, is a managing member; or

(d) In the case of a partnership, has the right to receive upon dissolution, or has contributed, 10 percent or more of the capital.

II. "Nationwide multistate licensing system and registry" means a national licensing system and facility developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, or their successors, for the licensing and registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers, and other non-depository financial service licensees, including student loan servicers.

III. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, indirect owner, senior manager, branch manager of a location required to be licensed as a branch office under this chapter, and any person occupying similar status or performing similar functions.

IV. "Servicing" means:

(a) Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan, and applying the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan;

(b) During a period when no payment is required on the student education loan, maintaining account records for the loan and communicating with the student loan borrower regarding the loan, on behalf of the holder of the loans;

(c) Interacting with a student loan borrower to facilitate the loan servicing as described in this definition, including activities to help prevent loan default on obligations arising from a student education loan; or

(d) Performing other administrative services with respect to a student education loan.

V. "Significant event" means:

(a) Filing for bankruptcy or reorganization;

(b) Criminal felony indictment or conviction of any of the licensee's principals;

(c) Receiving notification of a license denial, cease and desist, consent agreement or order, suspension, or revocation, or any other formal administrative action in any state against the licensee;

(d) Receiving notification of any enforcement action or investigation by the attorney general of the state of New Hampshire or of any other state pursuant to any consumer protection statute, and the reasons therefor, except routine investigations of consumer complaints; or

(e) Entering into a consent agreement, settlement agreement, memorandum of understanding, or similar agreement with any regulatory body pertaining to the licensee's practices.

VI. "Student education loan" means any loan primarily for personal use to finance education or other school-related expenses.

VII. "Student loan borrower" means any resident of this state who has received or agreed to pay a student education loan; or any person who shares responsibility with such resident for repaying the student education loan.

VIII. "Student loan servicer" means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower.

399-H:2 License Required.

I. Prior to engaging in the business of a student loan servicer a person shall obtain and maintain a license under this chapter. Each student loan servicer shall register with and obtain and maintain a valid unique identifier issued by the nationwide multistate licensing system and registry.

II. Any license fee required by this chapter shall be paid before a license may become effective.

III. A person located outside of the United States and required to be licensed under this chapter shall maintain a location within the continental United States where records of all New Hampshire transactions are kept and from where all activity under this chapter shall be conducted.

399-H:3 Exemptions. This chapter shall not apply to:

I. Any bank, out-of-state bank, credit union, federal credit union, or out-of-state credit union, bank holding company, or any wholly owned subsidiary of any such bank, bank holding company or credit union, or any subsidiary where each owner of such subsidiary is wholly owned by the same bank, bank holding company, or credit union.

II. Any state or private nonprofit guaranty agency that has an agreement with the United States Department of Education under section 428(b) of the Higher Education Act of 1965, 20 U.S.C. 1078(b), that does not:

(a) Receive any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan, and apply the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan;

(b) During a period when no payment is required on the student education loan, maintain account records for the loan and communicate with the student loan borrower regarding the loan, on behalf of the holder of the loans; and

(c) Perform other administrative serves with respect to a student education loan.

III. Any person engaged as a student loan servicer when:

(a) Such services are conducted pursuant to a contract awarded by the United States Secretary of Education under 20 U.S.C. section 1087f; and

(b) The commissioner is preempted by federal law from regulating the activities of the servicer.

399-H:4 Application, Fees and Bond.

I. To be considered for student loan servicer licensing, each person shall complete and file an application with the department, through the nationwide multistate licensing system and registry using the nationwide multistate licensing system and registry form. At a minimum, the application shall state the primary business address of the applicant, the applicant's tax identification number, the address of its offices, the contact person required pursuant to paragraph V, and a list of the principals of the applicant. Each principal shall provide his or her social security number and shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and a financial statement prepared by a certified public accountant or a public accountant, the accuracy of which is sworn to under oath before a notary public by the proprietor, a general partner, or a corporate officer or a member duly authorized to execute such documents. The applicant shall disclose whether the applicant or any of its principals has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving financial services or a financial services-related business or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses or has ever been convicted of any felony.

II.(a) Unless the student loan servicer is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on the individuals who are indirect owners.

(b) The persons described in subparagraph (a) shall submit to the department a criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the applicant or licensee to pay the actual costs of each background investigation and criminal history records check.

(e) The department may rely on criminal records checks reported through the nationwide multistate licensing system and registry in lieu of subparagraphs (b) and (c).

III. Each initial and annual renewal license application shall be accompanied by a nonrefundable application fee of \$1,000. Unless exempted under RSA 399-H:3, III, each initial application fee shall also be accompanied by a nonrefundable investigation fee of \$1,000.

IV.(a) Each applicant shall post a continuous surety bond in amount of \$100,000. The surety bond shall be payable to the state of New Hampshire and the bank commissioner of the state of New Hampshire for the benefit of any person who is damaged by any violation of this chapter and shall be conditioned upon the licensee's compliance with each provision of this chapter.

(b) Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 30 days in advance of the cancellation or termination of the bond.

(c) Every bond shall provide that no recovery shall be made against the bond unless the state makes a claim for recovery or the person brings suit naming the licensee within 6 years after the act upon which the recovery or suit is based. The obligations of the surety shall survive the bankruptcy, insolvency, liquidation, or reorganization of the licensee, including, without limitation, any bankruptcy, insolvency, liquidation, or reorganization commenced by or against the licensee under any applicable state or federal law, including the United State Bankruptcy Code.

(d) When an action is commenced on a licensee's bond, the licensee shall immediately file a new bond. Immediately upon recovery upon any action on the bond the licensee shall file a new bond.

V. Student loan servicers shall designate an individual contact person who shall be a control person of their organization to communicate with department personnel on complaints from student loan borrowers. The contact person shall have authority to facilitate resolution of student loan borrower complaints.

399-H:5 License Grant and Renewal.

I. Upon the filing of the complete application for an initial or renewal license and the payment of the applicable fees, the commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant. The commissioner may issue or renew a license if the commissioner finds that:

(a) The applicant's financial condition is sound.

(b) The applicant's business will be conducted honestly, fairly, equitably, carefully, and efficiently within the purposes and intent of this chapter and in a manner commanding the confidence and trust of the community.

(c) If the applicant is an individual, such individual is in all respects properly qualified and of good character.

(d) If the applicant is a partnership, each partner is in all respects properly qualified and of good character.

(e) If the applicant is a corporation or association, the president, chairperson of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs similar functions as determined by the commissioner, each director, each trustee and each shareholder owning 10 percent or more of each class of the securities of such corporation is in all respects properly qualified and of good character.

(f) If the applicant is a limited liability company, each member is in all respects properly qualified and of good character.

(g) No person on behalf of the applicant knowingly has made any incorrect statement of a material fact in the application, or in any report or statement made pursuant to this chapter.

(h) No person on behalf of the applicant knowingly has omitted to state any material fact necessary to give the commissioner any information lawfully required by the commissioner.

(i) The applicant has paid the investigation fee and the license fee required pursuant to RSA 399-H:4, III.

(j) The applicant has met any other similar requirements as determined by the commissioner.

II. Each license shall expire on December 31 of each calendar year. A licensee may renew the license by paying the required fee to the banking department on or before December 1 for the ensuing year that begins on January 1. Failure to renew the license shall result in the license terminating on December 31. The commissioner may refuse to issue a renewal license on any ground on which the commissioner might refuse to issue an initial license. No application for renewal of a license shall be denied without reasonable cause and the right of appeal pursuant to RSA 541-A and RSA 541.

III. If the commissioner determines that a check filed with the commissioner to pay a license or renewal fee has been dishonored, the commissioner shall automatically suspend the license or the renewal license that has been issued but is not yet effective.

IV. A license shall not be transferable or assignable.

399-H:6 License Denial; Abandonment.

I. If the commissioner determines that an applicant fails to meet the requirements of this chapter, the commissioner shall notify the applicant of that determination in writing immediately.

II. The commissioner may deny a license application if it is in the public interest and the applicant or the applicant's principal:

(a) Has filed an application for licensing which was incomplete in any material respect;

(b) Is the subject of an order entered within the past 5 years by this state, any other state, or federal regulator denying, suspending, or revoking a license or registration;

(c) Is permanently, preliminarily, or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of lending or collection activities;

(d) Is not qualified on the basis of such factors as experience, knowledge, and financial integrity; or

(e) Should not be licensed for other good cause shown.

III. Applicants may appeal a license denial in accordance with RSA 541-A and rules of the commissioner.

IV. Applicants may petition the banking department for a rehearing in accordance with RSA 541 if the decision in an appeal conducted pursuant to paragraph III affirms a denial of a license application.

V. The commissioner may deem an application for a license abandoned if the applicant fails to respond to any request for additional information. The commissioner shall notify the applicant, in writing, that if the applicant fails to submit such information not later than 60 days after the date on which such request for information was made, the application shall be deemed abandoned. An application filing fee paid prior to the

date an application is deemed abandoned pursuant to this paragraph shall not be refunded. Abandonment of an application pursuant to this paragraph shall not preclude the applicant from submitting a new application for a license.

399-H:7 License Surrender.

I. Not later than 15 days after a licensee ceases to engage in the business of student loan servicing in this state for any reason, including a business decision to terminate operations in this state, license revocation, bankruptcy, or voluntary dissolution, such licensee shall provide written notice of surrender to the commissioner and shall surrender to the commissioner its license for each location in which such licensee has ceased to engage in such business. The written notice of surrender shall identify the location where the records of the licensee will be stored and the name, address, and telephone number of an individual authorized to provide access to the records.

II. Surrender of a license shall not take effect until the commissioner deems the surrender process complete.

III. The surrender of a license shall not reduce or eliminate the licensee's administrative, civil, or criminal liability arising from acts or omissions occurring prior to the surrender of the license, including any administrative actions undertaken by the commissioner to revoke or suspend a license, assess a civil penalty, order restitution, or exercise any other authority provided to the commissioner.

399-H:8 Continuing Obligation to Update.

I. Licensees shall update information concerning the contact person required pursuant to RSA 399-H:4, V on file with the commissioner within 10 days of any change of such information.

II.(a) A licensee shall submit written notification to the department of the addition or deletion of a principal, and shall provide the name and address of each new principal no later than 30 days after such change.

(b) Each new principal shall authorize the commissioner to conduct a background investigation and a criminal history records check.

(c) The commissioner shall investigate management and ownership changes including, but not limited to, each principal's qualifications and business history.

(d) The licensee shall investigate and disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change.

III. Licensees shall notify the department of any change of address and the commissioner shall endorse such change of address on the person's license.

IV. No licensee shall transact any business provided for by this chapter under a trade name or any other name different from the name stated in its license without immediately notifying the commissioner, who shall then amend the license accordingly.

V. Significant events shall be reported to the department in writing within 10 calendar days.

VI. If any other information filed with the commissioner becomes materially inaccurate, the licensee shall, within 30 days of the event causing such change, submit an amendment to its application records that corrects the information on file with the commissioner.

VII. Any officer, owner, manager, or agent of any licensee, and any person controlling or having a contract under which he or she has a right to control such a licensee, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such a licensee's affairs, shall reply promptly in writing, or in other designated form, to any written inquiry from the commissioner requesting a reply. The commissioner may require that any communication made to him or her under this section be verified.

399-H:9 Reporting.

I. Each licensee shall file, under oath, its financial statement within 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance with generally accepted accounting principles with appropriate note disclosures and, unless the commissioner grants an exemption due to hardship, shall be audited by an independent certified public accountant. The financial statement shall include a balance sheet, income statement, statement of changes in owners' equity, and a cash flow statement. If the financial statement filed under this section is not audited, a certification statement shall be attached and signed by a duly authorized officer of the licensee. The certification statement shall state that the financial statement is true and accurate to the best of the officer's belief and knowledge.

II. The department shall publish its analysis of information obtained through licensee reporting requirements as a part of the commissioner's annual report.

III. Any licensee failing to file the financial statement required by this section within the time prescribed may be required to pay to the department a penalty of \$25 for each calendar day the financial statement is overdue up to a maximum penalty of \$2,500 per statement.

IV. The banking department may require additional regular or special reports as it may deem necessary to the proper supervision of licensees under this chapter.

399-H:10 Prohibitions. No student loan servicer shall:

I. Directly or indirectly employ any scheme, device, or artifice to defraud or mislead student loan borrowers.

II. Engage in any unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student loan, including, but not limited to, misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a student loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan.

III. Obtain property by fraud or misrepresentation.

IV. Knowingly misapply or recklessly apply student loan payments to the outstanding balance of a student loan.

V. Knowingly or recklessly provide inaccurate information to a credit bureau, thereby harming a borrower's creditworthiness.

VI. Fail to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to a credit bureau.

VII. Refuse to communicate with an authorized representative of the borrower who provides a written authorization signed by the borrower, provided the loan servicer may adopt procedures reasonably related to verifying that the representative is in fact authorized to act on behalf of the borrower.

VIII. Negligently make any false statement or knowingly and willfully make any omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the commissioner or another governmental agency.

IX. No student loan servicer licensee or person subject to investigation or examination under this section shall knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records or other information.

X. Engage in abusive acts or practices when servicing a student education loan in this state. An act or practice is abusive in connection with the servicing of a student education loan, if the act or practice does either of the following:

(a) Materially interferes with the ability of a student loan borrower to understand a term or condition of a student education loan.

(b) Takes unreasonable advantage of any of the following:

(1) A lack of understanding on the part of a student loan borrower of the material risks, costs, or conditions of the student education loan.

(2) The inability of a student loan borrower to protect their interests when selecting or using either of the following:

(A) A student education loan; or

(B) A feature, term, or condition of a student education loan.

(3) The reasonable reliance by the student loan borrower on a person engaged in servicing a student education loan to act in the interests of the borrower.

XI. Engage in the business of student loan servicing under any other name or at any other place of business than that named in the license.

399-H:11 Affirmative Duties. Except as otherwise provided pursuant to federal law, a student loan servicer shall:

I. Upon receipt of a written inquiry from a student loan borrower or the representative of a student loan borrower, a student loan servicer shall respond by:

(a) Acknowledging receipt of the inquiry within 10 business days; and

(b) Providing information relating to the inquiry and, if applicable, the action the student loan servicer will take to correct the account, or an explanation of the student loan servicer's position that the borrower's account is correct, within 30 business days.

II. A student loan servicer shall inquire of a student loan borrower how to apply an overpayment to a student education loan. A borrower's instruction on how to apply an overpayment to a student education loan shall stay in effect for any future overpayments during the term of the student education loan until the borrower provides different instructions. For purposes of this paragraph, "overpayment" means a payment on a student education loan in excess of the monthly amount due from the student loan borrower on a student education loan, commonly referred to as a prepayment.

III. A student loan servicer shall apply partial payments in a manner that minimizes late fees and negative credit reporting. If there are multiple loans on a borrower's account with an equal stage of delinquency, a student loan servicer shall satisfy the requirements of this paragraph by applying partial payments to satisfy as many individual loan payments as possible on a borrower's account. For purposes of this paragraph, "partial payment" means a payment on a student education loan account that contains multiple individual loans in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the student education loan account, commonly referred to as an underpayment.

IV. The following requirements shall be applicable to a student loan servicer in the event of the sale, assignment, or other transfer of the servicing of a student education loan that results in a change in the identity of the person to whom a student loan borrower is required to send payments or direct any communication concerning the student education loan:

(a) As a condition of a sale, an assignment, or any other transfer of the servicing of a student education loan, a student loan servicer shall require the new student loan servicer to honor all benefits originally represented as available to a student loan borrower during the repayment of the student education loan and preserve the availability of those benefits, including any benefits for which the student loan borrower has not yet qualified;

(b) A student loan servicer shall transfer to the new student loan servicer for the student education loan all information regarding the student loan borrower, the account of the borrower, and the student education loan of the borrower. The information shall include the repayment status of the student loan borrower and any benefits associated with the student education loan of the borrower;

(c) The student loan servicer shall complete the transfer of information required pursuant to subparagraph (b) within 45 calendar days after the sale, assignment, or other transfer of the servicing of the student education loan; and

(d) The sale, assignment, or other transfer of the servicing of a student education loan shall be completed at least 7 calendar days before the next payment on the student education loan is due.

V. A student loan servicer who obtains the right to service a student education loan shall adopt policies and procedures to verify that the student loan servicer has received all information regarding the student loan borrower, the account of the student loan borrower, and the student education loan of the student loan borrower including, but not limited to, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower.

VI. A student loan servicer shall evaluate a student loan borrower for eligibility for an income-driven repayment program prior to placing the borrower in forbearance or default, if an income-driven repayment program is available to the borrower.

399-H:12 Consumer Complaints.

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via electronic, certified, or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and transmit to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) Transmit a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner a penalty of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is received by the commissioner.

III.(a) Licensees which, because of extenuating circumstances beyond the control of the licensee, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 20 calendar days following the licensee's receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the licensee shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 calendar days of receipt by the banking department.

399-H:13 Examinations and Investigations.

I. The commissioner or the commissioner's duly authorized representative shall, in accordance with this chapter and RSA 383 and, with or without notice to the licensee or person, examine or investigate the business affairs of any licensee or any other person subject to this chapter, whether licensed or not, or more often when necessary, as the commissioner deems necessary to determine compliance with this chapter and the rules adopted pursuant to it. In determining compliance, the commissioner or the duly authorized representative may examine the books, accounts, records, files, and other documents, whether electronically stored or otherwise, and any other matters of any licensee or person. The commissioner or the duly authorized representative shall have and be given free access to the office and places of business, files, safes, and vaults of all such persons, and may require the attendance of any person and to examine him or her under oath relative to such loans or such business or to the subject matter of any examination or investigation and may require the production of books, accounts, papers, and records of such persons.

II. The commissioner may, in his or her discretion, accept all or part of a report of examination of a student loan servicer, certified to by the regulatory supervisory official of another state. To avoid unnecessary

duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.

III. The department may subpoena witnesses and administer oaths and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials whether electronically stored or otherwise relevant to its investigation at any time in any matter over which the department has jurisdiction, control, or supervision pertaining to the provisions of this chapter.

IV. When the department requests a loan list or other similar summary document from a licensee from which to select particular files for review, the licensee shall ensure that the list is received by the department within 7 calendar days after the licensee's receipt of the request from the department. The licensee shall provide the department the files it selects from the loan list within 14 calendar days after the licensee's receipt of the request from the department. The licensee shall ensure the department receives any other information requested within 21 days of the licensee's receipt of the request. Failure to provide files and documents within the time established by this paragraph shall subject a licensee or person to a fine of \$50 per day for each day the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the department shall be sufficient cause for license revocation, suspension, or denial.

V. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or the commissioner's examiners the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination.

VI. The expense of such examination or investigation shall be chargeable to and paid by the licensee or person being examined. The payment shall be calculated by the same method as for payments by institutions for cost of examinations under RSA 383:11.

VII. In any investigation to determine whether any person has violated or is about to violate this chapter or any rule or order under this chapter, upon the commissioner's finding that the person violated this chapter or a rule or order under this chapter, or the person charged with the violation defaults, the commissioner may recover the cost of the investigation, in addition to any other penalty provided for under this chapter.

VIII. If the commissioner or examiner finds any accounts or records to be inadequate, or kept or posted in a manner not in accordance with generally accepted accounting principles, the commissioner may employ experts to reconstruct, rewrite, post, or balance them at the expense of the person being examined if such person has failed to maintain, complete, or correct such records or accounting after the commissioner or examiner has given him or her written notice and a reasonable opportunity to do so.

IX.(a) Upon receipt of a written report of examination, the licensee shall have 30 days or such additional reasonable period as the commissioner for good cause may allow, within which to review the report, recommend any changes, and set forth in writing the remedial course of action the licensee will pursue to correct any reported deficiencies outlined in the report.

(b) If so requested by the person examined, within the period allowed in subparagraph (a), or if deemed advisable by the commissioner without such request, the commissioner shall hold a closed hearing relative to the report and shall not file the report in the department until after such closed hearing and issuance of his or her order thereon. If no such closed hearing has been requested or held, the examination report, with such modifications, if any, thereto as the commissioner deems proper, shall be accepted by the commissioner and filed upon expiration of the review period provided for in subparagraph (a). The report shall in any event be so accepted and filed within 6 months after final hearing thereon.

(c) All reports pursuant to this section shall be confidential and shall not be available for public inspection. The comments and recommendations of the examiner shall also be confidential information and shall not be available for public inspection.

X. In order to carry out the purposes of this section, the commissioner may:

(a) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations.

(b) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this section.

(c) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the student loan servicer licensee or person subject to this chapter.

(d) Accept and rely on examination or investigation reports made by other government officials, within or without this state.

(e) Accept audit reports made by an independent certified public accountant for the student loan servicer licensee or person subject to this chapter in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of examination, report of investigation, or other writing of the commissioner.

399-H:14 Compliance with Federal Law. A student loan servicer shall comply with all applicable federal laws and regulations relating to student loan servicing, including, but not limited to, the Truth-in-Lending Act, 15 U.S.C. section 1601 et seq., as from time to time amended, and the regulations promulgated thereunder. In addition to any other remedies provided by law, a violation of any such federal law or regulation shall be deemed a violation of this chapter and a basis upon which the commissioner may take enforcement action under this chapter.

399-H:15 Recordkeeping.

I. Each student loan servicer licensee shall maintain adequate records of each student education loan transaction for not less than 2 years following the final payment on such student education loan or the assignment of such student education loan, whichever occurs first, or such longer period as may be required by the commissioner or any other provision of law.

II. If requested by the commissioner, each student loan servicer shall make such records available or send such records to the commissioner by secure electronic transmission, registered or certified mail, return receipt requested, or by any express delivery carrier that provides a dated delivery receipt, not later than 5 business days after requested by the commissioner to do so. Upon request, the commissioner may grant a licensee additional time to make such records available or send the records to the commissioner.

399-H:16 Powers of the Commissioner.

I. The commissioner shall have the power to subpoena witnesses and administer oaths in any adjudicative proceeding and to compel, by subpoena duces tecum, the production of documents, papers, books, records, files, and other evidence, whether electronically stored or otherwise, before the commissioner in any matter over which the commissioner has jurisdiction, control, or supervision pertaining to the provisions of this chapter. The commissioner shall have the power to administer oaths and affirmation to any person whose testimony is required. If any person shall refuse to obey any such subpoena or to give testimony or to produce evidence as required thereby, any justice of the superior court may, upon application and proof of such refusal, order the issuance of a subpoena, or subpoena duces tecum, out of the superior court, for the witness to appear before the superior court to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the superior court, the clerk shall issue such subpoena, as directed, requiring the person to whom it is directed to appear at the time and place therein designated. If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the commissioner may apply to any justice of the superior court who, after proof of such refusal, shall issue such citation, directed to any sheriff, for the arrest of such person, and, upon such person's being brought before such justice, proceed to a hearing of the case. Any person who refuses to comply with a subpoena shall be subject to a fine not exceeding \$10,000 or by imprisonment, or both.

II. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration and enforcement of this chapter.

III. The commissioner may prepare, alter, or withdraw such forms as are necessary to comply with the provisions of this chapter.

IV. The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.

V. The commissioner may, for good cause shown, abate all or a portion of delinquency penalties assessed under this chapter.

VI. All actions taken by the commissioner pursuant to this chapter shall be taken only when the commissioner finds such action necessary or appropriate to the public interest or for the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this chapter.

VII. In adopting rules, preparing forms, setting standards, and performing examinations, investigations, and other regulatory functions authorized by the provisions of this chapter, the commissioner may cooperate, and share information pursuant to confidentiality agreements, with regulators in this state and with regulators in other states and with federal regulators in order to implement the policy of this chapter in an efficient and effective manner and to achieve maximum uniformity in the form and content of applications, reports, and requirements for student loan servicers, where practicable.

VIII. The commissioner may set fees to be charged to cover the reasonable costs of copying documents and producing reports.

IX. The commissioner may share information with state and federal regulators, and may share information with law enforcement agencies for the purposes of criminal investigations.

399-H:17 Order to Show Cause.

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked, suspended, or penalties imposed, or both, if the commissioner finds that:

(a) The licensee has violated any provision of this chapter or any rule or order lawfully made pursuant to this chapter.

(b) Any fact or condition exists which, if it had existed at the time of the original application for the license, would have warranted a denial of such license. No abatement of the license fee shall be made if the license is surrendered, revoked, or suspended prior to the expiration of the period for which it was issued.

II.(a) The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order.

(b) Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee or respondent or to a principal, control person, or legal representative of the licensee or respondent.

(c) A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner.

(d) Within 30 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require.

(e) If the person to whom an order to show cause is issued fails to appear at a hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the order to show cause, the allegations of which may be deemed to be true.

(f) If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the 31st day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.

III. The department may take action for immediate suspension of a license, pursuant to RSA 541-A:30, III.

IV. If a licensee is a partnership, association, corporation, or entity however organized, it shall be sufficient cause for the suspension or revocation of a license that any officer, director, or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual.

399-H:18 Cease and Desist Orders.

I. The department may issue a cease and desist order against any person who it has reasonable cause to believe has violated or is about to violate the provisions of this chapter or any rule or order under this chapter.

II.(a) The order shall be calculated to give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order.

(b) Valid delivery of such order shall be by hand or certified mail at the last known principal office of the person.

(c) A hearing, if requested, shall be held not later than 10 days after the written request for such hearing is received by the commissioner.

(d) Within 30 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent as issued or as amended by the commissioner.

(e) If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(f) If the person to whom a cease and desist order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of such order and no hearing is ordered by the commissioner, then such person shall likewise be deemed in default, and the order shall, on the 31st day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.

III. If any person refuses to comply with the commissioner's order, an action may be brought by the attorney general on the commissioner's behalf in any superior court in this state to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance of such violation. In any such action, an order or judgment may be entered awarding a temporary or permanent injunction, and awarding the commissioner or the attorney general or both costs in bringing such action. Any person who fails to comply with such injunction shall be subject to a fine not exceeding \$10,000 or imprisonment, or both.

399-H:19 Penalties.

I. Any person or the members, officers, directors, agents, and employees thereof who knowingly violate any provision of this chapter shall be guilty of a misdemeanor if a natural person, or a felony if any other person, in addition to any other penalty under this section.

II. Any person who knowingly violates any provision of this chapter, or rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension or revocation of any registration or license, or an administrative fine not to exceed \$2,500 for each violation in lieu of or in addition to such suspension or revocation as may be applicable under this chapter for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation and each such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

III. Any person who negligently violates any provision of this chapter, or rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$1,500 for each violation, in lieu of or in addition to suspension or revocation as may be applicable under this chapter for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation and each such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

IV. Every person who directly or indirectly controls a person liable under this section, every partner, principal executive officer, or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in any act constituting a violation of this chapter, and every licensee or person acting as a common law agent who materially aids in any act constituting a violation of this chapter, either knowingly or negligently, may, upon notice and opportunity for hearing, and in addition to any other penalty provided for by law, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed. No person shall be liable under this paragraph who sustains the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.

V. Any person who refuses without just cause to be examined under oath or who willfully obstructs or interferes with the examiners in the exercise of their authority shall be guilty of a misdemeanor.

VI. Any person who engages in the business of a student loan servicer in this state or with consumers located in this state without first obtaining a license, shall not collect, receive, or retain any principal, interest, or charges whatsoever on any purported student education loan contract.

VII. The attorney general on the commissioner's behalf, may, with or without prior administrative action by the commissioner, bring an action against any person in any superior court in this state to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver may be appointed for the defendant or the defendant's assets. The court shall not require the commissioner or attorney general to post a bond. Any person who fails to comply with an injunction, restraining order, or writ of mandamus shall be subject to a fine not exceeding \$10,000 or imprisonment, or both. In a proceeding in superior court under this paragraph where the state prevails, the commissioner and the attorney general shall be entitled to recover all costs and expenses of investigation, and the court shall include the costs in its final judgment.

399-H:20 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect other provisions or any other application of this act which can be given effect without invalid provision or application, and for this purpose the provisions of this act are declared severable.

3 Bank Commissioner; Examination Costs. Amend RSA 383:11, II(c) to read as follows:

(c) From consumer credit division entities. Each entity subject to the supervision of the commissioner under the provisions of RSA 361-A, RSA 397-A, RSA 399-A, RSA 399-D, [and] RSA 399-G, **and RSA 399-H** shall be charged and shall pay such proportion of the balance applicable to the consumer credit administration division under the department's accounting unit designation as the gross revenue received from the total dollar volume of loans made, originated, funded, or brokered, or debt adjustment contracts entered into, or mortgage **or student loan** servicing fees received or money transmitted from each entity's New Hampshire business bears to the total gross revenue received from the total dollar volume of the loans made, originated, funded, or brokered, or debt adjustment contracts entered into, or mortgage **or student loan** servicing fees received, or money transmitted, from New Hampshire business by all entities during the preceding calendar year ending December 31, as shown by their reports to the commissioner.

4 Repeal. RSA 383:9-c, relative to educational lending institutions, is repealed.

5 Effective Date. This act shall take effect January 1, 2021.

Majority committee amendment adopted.

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

MOTION TO LAY ON THE TABLE

Rep. Sylvia moved that **HB 1500-FN**, relative to a student loan bill of rights and a student loan ombudsman, be laid on the table.

On a division vote, with 129 members having voted in the affirmative, and 197 in the negative, the motion failed.

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

Rep. Warden spoke against and yielded to questions.

Rep. Griffith spoke in favor and yielded to questions.

Rep. Ley requested a roll call; sufficiently seconded.

YEAS 197 - NAYS 128**YEAS - 197****CARROLL**

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Pearson, William

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

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

Bordenet, John
Gomarlo, Jennie
Morrill, David
Von Plinsky, Sparky

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
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

Bouldin, Amanda
Barry, Richard
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Newman, Sue
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Griffith, Willis
Herbert, Christopher
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Shaw, Barbara
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hall, Brett
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Hamer, Heidi
Schmidt, Janice
Klee, Patricia
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Ebel, Karen
Lane, Connie
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Buchanan, Ryan
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

Carson, Clyde
Fox, Samantha
MacKay, James
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

Doherty, David
Karrick, David
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gilman, Julie
Le, Tamara
Malloy, Dennis
Vallone, Mark

Berrien, Skip
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Warner, Anne

Bushway, Patricia
Edgar, Michael
Murray, Kate
Maggiore, Jim
Read, Ellen

STRAFFORD

Bixby, Peter
Fargo, Kristina
Kenney, Cam
Rich, Cecilia
Towne, Matthew

Cannon, Gerri
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Chase, Wendy
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Ellis, Donna
Keans, Sandra
Schmidt, Peter
Southworth, Thomas

SULLIVANCloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 128**BELKNAP**Bean, Harry
Jurius, Deanna
Sylvia, MichaelComtois, Barbara
Mackie, Jonathan
Tilton, FranklinFields, Dennis
Beaudoin, Richard
Varney, PeterHoward, Raymond
Spanos, Peter**CARROLL**Avellani, Lino
Nelson, Bill

Comeau, Ed

MacDonald, John

Marsh, William

CHESHIRE

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGHAlexander, Joe
Camarota, Linda
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Lekas, TonyGriffin, Barbara
Erf, Keith
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Ulery, JordanBoehm, Ralph
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Sanborn, Laurie
Warden, MarkBurt, John
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Somero, Paul**MERRIMACK**Allard, James
Kotowski, Frank
Testerman, DaveHill, Gregory
McGuire, Carol
Walsh, ThomasHorn, Werner
Pearl, Howard
Yakubovich, MichaelKlose, John
Seaworth, Brian**ROCKINGHAM**Abbas, Daryl
Barnes, Arthur
Thomas, Douglas
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Kolodziej, Walter
Major, Norman
Milz, David
Potucek, John
Sytek, John
Vose, Michael
Yokela, JoshAbrami, Patrick
Bershtein, Alan
Desilets, Joel
Elliott, Robert
Harb, Robert
Janigian, John
Love, David
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Torosian, Peter
Wallace, ScottAbramson, Max
Costable, Michael
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Welch, DavidActon, Dennis
Davis, Dan
Dolan, Tom
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Pearson, Stephen
Verville, Kevin
Weyler, Kenneth**STRAFFORD**Harrington, Michael
Pitre, JosephHayward, Peter
Rooney, AbigailHorgan, James
Wuelper, Kurt

Perreault, Mona

SULLIVANAron, Judy
Rollins, SkipCallum, John
Stapleton, WalterLaware, Thomas
Smith, Steven

Lucas, Gates

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

HB 1535, relative to installation of solar photovoltaic energy systems by condominium unit owners and owners subject to deed restrictions in a homeowners association. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for the Majority of Commerce and Consumer Affairs. This bill, as amended, allows homeowners in a homeowners association who have a suitable place for solar panels that is entirely under their control, owned by them and not part of shared infrastructure or common property, to install a solar energy system in this place. The committee felt that use of shared roofs or common land is a complex problem that should be decided by a condominium association, not state law. Vote 12-8.

Rep. Mark Warden for the Minority of Commerce and Consumer Affairs. This bill seeks to force owners in a homeowners' association to allow installation of a solar system on a property even if the original covenants or deed restrictions prohibited such systems. The main problem with the language is that it would apply retroactively to existing deeds. It says that "Any covenant, condition, or restriction contained in any deed, contract..." pertaining to a sale or interest in real property which prohibits or limits the installation of a solar system "shall be void and unenforceable." The minority's position is that such retroactive impositions are at best bad public policy, and at worst unconstitutional. This bill is an affront to property rights and hostile to the sanctity of contracts.

Majority Amendment (0900h)

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

AN ACT relative to installation of solar photovoltaic energy systems by owners subject to deed restrictions in a homeowners association.

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

1 New Section; Interests in Realty; Solar Photovoltaic Systems. Amend RSA 477 by inserting after section 22-a the following new section:

477:22-b Solar Photovoltaic Systems; Enforcement of Restrictions; Homeowners' Associations.

I. Any covenant, condition, or restriction contained in any deed, contract, mortgage, security instrument, or other instrument pertaining to a conveyance, sale, or transfer of real property or interest therein which prohibits or unreasonably limits the installation or use of a solar photovoltaic system by an owner on the real property controlled by such owner, and not in any shared or common area, shall be void and unenforceable.

II. A covenant, condition, or restriction shall be considered unreasonable for the purposes of this section if it significantly increases the cost and expense of the solar photovoltaic system to its owner or user, or significantly decreases its efficiency, or otherwise effectively discourages the installation or use of a solar photovoltaic system.

III. This section shall apply to the installation and use of a solar photovoltaic system by an owner in a homeowners' association on and after the effective date of this section.

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

AMENDED ANALYSIS

This bill prohibits deed restrictions or covenants of homeowners' associations from prohibiting or restricting the installation and use of a solar photovoltaic energy system.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1564-FN, prohibiting the use of polystyrene foam. OUGHT TO PASS WITH AMENDMENT.

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would prohibit the use of polystyrene foam containers designed for one-time use in food service businesses such as restaurants and grocery stores. Polystyrene is not recyclable as there are no products that can reuse this type of plastic. In addition, the contamination from food waste and the fact that polystyrene does not break down for many years, adds to the detrimental effect on the environment. We are all becoming aware that we must curb and curtail the use of plastics as an environmental hazard. There are many alternatives for restaurants to use other biodegradable products for "take out." This was brought to the House by the NH Youth Advisory Council with a unanimous vote and would provide a chance for us to support the work of our young people. The amendment refined the definition of disposable food service container. Vote 11-8.

Amendment (0176h)

Amend RSA 149-M:61, II as inserted by section 1 of the bill by replacing it with the following:

II. "Disposable food service container" means service ware designed for one-time use. "Disposable food service container" includes service ware for beverages, take-out foods, bakery products, and leftovers from partially consumed meals prepared by food vendors.

Amend RSA 149-M:62, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Eggs.

Committee amendment adopted.

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

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 194 - NAYS 129

YEAS - 194

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Weber, Lucy

Ames, Richard
Fenton, Donovan
Mann, John
Swinburne, Sandy

Berch, Paul
Gomarlo, Jennie
Morrill, David
Von Plinsky, Sparky

Bordenet, John
Harvey, Cathryn
Parkhurst, Henry
Pearson, William

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
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

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Gidge, Kenneth
Harriott-Gathright, Linda
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Herbert, Christopher
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Davis, Fred
Hall, Brett
Indruk, Greg
King, Mark
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Newman, Ray
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Klee, Patricia
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Sue
Stack, Kathryn
Toomey, Dan
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ebel, Karen
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Buchanan, Ryan
Ellison, Arthur
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Carson, Clyde
Fox, Samantha
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

Doherty, David
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gay, Betty
Murray, Kate
Maggiore, Jim
Read, Ellen

Berrien, Skip
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Somssich, Peter

Bunker, Lisa
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

Bushway, Patricia
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
Meuse, David
Warner, Anne

STRAFFORD

Bixby, Peter
Fargo, Kristina
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 129**BELKNAP**

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard

Howard, Raymond
Spanos, Peter

CARROLL

Comeau, Ed	MacDonald, John	Marsh, William
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CHESHIRE

Eaton, Daniel	O'Day, John
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COOS

Craig, Kevin	Furbush, Michael	Merner, Troy
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GRAFTON

Gordon, Edward	Hennessey, Erin	Migliore, Vincent Paul
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HILLSBOROUGH

Alexander, Joe	Griffin, Barbara	Barry, Richard	Boehm, Ralph
Burt, John	Camarota, Linda	Erf, Keith	Gagne, Larry
Goley, Jeffrey	Gould, Linda	Greene, Bob	Gunski, Michael
Hinch, Richard	Hopper, Gary	Ober, Lynne	Lascelles, Richard
Marzullo, JP	McLean, Mark	Notter, Jeanine	Nunez, Hershel
Panasiti, Reed	Plett, Fred	Proulx, Mark	Prout, Andrew
Ober, Russell	Renzullo, Andrew	Rice, Kimberly	Sanborn, Laurie
Shaw, Barbara	Somero, Paul	Lekas, Tony	Ulery, Jordan
Warden, Mark			

MERRIMACK

Allard, James	Hill, Gregory	Horn, Werner	Klose, John
Kotowski, Frank	McGuire, Carol	Pearl, Howard	Seaworth, Brian
Walsh, Thomas	Yakubovich, Michael		

ROCKINGHAM

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

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Perreault, Mona
Pitre, Joseph	Wuelper, Kurt		

SULLIVAN

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

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

Rep. Avellani declared a conflict of interest and did not participate.

HB 1588-FN, establishing a mortgage mediation procedure. **REFER FOR INTERIM STUDY.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill would mandate a mortgage mediation process for mortgages moving into foreclosure. There has been, and certainly could be again, bad actors in the mortgage industry. And as we know our economy is cyclical with boom and bust periods. This bill is intended to help consumers who are negatively impacted if an economic slowdown threatens their ability to hold on to their home. However, many local and national banks have proactive programs to help consumers experiencing challenges with paying their mortgage. The Fannie Mae and Freddie Mac federal programs, often financed through local banks, also have programs for people struggling with paying their mortgages. This consumer protection bill needs more work in order to fit into the network of protections for mortgage holders. Vote 19-0. Committee report adopted.

HB 1589-FN, requiring businesses in the state to take cash for monetary transactions. **MAJORITY: INEX-PEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. John Hunt for the Majority of Commerce and Consumer Affairs. This bill requires all New Hampshire businesses to accept cash as payment for goods and services offered for sale at retail. The bill makes the refusal to accept cash payments a violation of the Consumer Protection Act. Given that some all-night convenience

and gas stations might not take cash after 11 pm for the security of their employees, the majority believes that businesses should decide when or if they want to take cash. The committee also heard that there is a business that will only take payment in the form of bitcoin. Vote 12-7.

Rep. Greg Indruk for the Minority of Commerce and Consumer Affairs. The minority believes further study of this issue is warranted, particularly regarding the effect of cashless business practices on those lacking access to bank accounts or credit. Several other jurisdictions have passed related legislation in recognition of the fact that not all citizens are willing or able to adopt cashless payment methods.

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

Majority committee report adopted.

HB 1633-FN, relative to insurance coverage for tick-borne illness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rebecca McBeath for Commerce and Consumer Affairs. This legislation with the amendment clarifies that New Hampshire health insurance providers will cover all medically necessary blood testing prescribed by a primary care provider, including Polymerase Chain Reaction (PCR) testing, and that this benefit shall not be subject to any greater co-payment, deductible or coinsurance than any other similar benefit provided by that health insurer. Vote 12-8.

Amendment (0846h)

Amend RSA 415:6-y as inserted by section 1 of the bill by replacing it with the following:

415:6-y Coverage for Tick-Borne Illness. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for further blood testing, including PCR testing as medically necessary, for persons who are symptomatic after a first blood test for tick-borne illness. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

Amend RSA 415:18-cc as inserted by section 2 of the bill by replacing it with the following:

415:18-cc Coverage for Tick-Borne Illness. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for further blood testing, including PCR testing as medically necessary, for persons who are symptomatic after a first blood test for tick-borne illness. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

AMENDED ANALYSIS

This bill requires insurance coverage for further blood testing for persons who are symptomatic after a first blood test for tick-borne illness.

Committee amendment adopted.

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

Rep. McGuire requested a roll call; sufficiently seconded.

YEAS 219 - NAYS 104

YEAS - 219

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
MacDonald, John

DesMarais, Edith
Ticehurst, Susan

Kanzler, Harrison
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Pearson, William

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

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

Bordenet, John
Gomarlo, Jennie
Morrill, David
Von Plinsky, Sparky

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
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

Bouldin, Andrew
 Bergeron, Paul
 Bouchard, Donald
 Cohen, Bruce
 Desjardin, Kathy
 Gidge, Kenneth
 Hamer, Heidi
 Schmidt, Janice
 Klee, Patricia
 Murray, Megan
 Mullen, Sue
 O'Brien, Michael
 Piedra, Israel
 Newman, Ray
 Snow, Kendall
 Stevens, Deb
 Vail, Suzanne
 Woodbury, David

Backus, Robert
 Bernet, Jennifer
 Camarota, Linda
 Connors, Erika
 Espitia, Manny
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Jack, Martin
 Klein-Knight, Nicole
 Mangipudi, Latha
 Murphy, Nancy
 Pedersen, Michael
 Plett, Fred
 Riel, Cole
 Sofikitis, Catherine
 Smith, Timothy
 Van Houten, Constance

Balch, Chris
 Bordy, William
 Chretien, Jacqueline
 Cornell, Patricia
 Davis, Fred
 Griffith, Willis
 Herbert, Christopher
 Jeudy, Jean
 Leishman, Peter
 Martin, Joelle
 Nutter-Upham, Frances
 Petrigno, Peter
 Porter, Marjorie
 Newman, Sue
 St. John, Michelle
 Telerski, Laura
 Wilhelm, Matthew

Beaulieu, Jane
 Bosman, James
 Cleaver, Skip
 Cote, David
 Freitas, Mary
 Hall, Brett
 Indruk, Greg
 King, Mark
 Long, Patrick
 Marzullo, JP
 Nutting-Wong, Allison
 Pickering, Daniel
 Query, Joshua
 Shaw, Barbara
 Stack, Kathryn
 Toomey, Dan
 Williams, Kermit

MERRIMACK

Bartlett, Christy
 Ebel, Karen
 Luneau, David
 Myler, Mel
 Rogers, Katherine
 Schultz, Kristina
 Walz, Mary Beth

Buchanan, Ryan
 Ellison, Arthur
 MacKay, James
 Pearl, Howard
 Saunderson, George
 Soucy, Timothy
 Wells, Kenneth

Carson, Clyde
 Fox, Samantha
 McWilliams, Rebecca
 Pimentel, Roderick
 Schamberg, Thomas
 Turcotte, Alan
 Woods, Gary

Doherty, David
 Lane, Connie
 Moffett, Howard
 Richards, Beth
 Schuett, Dianne
 Wallner, Mary Jane

ROCKINGHAM

Abbas, Daryl
 Berrien, Skip
 Cushing, Robert Renny
 Gay, Betty
 Harb, Robert
 Le, Tamara
 Malloy, Dennis
 Meuse, David
 Roy, Terry
 Ward, Gerald

Abrami, Patrick
 Bunker, Lisa
 DiLorenzo, Charlotte
 Gilman, Julie
 Hobson, Deborah
 Loughman, Tom
 McConnell, Liz
 Pratt, Kevin
 Somssich, Peter
 Warner, Anne

Acton, Dennis
 Bushway, Patricia
 Edgar, Michael
 Grossman, Gaby
 Hoelzel, Kathleen
 Lovejoy, Patricia
 McMahon, Charles
 Prudhomme-O'Brien, Katherine
 Vallone, Mark

Altschiller, Debra
 Cahill, Michael
 Elliott, Robert
 Grote, Jaci
 Murray, Kate
 Maggiore, Jim
 Melvin, Charles
 Read, Ellen
 Vose, Michael

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Keans, Sandra
 Opderbecke, Linn
 Salloway, Jeffrey
 Treleaven, Susan

Cannon, Gerri
 Fontneau, Timothy
 Kenney, Cam
 Schmidt, Peter
 Sandler, Catt
 Wall, Janet

Chase, Wendy
 Grassie, Chuck
 Levesque, Cassandra
 Rich, Cecilia
 Southworth, Thomas

Ellis, Donna
 Horrigan, Timothy
 Smith, Marjorie
 Rooney, Abigail
 Towne, Matthew

SULLIVAN

Callum, John
 O'Hearne, Andrew
 Tanner, Linda

Cloutier, John
 Rollins, Skip

Lucas, Gates
 Stapleton, Walter

Merchant, Gary
 Sullivan, Brian

NAYS - 104**BELKNAP**

Bean, Harry
 Jurius, Deanna
 Sylvia, Michael

Comtois, Barbara
 Mackie, Jonathan
 Tilton, Franklin

Fields, Dennis
 Beaudoin, Richard

Howard, Raymond
 Spanos, Peter

CARROLL

Marsh, William

CHESHIRE**COOS**

Merner, Troy

GRAFTON

Migliore, Vincent Paul

Avellani, Lino

Comeau, Ed

O'Day, John

Craig, Kevin

Furbush, Michael

Gordon, Edward

Hennessey, Erin

HILLSBOROUGH

Griffin, Barbara
 Erf, Keith
 Greene, Bob
 Ober, Lynne
 Nunez, Hershel
 Ober, Russell
 Lekas, Tony

Barry, Richard
 Flanagan, Jack
 Gunski, Michael
 Lascelles, Richard
 Panasiti, Reed
 Renzullo, Andrew
 Ulery, Jordan

Boehm, Ralph
 Gagne, Larry
 Hinch, Richard
 McLean, Mark
 Proulx, Mark
 Sanborn, Laurie
 Warden, Mark

Burt, John
 Gould, Linda
 Hopper, Gary
 Notter, Jeanine
 Prout, Andrew
 Somero, Paul

MERRIMACK

Allard, James
 Kotowski, Frank
 Walsh, Thomas

Hill, Gregory
 McGuire, Carol
 Yakubovich, Michael

Horn, Werner
 Seaworth, Brian

Klose, John
 Testerman, Dave

ROCKINGHAM

Abramson, Max
 Costable, Michael
 DeSimone, Debra
 Green, Dennis
 Janvrin, Jason
 Griffin, Mary
 Milz, David
 Potucek, John
 True, Chris
 Weyler, Kenneth

Baldasaro, Al
 Davis, Dan
 Dolan, Tom
 Guthrie, Joseph
 Katsakiores, Phyllis
 Pearson, Mark
 O'Connor, John
 Pearson, Stephen
 Verville, Kevin
 Yokela, Josh

Barnes, Arthur
 Thomas, Douglas
 Doucette, Fred
 Osborne, Jason
 Kolodziej, Walter
 Major, Norman
 Packard, Sherman
 Sytek, John
 Wallace, Scott

Bershtein, Alan
 Desilets, Joel
 Edwards, Jess
 Janigian, John
 Love, David
 McKinney, Betsy
 Piemonte, Tony
 Torosian, Peter
 Welch, David

STRAFFORD

Harrington, Michael
 Pitre, Joseph

Hayward, Peter
 Wuelper, Kurt

Horgan, James

Perreault, Mona

SULLIVAN

Aron, Judy

Laware, Thomas

Smith, Steven

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

HB 1695-FN, relative to background checks for certain persons under the banking law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill was filed as a recommendation of the Committee to Study the Effects of Past New Hampshire Trust Code Legislation, established pursuant to 2019, 230:5. This bill is also at the request of the New Hampshire Banking Department. In order to ensure the safe and sound operation of a trust company, this amended bill requires that every director of said trust company shall submit to a background investigation and criminal history records check. This investigation shall take place not only at the time of a trust company application but also within 30 days of any change in directors. The cost of this investigation shall be borne by the trust company. Vote 17-2.

Amendment (0861h)

Amend RSA 383-C:6-601 as inserted by section 2 of the bill by replacing it with the following:

383-C:6-601 [Number of] Directors.

(a) The board of directors of a trust company shall be composed of at least 5 directors. A director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise required by the commissioner in consideration of the trust company's safety and soundness.

(b) *Every new director shall submit to a background investigation and criminal history records check, to include submission of financial and other information in accordance with RSA 383-A:3-305(e). A trust company shall submit notice of any material change related to the background investigation and criminal history records check of any director or any new information related to the experience, ability, standing, competence, trustworthiness, and integrity of a director that could jeopardize the safe and sound operation of the trust company within 30 days of learning of such change. The cost of any examination or investigation of the background information and criminal history shall be paid by the trust company.*

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

4 Family Trust Company Act; Directors and Officers. Amend RSA 383-D:8-801(a) to read as follows:

(a) A family trust company shall have a board of directors, and that board of directors must have not less than three members. A director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise required by the commissioner in consideration of the family trust company's safety and soundness. [RSA 383-C:6-601] **RSA 383-C:6-601(a)** shall not apply to family trust companies.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1701-FN, relative to the recycling of single use plastics. OUGHT TO PASS WITH AMENDMENT.

Rep. Rebecca McBeath for Commerce and Consumer Affairs. This bill as amended would require certain retailers to provide consumer collection bins for film plastics, the non-rigid plastic resin packaging such as plastic carryout bags, food storage bags, bubble wrap, dry cleaning bags and shrink wrap, then recycle them. This legislation was unanimously recommended by the bipartisan Recycling and Solid Waste Management Study Committee (HB 617, 2019) based on observations of the havoc caused by citizens mistakenly placing film plastics in single stream recycling processing facilities causing the jamming and shut down of recycling machinery. Film plastics around sorting equipment causes processing slowdowns and necessitates expensive, labor-intensive hand sorting. Self-sorting municipalities have similar problems. Contaminated recycling streams increase costs for our towns, already weighed down by exploding solid waste costs. Since there presently is no alternative way for the public to recycle film plastics these items end up in landfills or as litter. Waste Management Inc., the global waste processor, and the NH Municipal Association support this bill and some retailers are already recycling their film plastics by selling it to manufacturers such as TREX that makes composite deck material. This commonsense legislation would provide consumers with a recycling alternative and should save municipalities money by decreasing the damage done to machines when film plastics are mistakenly placed in curbside recycle bins. Vote 12-7.

Amendment (0974h)

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

AN ACT relative to the recycling of film plastics.

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

1 Purpose and Findings. The general court finds plastic is a major, problematic component of New Hampshire's waste stream. Too much is disposed in our landfills and litters our landscape harming wildlife and the public health. It does not decompose. Plastic use should be reduced and plastic products reused, but when this is not possible, it should be recycled. Many retailers provide plastic carry out bags and sell products packaged in film plastic, resulting in too much plastic in the waste stream. Film plastics are virtually impossible to recycle because municipalities do not accept them for recycling. Film plastics mistakenly placed in recycling bins cost municipalities money because they contaminate other recyclable materials decreasing their value and recyclability. They clog recycling sorting machinery at materials recovery facilities, require physical removal from the recycling stream, and cause expensive delays. Increased film plastics recycling will benefit the public's health and the economy.

2 New Subdivision; Recycling of Film Plastics. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Recycling of Film Plastics

149-M:61 Definitions. In this subdivision:

I. "Film plastic" means uncontaminated non-rigid film plastic packaging products composed of plastic resins, which include plastic carryout bags, food storage bags, bubble wrap, dry cleaning bags, and shrink-wrap.

II. "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store which may include but is not limited to the owner of the store.

III. "Plastic carryout bag" means a plastic carryout bag provided by a store to a customer at the point of sale made from film plastic and not specifically designed and manufactured to be reusable.

IV. "Recycler" means an entity accepting film plastics for recycling.

V. "Reusable bag" means:

(a) A bag made of cloth or other machine washable fabric that has handles; or

(b) A durable plastic bag with handles that is specifically designed and manufactured for multiple reuse.

VI. "Store" means a retail establishment, excluding food service establishments licensed under RSA 143-A or by a municipality, that provides plastic carryout bags to its customers as the result of the sale of a product, or sells products packaged in film plastic; and

(a) Has over 15,000 square feet of retail space; or

(b) Is part of a chain engaged in the same general field of business, which operates 3 or more units of over 5,000 square feet each of retail space in this state under common ownership and management, or over 6,000 square feet each of retail space, if the unit operated by the chain covered by this paragraph is occupied by 2 or more businesses.

149-M:62 Store Operator Duties.

I. The operator of a store shall establish a film plastics recycling program at its store pursuant to this subdivision, which provides an opportunity for a customer of the store to return to the store film plastics.

II. A retail establishment that does not meet the definition of a store and that provides plastic carryout bags to customers or sells products packaged in film plastic may adopt a film plastics recycling program at its location.

III. Store operators that have over 15,000 square feet of retail space shall have 18 months from the effective date of this subdivision to establish a film plastics recycling program. All other store operators shall have one year from the effective date of this subdivision to establish a film plastics recycling program.

IV. Retail establishments providing plastic carry-out or other film plastic bags to customers, for free or for purchase, are encouraged to provide such bags with at least 20 percent post-consumer recycled plastic content to help promote the development of plastic recycling markets.

149-M:63 Film Plastic Recycling Program Requirements. A film plastics recycling program provided by the operator of a store shall:

I. Provide a collection bin that is visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling film plastics, including examples of recyclable film plastics that may be deposited in the bins. This subdivision shall not apply to stores within an enclosed shopping mall unless such stores contain at least 50,000 square feet within an enclosed shopping mall. In the case of an enclosed shopping mall, the owner of the enclosed shopping mall shall place bins at reasonable intervals throughout the enclosed mall area.

II. Collect, transport, and recycle all film plastics collected by the store along with any other in-store plastic recycling, except for film plastic bags that are not sufficiently free of foreign material to enter the recycling stream. Film plastics collected by the store or a recycler pursuant to a film plastics recycling program shall be recycled and shall not be disposed of in any solid waste disposal facility.

III. Maintain, for a minimum of 2 years, records describing the collection, transport, and recycling of film plastics collected by weight, provided however, that a store or its agents may weigh such plastics and any other in-store plastic recycling at a regional collection center. Such records shall be made available to the department upon request, to demonstrate compliance with this subdivision.

IV. Make reusable bags available to customers within the store for purchase, and allow the use of a reusable bag in lieu of a plastic carryout bag or paper bag.

V. Register with the department of environmental services upon the start of a film plastics recycling program or a change in ownership of the store where a film plastics recycling program is already in place.

149-M:64 Recycler Responsibilities. When a recycler accepts film plastics for return, it or its agent shall maintain, for a minimum of 2 years, records describing the collection, transport, and recycling of film plastics collected by weight, provided that the recycler or its agents may weigh such plastics and any other plastic resins at a regional collection center. Such records shall be made available to the department of environmental services upon request, to demonstrate compliance with this subdivision.

149-M:65 Departmental Duties; Rulemaking.

I. The department of environmental services shall develop educational materials regarding film plastics that can be recycled in film plastics recycling programs for use by operators required to comply with this subdivision in their stores, including standardized signage for use at collection sites. Educational materials shall be available at least one month before an operator is required to comply with this subdivision.

II. The department shall provide information regarding film plastics recyclers including their addresses and phone numbers to stores required to comply with this subdivision, upon request.

III. The department shall adopt rules, pursuant to RSA 541-A, necessary to implement the provisions of this subdivision, including the information on registration forms required under RSA 149-M:63.

149-M:66 Penalties. Any person who violates the provisions of this subdivision shall be given a warning for the first violation and shall be subject to a fine for subsequent violations. The fine for a second violation shall be \$250 and the penalty for a third or subsequent violation shall be \$500.

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

Committee amendment adopted.

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

YEAS 197 - NAYS 127

YEAS - 197

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Weber, Lucy

Ames, Richard
Fenton, Donovan
Mann, John
Swinburne, Sandy

Bordenet, John
Gomarlo, Jennie
Morrill, David
Von Plinsky, Sparky

Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Pearson, William

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
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

Bouldin, Andrew
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Herbert, Christopher
Judy, Jean
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Query, Joshua
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

Backus, Robert
Bordy, William
Cleaver, Skip
Cote, David
Davis, Fred
Hall, Brett
Indruk, Greg
King, Mark
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Ray
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Balch, Chris
Bosman, James
Cohen, Bruce
Dargie, Paul
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Klee, Patricia
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Plett, Fred
Riel, Cole
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Gidge, Kenneth
Harriott-Gathright, Linda
Jack, Martin
Klein-Knight, Nicole
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Porter, Marjorie
Newman, Sue
Stack, Kathryn
Toomey, Dan
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ebel, Karen
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wells, Kenneth

Buchanan, Ryan
Ellison, Arthur
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Woods, Gary

Carson, Clyde
Fox, Samantha
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

Doherty, David
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gay, Betty
Hobson, Deborah
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Berrien, Skip
Cushing, Robert Renny
Gilman, Julie
Murray, Kate
Pearson, Mark
McMahon, Charles
Vallone, Mark

Bunker, Lisa
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
Maggiore, Jim
Meuse, David
Ward, Gerald

Bushway, Patricia
Edgar, Michael
Grote, Jaci
Loughman, Tom
Malloy, Dennis
Read, Ellen
Warner, Anne

STRAFFORD

Bixby, Peter
Fargo, Kristina
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 127**BELKNAP**

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino

Comeau, Ed

MacDonald, John

Marsh, William

CHESHIRE**COOS**

O'Day, John

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Boehm, Ralph
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Somero, Paul

Griffin, Barbara
Burt, John
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Lekas, Tony

Barry, Richard
Camarota, Linda
Gould, Linda
Hopper, Gary
McLean, Mark
Proulx, Mark
Sanborn, Laurie
Ulery, Jordan

Bergeron, Paul
Erf, Keith
Greene, Bob
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Shaw, Barbara
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
McGuire, Carol
Walsh, Thomas

Horn, Werner
Pearl, Howard
Yakubovich, Michael

Klose, John
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Dolan, Tom
Green, Dennis
Osborne, Jason
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Wallace, Scott

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Doucette, Fred
Guthrie, Joseph
Janigian, John
Love, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Welch, David

Abramson, Max
Bershtein, Alan
Desilets, Joel
Edwards, Jess
Harb, Robert
Janvrin, Jason
Griffin, Mary
Milz, David
Potucek, John
Pearson, Stephen
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Costable, Michael
DeSimone, Debra
Elliott, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
O'Connor, John
Pratt, Kevin
Sytek, John
Vose, Michael
Yokela, Josh

STRAFFORD

Harrington, Michael
Pitre, Joseph

Hayward, Peter
Rooney, Abigail

Horgan, James
Wuelper, Kurt

Perreault, Mona

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

HB 1159-FN, relative to cyberbullying, cyberstalking, and doxxing of a public servant. REFER FOR INTERIM STUDY.

Rep. David Meuse for Criminal Justice and Public Safety. This bill attempts to address the increasing toxic online environment that, for many legislators, has become one of the worst parts of the job. While we readily agree that online behaviors such as cyberbullying, cyberstalking, and doxxing are toxic, irresponsible, and potentially dangerous, we felt that only considering protections for legislators (via the existing Obstructing a Government Official statute) was problematic from a 1st Amendment standpoint. We also felt that our state's existing criminal harassment statute appears to address online behaviors facilitated by electronic devices that clearly cross the line into incitement to violence and endangerment. By assigning this bill to Interim Study, we will have the option to take a closer look at the problems of cyberbullying, cyberstalking, and doxxing and consider potential updates to our harassment law that provide improved protections for all of our citizens without crossing the line and abridging 1st Amendment rights. Vote 14-6.

The question being adoption of the committee report of Refer for Interim Study.

Rep. Sylvia spoke against.

Rep. Meuse spoke in favor.

Committee report adopted.

HB 1174, requiring screening for all law enforcement officers for psychological stability and substance use disorders prior to assuming their duties as certified officers. OUGHT TO PASS WITH AMENDMENT.

Rep. Robert Renny Cushing for Criminal Justice and Public Safety. The recent performance audit of the Police Standards and Training Council (PSTC) revealed there are two different standards for law enforcement officers in the state, with some law enforcement officers working in some departments who have never taken or passed a psychological fitness screening and drug screening examination designed to detect behavioral traits that could adversely affect the person's ability to perform the essential functions of a law enforcement officer. The audit reported stated that "without psychological and drug testing, some officers performing law enforcement duties may possess psychological characteristics or drug dependence that may not be compat-

ible with law enforcement positions, thereby jeopardizing the safety of both law enforcement and the public.” The audit suggested, and the PSTC agreed, that the legislature consider whether two different standards for law enforcement officers is acceptable. The committee concludes that there should be one standard for law enforcement officers in the state, and recommends passage of this bill with an amendment. The amendment clarifies that monies deposited in the PSTC Police Psychological Stability Screening fund may be used to underwrite the expenses incurred for psychological stability screening for candidates for certification for law enforcement officers. Vote 15-4.

Amendment (0940h)

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

AN ACT requiring screening for all law enforcement officers for psychological stability prior to assuming their duties as certified officers.

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

1 Police Standards and Training Council; Reimbursement of Expenses. Amend RSA 106-L:9 to read as follows:

106-L:9 Reimbursement of Expenses. The council may reimburse political subdivisions or the state for, or may pay for a portion of, the expenses incurred by the officers in attendance at police training programs conducted or approved by the council, **and the expenses incurred for psychological stability screening for candidates for certification as law enforcement officers.**

2 Controlled Drug Act; Drug Forfeiture Fund; Psychological Stability Screening. Amend RSA 318-B:17-b, V(a) to read as follows:

(a) Of the first [~~\$500,000~~] **\$600,000, \$100,000 shall be credited to the police psychological stability screening fund established in RSA 106-L:16 and from the remainder:**

(1) Forty-five percent shall be returned to the fiscal officer or officers of the municipal, county, state, or federal government which provided the law enforcement agency or agencies responsible for the seizure. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug-related investigations. Except as provided in RSA 31:95-b, such funds shall be available for expenditure without further appropriation by the legislative body of the municipal, county, state or federal government, and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;

(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the department of health and human services; and

(3) Forty-five percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

3 New Section; Police Psychological Stability Screening Fund. Amend RSA 106-L by inserting after section 15 the following new section:

106-L:16 Police Psychological Stability Screening Fund. There is established a police psychological stability screening fund for the purpose of reimbursing costs related to psychological stability screening for candidates for certification as law enforcement officers, which shall be administered by the council. The fund shall be nonlapsing and shall be continually appropriated to the council.

4 New Subparagraph; Police Psychological Stability Screening Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the police psychological stability screening fund established in RSA 106-L:16.

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

AMENDED ANALYSIS

This bill:

I. Establishes a fund for psychological stability screening for candidates for certification as law enforcement officers.

II. Transfers money from the drug forfeiture fund to the psychological stability screening fund.

III. Allows the police standards and training council to reimburse the state or a political subdivision for psychological stability screening for candidates for certification as law enforcement.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1257, establishing a committee to study the opportunities for citizen involvement in attorney general investigations of officer involved shootings. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill would establish a study committee on the opportunities to involve citizens in attorney general investigations dealing with police shootings. This

would look at whether and how citizens can be involved in these high-profile cases. Hope is that this process would lead transparency in these matters, leading to better support of attorney general rulings. Vote 15-5. Committee report adopted and ordered to third reading.

HB 1283-FN, relative to prohibiting the online disclosure of personally identifiable information. **REFER FOR INTERIM STUDY.**

Rep. David Meuse for Criminal Justice and Public Safety. This bill attempts to add a new clause to the state's criminal harassment statute that would make it a crime to recklessly or negligently disclose another person's personally identifiable information without consent and with the intent to harass or intimidate. While we agree that disclosure of photos, addresses, and other personal information by online trolls is a growing problem, we felt the language of the bill was overbroad and had the potential to be used against media outlets in an effort to chill coverage of stories where the public may have a legitimate right to know this information. We also felt that our state's existing criminal harassment statute appears to address online behaviors that cross the line into intimidation or harassment. By assigning this bill to Interim Study, we will have the option to take a closer look at the problem and at our harassment statute to see if there are ways to alter it that better protect personal privacy while eliminating or minimizing the risk of unintended consequences. Vote 17-3. Committee report adopted.

HB 1350, requiring a locking safety device be provided for commercial firearm sales and transfers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the committee, having heard testimony from interested citizens, recommends this bill inexpedient to legislate. This bill is unnecessary as federal law mandates the inclusion of these devices with all new firearms. Mandating that they be included with used and private sales is a gross intrusion into the citizen's rights to conduct private business and would create the first government mandate that an accessory be included with the private sale of any product. More children die from accidental poisoning and drowning each year. Mandating the inclusion of lockable storage containers with the sale of antifreeze or life jackets with pools would statistically save more lives but would be equally inexpedient to legislate. Vote 12-8.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. This bill would close an important gap in our law and in child safety. Under federal law, firearms manufacturers are required to include a locking safety device with all new firearms sold commercially. But there is no requirement to include a locking safety device when previously owned firearms are sold in gun shops, gun shows, and online. With an estimated 350 million firearms now in circulation across the US, this bill simply makes it easier for every person purchasing a firearm in New Hampshire to walk away from the sale with a safety device costing as little as \$6. When used as intended, devices such as cable locks, trigger locks, and gun safes reduce, and in most cases, eliminate the risk of a child or mentally ill family member inadvertently accessing and discharging an unsecured weapon or using that weapon to commit a crime or to commit suicide. Owning and employing these devices also reduces the risk of a firearms owner from being burdened with the consequences of an unspeakable tragedy along with a charge of criminal negligence. This bill was supported by the NH Medical Society as common sense safety measure that protects children and adolescents.

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

Rep. Meuse spoke against.

Rep. Roy spoke in favor.

Rep. Prout requested a roll call; sufficiently seconded.

YEAS 169 - NAYS 153

YEAS - 169

BELKNAP

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Kanzler, Harrison
Woodcock, Stephen

MacDonald, John

CHESHIRE

Bordenet, John
Swinburne, Sandy

Eaton, Daniel

O'Day, John

Parkhurst, Henry

COOS

Craig, Kevin

Furbush, Michael

Hatch, William

Merner, Troy

GRAFTON

Adjutant, Joshua
Nordgren, Sharon

Gordon, Edward
Stavis, Laurel

Hennessey, Erin
Stringham, Jerry

Migliore, Vincent Paul
Weston, Joyce

HILLSBOROUGH

Alexander, Joe
Burt, John
Erf, Keith
Gould, Linda
Hopper, Gary
Klein-Knight, Nicole
McLean, Mark
Nutter-Upham, Frances
Prout, Andrew
Sanborn, Laurie
Smith, Timothy

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Greene, Bob
Jack, Martin
Ober, Lynne
Mullen, Sue
Panasiti, Reed
Ober, Russell
Shaw, Barbara
Toomey, Dan

Barry, Richard
Cohen, Bruce
Gagne, Larry
Gunski, Michael
Jeudy, Jean
Lascelles, Richard
Notter, Jeanine
Plett, Fred
Renzullo, Andrew
Somero, Paul
Ulery, Jordan

Boehm, Ralph
Connors, Erika
Goley, Jeffrey
Hinch, Richard
King, Mark
Marzullo, JP
Nunez, Hershel
Proulx, Mark
Rice, Kimberly
Lekas, Tony
Warden, Mark

MERRIMACK

Allard, James
McGuire, Carol
Soucy, Timothy
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Testerman, Dave
Wells, Kenneth

Horn, Werner
Schamberg, Thomas
Turcotte, Alan
Yakubovich, Michael

Kotowski, Frank
Seaworth, Brian
Wallner, Mary Jane

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Dolan, Tom
Gay, Betty
Harb, Robert
Janigian, John
Griffin, Mary
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Pearson, Stephen
True, Chris
Wallace, Scott

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Doucette, Fred
Green, Dennis
Hobson, Deborah
Janvrin, Jason
Pearson, Mark
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Spillane, James
Vallone, Mark
Welch, David

Abramson, Max
Bershtein, Alan
Desilets, Joel
Edwards, Jess
Grote, Jaci
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Melvin, Charles
Piemonte, Tony
Read, Ellen
Sytek, John
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Costable, Michael
DeSimone, Debra
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Love, David
Malloy, Dennis
Milz, David
Potucek, John
Roy, Terry
Torosian, Peter
Vose, Michael
Yokela, Josh

STRAFFORD

Cannon, Gerri
Levesque, Cassandra
Southworth, Thomas

Harrington, Michael
Perreault, Mona
Wuelper, Kurt

Hayward, Peter
Pitre, Joseph

Horgan, James
Rooney, Abigail

SULLIVAN

Aron, Judy
Lucas, Gates
Smith, Steven

Callum, John
O'Hearne, Andrew

Cloutier, John
Rollins, Skip

Laware, Thomas
Stapleton, Walter

NAYS - 153**CARROLL**

Burroughs, Anita
Ticehurst, Susan

Butler, Edward

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Gomarlo, Jennie
Morrill, David

Ames, Richard
Harvey, Cathryn
Schapiro, Joe

Faulkner, Barry
Ley, Douglas
Pearson, William

Fenton, Donovan
Mann, John
Weber, Lucy

COOS

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Osborne, Richard

Almy, Susan
Fellows, Sallie
Maes, Kevin
Ruprecht, Dennis

Campion, Polly
Ford, Susan
Mulligan, Mary Jane
Smith, Suzanne

Diggs, Francesca
French, Elaine
Muscatel, Garrett
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane

Bouldin, Andrew
Bergeron, Paul

Backus, Robert
Bernet, Jennifer

Balch, Chris
Bordy, William

Bosman, James
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Harriott-Gathright, Linda
Langley, Diane
Martin, Joelle
Petrigno, Peter
Query, Joshua
Snow, Kendall
Stevens, Deb
Wilhelm, Matthew

Bouchard, Donald
Cote, David
Espitia, Manny
Griffith, Willis
Herbert, Christopher
Leishman, Peter
Murphy, Nancy
Pickering, Daniel
Newman, Ray
Sofikitis, Catherine
Telerski, Laura
Williams, Kermit

Chretien, Jacqueline
Dargie, Paul
Davis, Fred
Hall, Brett
Schmidt, Janice
Murray, Megan
Nutting-Wong, Allison
Piedra, Israel
Riel, Cole
St. John, Michelle
Vail, Suzanne
Woodbury, David

Cleaver, Skip
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Klee, Patricia
Mangipudi, Latha
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Stack, Kathryn
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Luneau, David
Myler, Mel
Schuett, Dianne

Buchanan, Ryan
Fox, Samantha
MacKay, James
Pimentel, Roderick
Schultz, Kristina

Carson, Clyde
Klose, John
McWilliams, Rebecca
Rogers, Katherine
Walz, Mary Beth

Doherty, David
Lane, Connie
Moffett, Howard
Saunderson, George
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gilman, Julie
Loughman, Tom
Meuse, David

Berrien, Skip
Cushing, Robert Renny
Grossman, Gaby
Lovejoy, Patricia
Somssich, Peter

Bunker, Lisa
DiLorenzo, Charlotte
Murray, Kate
Maggiore, Jim
Ward, Gerald

Bushway, Patricia
Edgar, Michael
Le, Tamara
McConnell, Liz
Warner, Anne

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Chase, Wendy
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt

Fargo, Kristina
Keans, Sandra
Schmidt, Peter
Towne, Matthew

Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Treleaven, Susan

SULLIVAN

Merchant, Gary

Sullivan, Brian

Tanner, Linda

and the majority committee report was adopted.

Rep. Wallner voted Yea and intended to vote Nay.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Lynne Ober moved that the House reconsider its action whereby, on a roll call vote of 169 to 153, the House adopted the majority committee report of Inexpedient to Legislate on **HB 1350**, requiring a locking safety device be provided for commercial firearm sales and transfers.

Rep. Lynne Ober spoke against.

On a division vote, with 158 members having voted in the affirmative, and 166 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 1374, relative to voluntarily surrendered firearms. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert Renny Cushing for the Majority of Criminal Justice and Public Safety. This bill repeals RSA 159:25, which forbids any state agency from operating a "voluntary surrender and destroy" program and requires that any firearm voluntarily turned over to a state agency must either be used by the agency or sold at public auction. This bill will not compel any citizens to relinquish any firearm, nor does it require the state to operate a program that would give citizens an option for the voluntary destruction of firearms. Sadly, with the proliferation of repulsive murderabilia collecting, firearms that have been used to kill people have become trophy items. Passing this bill will recognize that there are some circumstances when it is appropriate to safely destroy firearms and is consistent with New Hampshire's commitment to responsible firearms ownership. Vote 12-8.

Rep. Scott Wallace for the Minority of Criminal Justice and Public Safety. This bill serves no purpose that benefits the public, rather the destruction of a firearm that may have a monetary value at auction, ballistics reference value, or training value has the opposite effect. Additionally, the destruction of firearms surrendered voluntarily may result in destruction of evidence that could solve crimes yet unsolved.

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

Rep. Abbas spoke against.

Rep. Cushing spoke in favor.

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

YEAS 181 - NAYS 141**YEAS - 181****CARROLL**

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Fenton, Donovan
Mann, John
Swinburne, Sandy

Ames, Richard
Gomarlo, Jennie
Morrill, David
Pearson, William

Bordenet, John
Harvey, Cathryn
Parkhurst, Henry
Weber, Lucy

Faulkner, Barry
Ley, Douglas
Schapiro, Joe

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
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

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

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Hamer, Heidi
Judy, Jean
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Backus, Robert
Bernet, Jennifer
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Herbert, Christopher
Klein-Knight, Nicole
Murray, Megan
Murphy, Nancy
Petrigno, Peter
Proulx, Mark
Newman, Sue
Stack, Kathryn
Toomey, Dan
Williams, Kermit

Balch, Chris
Bordy, William
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hall, Brett
Schmidt, Janice
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Pickering, Daniel
Query, Joshua
Snow, Kendall
Stevens, Deb
Vail, Suzanne
Woodbury, David

MERRIMACK

Bartlett, Christy
Ebel, Karen
Luneau, David
Myler, Mel
Schamberg, Thomas
Wallner, Mary Jane

Buchanan, Ryan
Ellison, Arthur
MacKay, James
Pimentel, Roderick
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
McWilliams, Rebecca
Rogers, Katherine
Schultz, Kristina
Wells, Kenneth

Doherty, David
Lane, Connie
Moffett, Howard
Saunderson, George
Soucy, Timothy
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gilman, Julie
Le, Tamara
Meuse, David
Warner, Anne

Berrien, Skip
Cushing, Robert Renny
Grossman, Gaby
Loughman, Tom
Read, Ellen

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Somssich, Peter

Bushway, Patricia
Edgar, Michael
Murray, Kate
McConnell, Liz
Ward, Gerald

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Horriggan, Timothy
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Fontneau, Timothy
Levesque, Cassandra
Rich, Cecilia
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

Sullivan, Brian

NAYS - 141 BELKNAP

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed

MacDonald, John

Marsh, William

CHESHIRE

Eaton, Daniel

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Adjutant, Joshua

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Bouchard, Donald
Gagne, Larry
Gunski, Michael
King, Mark
McLean, Mark
Plett, Fred
Rice, Kimberly
Lekas, Tony

Griffin, Barbara
Burt, John
Goley, Jeffrey
Hinch, Richard
Ober, Lynne
Notter, Jeanine
Prout, Andrew
Sanborn, Laurie
Ulery, Jordan

Barry, Richard
Erf, Keith
Gould, Linda
Hopper, Gary
Lascelles, Richard
Nunez, Hershel
Ober, Russell
Shaw, Barbara
Warden, Mark

Boehm, Ralph
Flanagan, Jack
Greene, Bob
Jack, Martin
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Somero, Paul

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
McGuire, Carol
Turcotte, Alan

Horn, Werner
Pearl, Howard
Walsh, Thomas

Klose, John
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Dolan, Tom
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Pearson, Mark
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Vose, Michael
Yokela, Josh

Abramson, Max
Bershtein, Alan
Desilets, Joel
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Love, David
Malloy, Dennis
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Wallace, Scott

Acton, Dennis
Costable, Michael
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janigian, John
Griffin, Mary
McKinney, Betsy
O'Connor, John
Pratt, Kevin
Spillane, James
Vallone, Mark
Welch, David

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Pitre, Joseph

Horgan, James
Rooney, Abigail

Keans, Sandra
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

(Rep. Ebel in the Chair)

HB 1560-FN, relative to the criminal penalties for certain negligent actions which cause the death of an animal. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy Murphy for the Majority of Criminal Justice and Public Safety. This bill was proposed based upon a need to strengthen animal cruelty penalties when conduct occurs that results in serious harm or death of an animal. The committee heard testimony relative to the challenges faced by law enforcement and prosecutors when dealing with these situations. This bill as amended will address cruelty that causes significant suffering such as starvation, or "knowing" or "reckless" cruelty being charged as a misdemeanor when the prosecutor

may not be able to prove the animal cruelty was “purposeful” which is currently the intent for a first offense felony. Passing this bill will provide law enforcement with an option of bringing charges with a penalty more consistent with the degree of harm or death of an animal. This bill creates a new subsection (II-b) to the animal cruelty statute (RSA 644:8) which includes a definition of “serious harm” to an animal which occurs as a result of cruelty. The term “serious harm” was chosen as it already exists in the animal cruelty statute. The addition of section III-b provides an enhanced penalty option (a class B felony) for a person who purposely, knowingly, or recklessly commits an act under paragraph III (the negligence section), and such conduct causes serious harm to, or the death of the animal. The addition of section III-c includes the right to customarily accepted animal husbandry practices or humane slaughter under RSA 427 or accepted methods of euthanasia as determined by the American Veterinary Medical Association to alleviate the suffering of an injured or ill animal. The committee discussed that even if a felony charge for serious harm or death to an animal became an option for law enforcement and prosecution by passage of this bill, animal cruelty charges are often plead down and judicial discretion remains. The NH State Director and the Animal Cruelty Policy Team of the Humane Society of the United States, and NH Association of Chiefs of Police support this bill as amended, stating “we support these enhanced penalties for egregious cruelty and neglect cases that cause death or serious harm to animals.” The committee voted to pass the bill as amended to ensure that law enforcement has a tool that can bring forward charges that fit the crime. Current animal cruelty penalties are written in such a way that it is virtually impossible to bring forward a felony level charge of animal cruelty despite the severity of the crime. Without this bill, a person who is found guilty of starving or drowning an animal to death could still only face misdemeanor charges. This bill as amended strengthens animal cruelty penalties by closing the gap between neglect and torture, defining “serious harm,” and increasing penalties for those whose conduct results in the serious harm to, of death of, an animal. Vote 11-9.

Rep. David Welch for the Minority of Criminal Justice and Public Safety. This bill has a penalty of a class B felony for the first offense. The minority supports the present law which has for the first offense a misdemeanor and a class B felony for a second or subsequent offense. Many animal cruelty cases involve owners who may not know or realize the consequences of their actions. The current law allows for education of those offenders without adding a felony and prison time to the charge.

Majority Amendment (0857h)

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

AN ACT defining “serious harm” to an animal as a result of animal cruelty and relative to the criminal penalties for certain negligent actions which cause serious harm to or the death of an animal.

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

1 New Paragraph; Serious Harm to Animal as a Result of Animal Cruelty; Definition. Amend RSA 644:8 by inserting after paragraph II-a the following new paragraph:

II-b. In this section, “serious harm” means any harm to the animal’s body which causes severe, permanent, or protracted loss of or impairment to the health or the function of any part of the animal’s body.

2 New Paragraphs; Serious Harm to or Death of Animal as a Result of Animal Cruelty; Penalties. Amend RSA 644:8 by inserting after paragraph III-a the following new paragraphs:

III-b. A person is guilty of a class B felony if such person purposely, knowingly, or recklessly commits one of the following acts and such conduct causes serious harm to or the death of the animal:

(a) Without lawful authority deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance or shelter;

(b) Beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;

(c) Overdrives, overworks, drives when overloaded, or otherwise abuses or misuses any animal intended for or used for labor;

(d) Transports any animal in his possession or custody in a manner injurious to the health, safety or physical well-being of such animal;

(e) Abandons any animal previously in his or her possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance, or shelter;

(f) Has in his or her possession an equine colt that is less than 90 days old that is not being nursed by its dam, unless the colt was born in this state, and its dam has died within this state before the colt became 90 days old;

(g) Sells an equine colt that is less than 90 days old that is not being nursed by its dam; or

(h) Otherwise permits or causes any animal in his or her possession or custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind.

III-c. This section shall not apply to customarily accepted animal husbandry practices, or humane slaughter under RSA 427, or accepted methods of euthanasia as determined by the American Veterinary Medical Association to alleviate the suffering of an injured or ill animal.

3 Effective Date. This act shall take effect January 1, 2021.

AMENDED ANALYSIS

This bill defines “serious harm” to an animal which occurs as a result of animal cruelty.

This bill makes it a felony if an animal that is a victim of animal cruelty is seriously harmed or dies as a result of that cruelty.

This bill also exempts certain husbandry, slaughter, and euthanasia practices from the laws regarding animal cruelty.

MOTION TO LAY ON THE TABLE

Rep. Pearl moved that **HB 1560-FN**, defining “serious harm” to an animal as a result of animal cruelty and relative to the criminal penalties for certain negligent actions which cause serious harm to or the death of an animal, be laid on the table.

On a division vote, with 149 members having voted in the affirmative, and 170 in the negative, the motion failed.

The question now being adoption of majority committee amendment (0857h).

On a division vote, with 188 members having voted in the affirmative, and 132 in the negative, the majority committee amendment was adopted.

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

Majority committee report adopted and ordered to third reading.

HB 1586-FN, relative to the statute of limitations for sexual assault. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. David Welch for the Majority of Criminal Justice and Public Safety. This bill removes the statute of limitations for sexual assault. The statute of limitations for incest remains the same. The committee felt that the resulting inequity shouldn’t exist but there had not been a subcommittee to study or amend. The testimony in favor of passage was heart-wrenching and most of us were uncomfortable with the current 6-year limitation, but there was no consensus on what it should be. After two failed votes, Interim Study passed. Vote 18-2.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. Sexual assault is a lifetime sentence for every victim. During the public hearing on this bill, we heard testimony from county attorneys that removing the statute of limitations for these crimes will do nothing to change the burden of proof required to successfully prosecute a case. But what removing the statute of limitations for these crimes would have done is to allow a truly heinous crime to be prosecuted using available evidence and testimony without the worry of not being able to prosecute the case because too much time has elapsed from the clock. We heard testimony from the victims of these crimes about the many factors that can dissuade a person who has been violated in this way from making an immediate complaint to law enforcement. In one case, the perpetrator was not only a step-parent—but also a member of the New Hampshire House of Representatives—a huge difference in power and authority for any person to have to deal with, but an unimaginable burden for a child. While the minority agrees that Interim Study is a slightly more preferable outcome than killing the bill outright, the challenge will be ensuring that any proposed changes to the law that don’t involve removing the statute of limitations for these crimes altogether will be evidence-based outcome rather than best guesses. We believe this bill is needed and should be approved by this body.

MOTION TO LAY ON THE TABLE

Rep. Bordenet moved that **HB 1586-FN**, relative to the statute of limitations for sexual assault, be laid on the table.

On a division vote, with 161 members having voted in the affirmative, and 162 in the negative, the motion failed.

The question now being adoption of the majority committee report of Refer for Interim Study.

Rep. Altschiller spoke against and yielded to questions.

Rep. Roy Spoke in favor and yielded to questions.

Rep. Cushing spoke in favor.

Rep. Buchanan requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 123

YEAS - 200

BELKNAP

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino
Marsh, William

Butler, Edward
Nelson, Bill

Comeau, Ed
Ticehurst, Susan

MacDonald, John

CHESHIRE

Abbott, Michael
Faulkner, Barry
O'Day, John
Weber, Lucy

Ames, Richard
Gomarlo, Jennie
Parkhurst, Henry

Bordenet, John
Harvey, Cathryn
Schapiro, Joe

Eaton, Daniel
Ley, Douglas
Swinburne, Sandy

COOS

Craig, Kevin
Merner, Troy

Furbush, Michael
Moynihan, Wayne

Hatch, William

Laflamme, Larry

GRAFTON

Almy, Susan
Muscatel, Garrett
Stringham, Jerry

Dontonville, Roger
Nordgren, Sharon

Hennessey, Erin
Osborne, Richard

Migliore, Vincent Paul
Stavis, Laurel

HILLSBOROUGH

Bouldin, Andrew
Bergeron, Paul
Camarota, Linda
Erf, Keith
Goley, Jeffrey
Hamer, Heidi
Hopper, Gary
Long, Patrick
O'Brien, Michael
Porter, Marjorie
Renzullo, Andrew
Snow, Kendall
Ulery, Jordan

Griffin, Barbara
Bernet, Jennifer
Cornell, Patricia
Davis, Fred
Gould, Linda
Harriott-Gathright, Linda
King, Mark
Marzullo, JP
Panasiti, Reed
Proulx, Mark
Rice, Kimberly
Sofikitis, Catherine
Williams, Kermit

Backus, Robert
Boehm, Ralph
Cote, David
Flanagan, Jack
Greene, Bob
Heath, Mary
Lascelles, Richard
Notter, Jeanine
Petrigno, Peter
Prout, Andrew
Sanborn, Laurie
Somero, Paul
Woodbury, David

Barry, Richard
Burt, John
Dargie, Paul
Gagne, Larry
Gunski, Michael
Hinch, Richard
Leishman, Peter
Nunez, Hershel
Plett, Fred
Query, Joshua
Shaw, Barbara
Lekas, Tony

MERRIMACK

Allard, James
Hill, Gregory
Luneau, David
Pearl, Howard
Schuett, Dianne
Turcotte, Alan
Woods, Gary

Bartlett, Christy
Horn, Werner
MacKay, James
Rogers, Katherine
Seaworth, Brian
Wallner, Mary Jane
Yakubovich, Michael

Carson, Clyde
Klose, John
McGuire, Carol
Saunderson, George
Shurtleff, Steve
Walsh, Thomas

Doherty, David
Kotowski, Frank
Myler, Mel
Schamberg, Thomas
Testerman, Dave
Walz, Mary Beth

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Cushing, Robert Renny
Dolan, Tom
Elliott, Robert
Harb, Robert
Janvrin, Jason
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Pearson, Stephen
True, Chris
Ward, Gerald
Yokela, Josh

Abrami, Patrick
Barnes, Arthur
Davis, Dan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Katsakiores, Phyllis
Major, Norman
Milz, David
Potucek, John
Spillane, James
Verville, Kevin
Warner, Anne

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Edgar, Michael
Grote, Jaci
Hoelzel, Kathleen
Love, David
Malloy, Dennis
O'Connor, John
Pratt, Kevin
Sytek, John
Vose, Michael
Welch, David

Acton, Dennis
Costable, Michael
Desilets, Joel
Edwards, Jess
Guthrie, Joseph
Janigian, John
Griffin, Mary
McMahon, Charles
Packard, Sherman
Roy, Terry
Torousian, Peter
Wallace, Scott
Weyler, Kenneth

STRAFFORD

Bixby, Peter
Keans, Sandra
Rich, Cecilia
Treleaven, Susan

Harrington, Michael
Smith, Marjorie
Rooney, Abigail

Hayward, Peter
Perreault, Mona
Sandler, Catt

Horgan, James
Pitre, Joseph
Southworth, Thomas

SULLIVAN

Aron, Judy
Lucas, Gates
Stapleton, Walter

Callum, John
Merchant, Gary
Smith, Steven

Cloutier, John
O'Hearne, Andrew
Sullivan, Brian

Laware, Thomas
Rollins, Skip

NAYS - 123**BELKNAP**

Huot, David

CARROLL

Burroughs, Anita
Woodcock, Stephen

DesMarais, Edith

Kanzler, Harrison

Knirk, Jerry

CHESHIREFenton, Donovan
Pearson, William

Mann, John

Morrill, David

Von Plinsky, Sparky

COOS

Noel, Henry

Tucker, Edith

Thomas, Yvonne

GRAFTONAbel, Richard
Egan, Timothy
Gordon, Edward
Ruprecht, DennisAdjutant, Joshua
Fellows, Sallie
Josephson, Timothy
Smith, SuzanneCampion, Polly
Ford, Susan
Maes, Kevin
Sykes, GeorgeDiggs, Francesca
French, Elaine
Mulligan, Mary Jane
Weston, Joyce**HILLSBOROUGH**Alexander, Joe
Bosman, James
Cohen, Bruce
Espitia, Manny
Herbert, Christopher
Klee, Patricia
Mangipudi, Latha
Murphy, Nancy
Pickering, Daniel
Newman, Sue
Smith, Timothy
Van Houten, ConstanceBouldin, Amanda
Bouchard, Donald
Connors, Erika
Freitas, Mary
Schmidt, Janice
Klein-Knight, Nicole
Martin, Joelle
Nutter-Upham, Frances
Piedra, Israel
St. John, Michelle
Telerski, Laura
Warden, MarkBeaulieu, Jane
Chretien, Jacqueline
Desjardin, Kathy
Griffith, Willis
Jack, Martin
Langley, Diane
McLean, Mark
Nutting-Wong, Allison
Newman, Ray
Stack, Kathryn
Toomey, Dan
Wilhelm, MatthewBordy, William
Cleaver, Skip
Dutzy, Sherry
Hall, Brett
Judy, Jean
Murray, Megan
Mullen, Sue
Pedersen, Michael
Riel, Cole
Stevens, Deb
Vail, Suzanne**MERRIMACK**Buchanan, Ryan
McWilliams, Rebecca
Soucy, TimothyEllison, Arthur
Moffett, Howard
Wells, KennethFox, Samantha
Pimentel, RoderickLane, Connie
Schultz, Kristina**ROCKINGHAM**Altschiller, Debra
Cahill, Michael
Gilman, Julie
Loughman, Tom
Meuse, David
Vallone, MarkBerrien, Skip
DeSimone, Debra
Grossman, Gaby
Lovejoy, Patricia
Prudhomme-O'Brien, KatherineBunker, Lisa
DiLorenzo, Charlotte
Murray, Kate
Maggiore, Jim
Read, EllenBushway, Patricia
Gay, Betty
Le, Tamara
McConnell, Liz
Somssich, Peter**STRAFFORD**Cannon, Gerri
Grassie, Chuck
Opderbecke, Linn
Wall, JanetChase, Wendy
Horrigan, Timothy
Schmidt, Peter
Wuelper, KurtFargo, Kristina
Kenney, Cam
Salloway, JeffreyFontneau, Timothy
Levesque, Cassandra
Towne, Matthew**SULLIVAN**

Tanner, Linda

and the majority committee report was adopted.

(Speaker Shurtleff in the Chair)**MOTION TO PRINT DEBATE**

Rep. Tanner moved that the debate on **HB 1586-FN**, relative to the statute of limitations for sexual assault, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON HB 1586-FN

Representative Bordenet: Thank you, Madam Speaker. I make a motion to table HB 1586.

Deputy Speaker Ebel: That motion is appropriate. Did I hear someone say division? This will be a division vote. The question is on the tabling motion on HB 1586. If you are in favor, you will press the green button. If you are opposed, you'll press the red button. I'm getting ahead of myself. This is a division vote. The question is on the tabling motion for HB 1586. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members had an opportunity to vote? On the tabling motion for HB 1586, the Yeas are at 161, the Nays 162, the motion to table fails. The Chair recognizes Representative Altschiller to speak in opposition to the committee recommendation of Interim Study.

Representative Altschiller: Thank you, Madam Speaker. Laura Bilodeau is a tenured full-time professor and Department Chair of the Behavioral Social Science and Human Services Department at the Manchester Community College. She's a former full-time police officer for the Plaistow Police Department and she is also

a survivor of nearly 10 long years of childhood sexual abuse at the hands of her former stepfather. She testified last week in committee and said, "The details of my abuse, which included forced sexual acts for my stepfather's gratification, began when I was an 8-year-old third grader. The statute of limitations impacted my ability to get any sort of justice in New Hampshire for what I suffered as a result of his perverse behaviors." HB 1586 seeks to eliminate the criminal statute of limitations on sexual assault. Currently, the statute of limitations for sexual assaults are as follows and they are very different from each other. Adult victims of sexual violence have just 6 years to come forward to law enforcement for even the most violent sexual felonies to be prosecuted and only 1 year to come forward for misdemeanor sexual violence, making New Hampshire one of the most restrictive states in the country. Child victims only have until they turn 40, which is 22 years after their 18th birthday for their case to be prosecuted. New Hampshire does not have a DNA exception to the statute of limitations. This means that even if there is a DNA match made to identify a sexual perpetrator from an assault that took place more than 6 years ago, that perpetrator is free to go. HB 1586 seeks to eliminate these arbitrary deadlines and give victims of sexual violence access to justice and here's a really important point about this bill. It does not have a lookback provision. There is not lookback. This bill only applies to crimes committed after this bill is signed into law. This means that every single victim survivor who testified, called, wrote you emails, did so solely because they don't want the trauma they were exposed to and subjected to, to happen to anyone else. So what exactly are our statute of limitations? It's a law that forbids our prosecutors from charging someone with a crime that was committed more than an arbitrarily specified number of years ago and when that time period is up, that crime can no longer be prosecuted. Interestingly enough, statutes of limitations vary from state to state. They are not the same across the board. Each state decides their own statute of limitations, often with very different time limits and New Hampshire has actually made changes to our statute of limitations 7 times since 1971. We did it in 1971, again in 1975, again in 1986. We revisited this again in 1987 and the last time we addressed this at all was in 1990. All we've done since 1990 is study. All we've done is study. We now have more information and understanding and we can better reflect our values and the seriousness with which we take this crime of sexual violence. Sexual assault is a vicious crime that damages victims' bodies and their psyches. It's an invasion. Aggravated felonious sexual assault and felonious sexual assault are rape. Misdemeanor sexual assaults are often the grooming behaviors used by perpetrators to break down the boundaries of their victims and those crimes include exposing their genitals, having sex in front of someone else or other acts of gross lewdness. These acts accumulate and increase in frequency over time and are used as demonstrations of a perpetrators power and control over their victims and the statute of limitations on what I just described is 1 year, 1 year. We know that victims can take months, years or decades before coming forward to their family, friends or law enforcement. In fact, the average age of disclosure of childhood sexual violence for adults is 52 years old. The barriers to disclosure are incredibly high. According to the United States Department of Justice, which is information presented to the committee last week, nearly 80% of all rapes and sexual assaults go unrecorded. 20% of survivors, according to the DOJ report worry about retaliation, not just from the perpetrator, but from society at large. Our current collection of statutes of limitations are biased towards the accused. Opponents of lifting the statute of limitations have said the due process rights of the offenders have to be considered. HB 1586 makes absolutely no changes to the burden of proof. Law enforcement officers still must have probable cause to charge and prosecutors must still prove their case beyond a reasonable doubt. That is the highest evidentiary standard. If watching the pervasive and institutional sexual abuse in organizations like the Catholic Church and the Boy Scouts have shown us anything, it's that offenders understand that the system is working in their favor. Silencing victims and waiting out the clock are built into the abusive structures of these organizations. New Hampshire private school students have come forward decades later after leaving their schools with their experiences of abuse at the hands of teachers, coaches or other students and they were silenced by the institutions themselves. When the committee first voted on this in its executive session, nearly every member agreed that the statute of limitations for criminal prosecution needs overhaul. The committee ultimately voted to disregard the plethora of data presented to them and send this to another study committee. We will be in year 31 of studying this. A study committee would be a terrific result if we hadn't already studied this nine ways to Sunday and digging back into the history of statutes of limitations, the House first started trying to overturn this in 1990 when Representative Pierce of Cheshire County brought it forward. Anticipating a deluge of questions and an eagerness to learn, we lined up experts on the effects of sexual trauma and response. The committee was presented with hard evidence that survivors of childhood sexual violence disclose that the average age of 52, which is 12 years outside of the New Hampshire statute of limitations. We presented evidence from New Hampshire county attorneys about the people they have turned away even when there is solid evidence of a crime because the adult statute of limitations on sexual assault is only 6 years. The committee was presented with evidence and research based information from the New Hampshire Department of Justice, the National Sexual Violence Resource Center, SNAP, the Survivors Network for those Abused by Priests, the world's oldest and largest group for clergy abuse victims, Child USA, the leading nonprofit think tank working to end child abuse and neglect in the United States, RAIN,

the Rape, Abuse, Incest National Network, the New Hampshire Coalition Against Sexual Violence, County Attorney Patricia Conway of Rockingham, Michael Conlon of Hillsborough, Andrew Livernois of Belknap and Assistant County Attorney Casey Devine of Hillsborough also all made the trip to Concord to testify and to answer questions in support of this long, long overdue action. Also, understanding that people don't always have empathy or necessarily take action based on numbers alone, victim survivors bravely stepped forward too. Some of them our own New Hampshire House colleagues here with us today. We owe them a debt of gratitude and they shouldn't be ignored. The former law enforcement officer from Plaistow, Laura Bilodeau, shared her experiences as a survivor. All the survivors said the statute of limitations as it is in New Hampshire benefit sex offenders. Additionally, as cosponsors, we have been working to educate fellow legislators and House members and 61 of you all signed on in support of this bill and we thank you. Over the course of an hour and a half hearing, only 2 people spoke in opposition to HB 1586. Both paid lobbyists. One of them stated in an email just last night that the fundamental underpinning of our criminal justice system is the presumption that a person accused of a crime is innocent until the state proves beyond a reasonable doubt that the person is guilty of the charge and on that we can agree. This bill, as written, demands, demands that the state meet the highest burden of proof. Where we, the cosponsors of this bill, differ from this advocacy group who have spent a great deal of money hiring not one but two extra lobbying firms to fight victims of sexual violence from accessing justice. We differ in the core belief that we all have a constitutional right to access justice. Where they see the 6 short years as so-called guardrails of the criminal justice system, we see the victims left broken on the side of the road. Allowing violent sexual perpetrators to run out the clock and in many cases continue abusing even more people is a public health crisis. One in 3 women and 1 in 20 men here in New Hampshire will experience sexual violence. That is a documented fact. Disclosures of abuse don't fit into these artificial timelines and we believe that every survivor should have the right to seek justice when they are ready, not forced by an arbitrary deadline. Monday morning, I received a call from a 94-year-old woman here in Concord, Barbara Gagolin, and Barbara, if you are listening today, and I think you are, I want to thank you. She called to say that she had read in the newspaper at the assisted living facility where she lives that we were finally taking action on the criminal statute of limitations and she was so thrilled. She was sexually assaulted at age 8 back in 1934. She held onto that secret for 56 years until 1982. She told me that she had finally moved through this trauma but it left a lifetime imprint. We should and we could be treating victims of sexual violence in a much more humane way and we know through working with victims that sometimes they are slow to accept that a crime has occurred because of the way their perpetrators and our community gaslight them into thinking they're assault might be their own fault. With all of that running against them, we should be ensuring that at least, at the very least, they have the doors of the courthouse open to them. Sexual assault is a crime of power and control and it is born from the entitlement that an offender feels they have over another person's body. We can make a data driven decision; a data driven value judgement that is in the interest of justice that we will not tolerate an escape from the consequences of that crime simple because the passage of time has made an offender older. Why are we willing to say that perpetrators of sexual violence can capitalize on their victim's trauma by keeping them quiet for one year, by keeping them quiet for 6 years or 22 years after their 18th birthday if their perpetrator doesn't leave the state? Why is the burden shouldered by the victims in order for those sexual offenders to earn a get out of jail free card? Why? The current statute of limitations is a gift to sexual offenders and all they have to do is wait out the clock. HB 1586 will only apply to victims who come forward after this bill is signed into law. Again, there is no lookback. New Hampshire is collecting more and more DNA related evidence than ever before and the digital footprint of offenders and victims make finding and corroborating evidence and timelines so much easier. The time is now. The time is now to lift the statute of limitations on this heinous crime and open the doors to the courthouse for victims. Prosecutors are under no obligation to prosecute cases that don't meet the standards of evidence they need, but a prosecutor should never again have to tell a victim when there is overwhelming evidence or a confession even that because of an arbitrary number decided upon years ago by a different group of people in this room has closed the window of justice for them. HB 1586 seeks to solve a problem that we have right now. We have an arbitrary deadline that works against what we know about how victims of sexual violence disclose these horrible crimes committed against them. Our current statute of limitations on sexual violence has set up a system where only some victims are deemed deserving of access to justice and perpetrators who are shielded by these arbitrary deadlines get to run out the clock. Laura Bilodeau said in her testimony to the committee, "I beseech you to show compassion toward victims, knowing that coming forward takes so much more courage than anyone should have to muster." I ask you to display wisdom in your decision and to pass this long-needed bill that would help such victims receive some sense of justice for what they have experienced knowing that nothing, nothing will make up for what they went through and the scars they still carry. Colleagues, the evidence is in. The victims are demanding justice for the next generation. The time is now today. Please give survivors of sexual assault an open door to the legal system and overturn the committee recommendation of Interim Study so that another motion can be made.

Deputy Speaker Ebel: Will the member yield to a question? The member yields. Please ask your question.

Representative Klein-Knight: Thank you for taking my question. A wise Republican colleague that has much experience once told me for a similar bill that I put in for protection for victims against violence of any sort and he said, "If you don't, a vote against this is a vote for the harasser and the abuser and it's against the victim." I wonder if you believe that that also applies to this bill as well.

Representative Altschiller: Thank you for the question. Thank you for posing it in such an empathetic way. Victims are watching us across the state today. They have been waiting for this for 30 years and a vote today says victims of sexual assault just get a chance to walk through the courthouse doors. It says that prosecutors don't have to turn them away because an arbitrary deadline has passed.

Deputy Speaker Ebel: Will the member yield to another question?

Representative Backus: Thank you for taking my question. My question is, did the committee consider lengthening the statute of limitations instead of simply ending it altogether so there would be no statute of limitations under this bill? And, if they did consider, do you know why that option was rejected?

Representative Altschiller: Thank you for the question, Representative. I'm not a member of that committee so I can't speak to what they did, but I can tell you that our current statute of limitations for people who have endured sexual violence as a child, they only have 22 years after their 18th birthday, which is age 40 and the average age, the average age for adults that come forward after enduring sexual violence as children is 54. We heard from Laura Bilodeau that she was outside of that statute. We heard from Barbara that she didn't come forward until she was 56. It's an arbitrary deadline that we threw a dart at without any data 30 years ago. We have data now. It's time to lift the statute.

Deputy Speaker Ebel: Will the member yield to another question. You may approach.

Representative Buchanan: Thank you for taking my question. So my question is so the statute of limitations prevents when the victim can find justice. I'm wondering is there a similar limitation or a timeline when they no longer feel that pain of being a victim that we can sit there and go this is the number that after this many years, you return to a normal life? Where it will be okay that your predator, your attacker doesn't face justice?

Representative Altschiller: Thank you for the question. That's a really hard one to answer. When I spoke with Barbara on Monday, I was getting coffee at Cumbies and my phone rang and it said Concord and I knew we had a big week coming up so of course I'm going to take any call that comes from Concord and it was Barbara. I spent a half an hour on the phone with a 96 year old woman for whom the imprint of being sexually violated at the age of 8 back in 1936 has left a permanent imprint on her and we know that while sexual violence victims move through their trauma sometimes, we know that they suffer from increased depression, self-harm and it changes their life forever. So I don't know that there is any day when you wake up on a sunshiny day even, when the trauma of sexual violence doesn't lift like a little black cloud in the back of your mind. Thank you.

Deputy Speaker Ebel: Will the member accept another question.

Representative Altschiller: Sure. We are in this deep. Let's do it.

Deputy Speaker Ebel: Representative, you may inquire.

Representative Chase: Thank you for taking my question. In my case, would you believe that when the predator was finally charged, many of the victims had had a statute of limitations, which meant that had his sentence was not as great as it would have been? A lot of counts had been let go and those victims would never get their day in court? I was lucky I could but it did change the sentencing and it also changed the counts against the predator.

Representative Altschiller: Thank you for sharing your experience, Representative Chase. Thank you to all the other members of the House who have shared your experiences either in testimony or in private moments or in email. We hear you. It's time. I'll ask you to press the red button to overturn this Interim Study so another motion can be made.

Deputy Speaker Ebel: The question before the House is on the majority recommendation of Interim Study on HB 1586. We still are having debates so we will work on that. The Chair recognizes Representative Roy of Deerfield so speak in support of the majority recommendation.

Representative Roy: Thank you, Madam Speaker. I don't want to be here speaking against this bill. I think emotionally I agree that victims deserve justice. The problem I have and the majority of the committee had on this bill is that it went too far. It took the statute of limitations and it didn't just raise it, which the sponsor could have done. It eliminated it totally. The statute of limitations are not arbitrary and they are not something that was made in this House by another group. Statutes of limitations are hundreds and hundreds of years old. There is a reason we have a statute of limitations. Our justice system, one of the forefathers of our justice system, a Judge from England named Blackstone once said that it's better that 10 guilty men go free than one innocent go to jail. Our system of justice is based on innocent until proven guilty and we put a very high bar on the state to put someone in jail. Now, once someone has been proven guilty, especially of a crime like this, were up to me I'd put them under the jail, but that's not what we are talking about. What we are talking about is the mighty power of the state to reach back in time in perpetuity and charge you with a crime. Now, I can't speak for anyone here, but I know for myself that if someone asked what I was doing 6

years ago on a Tuesday night at 4:00, I couldn't tell you. Maybe I would be lucky and be able to reconstruct events and times and find someone to speak in my defense and maybe I couldn't. Now, that is 6 or 7 years. What about if we go 20 years, 30, 40 years? You are going to end up with a situation where people who could have exonerated you are dead. Justice has to be swift and as swift as possible and there is a reason for that because we don't want to put innocent people in jail. Now, I keep hearing words like perpetrator and perhaps he is a perpetrator, but perhaps he's not and we have to always err on the side of justice. There is a reason if you think about what the symbol of justice is. It's a statue of a woman holding a scale and blindfolded. It's not emotion. This is an emotional issue and we cannot legislate by emotion. We have to legislate by reasoned thought and our system is based on innocent until proven guilty and one of the protections is statute of limitations. This isn't, as I said, an arbitrary thing. This is done for both the protection of the alleged victim and the alleged perpetrator so that a good case can be brought. Now, we did hear testimony from one district attorney and it disturbed me a little bit because his opening statement was in my county, we believe victims. Now, that's admirable once they've been proven to be a victim, but when you just say I believe anyone who walks in the door, that's not his job. The job of a prosecutor is to seek justice and justice doesn't mean believing the first thing you hear. He has to look at the facts and as these cases get older, they are not like wine, they do not age well. You lose witnesses and it just ends up being not fair and you start reversing Blackstone's ratio. Instead of 10 innocent people going free, we have just the opposite. Excuse me, 10 guilty people. We have the opposite. We have 10 innocent people going to jail. Now, earlier this session we've dealt with some issues with DNA testing because we realize that there are a lot of innocent people sitting in jail. Well, if we want more innocent people to go to jail, we take away these ancient safeguards that protect people and enable them to put on a defense. Our criminal justice system isn't perfect by any stretch, but it's one of the best in the world and it's because of things like this. One of the problems with our criminal justice system is that it disparately impacts minorities. Now, if that's true, taking away another further protection like this is going to be worse. We really need to take our time and we need to think about things like this. So, someone asked why didn't the committee think about moving it? Well, we did and that's why we recommended Interim Study, because if we had just suggested an arbitrary date without thought and study, we would be in the same situation. So we believed that this issue deserved to be examined, but just taking it away and throwing it out wasn't the answer. So, the majority, bipartisan majority of the committee, gave this great thought and struggled with it and as I said, I don't want to have to defend this, but someone has to because it's justice, it's our system of justice. It may not be perfect and we may need to tweak it, but we can't just rip it up and throw it out. So, I would ask you to support the bipartisan majority of the committee, who after hearing the testimony and looking into the issue thoughtfully, agreed that it should go to Interim Study. Thank you.

Deputy Speaker Ebel: Will the member accept a question? You may inquire.

Representative Harriott-Gathright: Thank you, Madam Speaker. Thank you, Representative, for taking my question. This was a very difficult bill so isn't it true that our committee discussed this bill in great length and then we concluded that the Interim Study was the best thing because it gave us the opportunity to expand the statute of limitations next session rather than attempting to eliminate it and interfere with due process protections?

Representative Roy: Thank you for your question, Representative. Yes, this was very difficult for the committee and as I said I'd much rather not be appeared defending this issue, but I have to. The committee thought about this and we agreed the 6-year limitation could definitely be increased. We want data. We want to talk to the different people from the courts and we need time to do it, not just make a kneejerk reaction. So, we thought it best that we send this to Interim Study and revisit it next session and we definitely work on it. Thank you.

Deputy Speaker Ebel: Would the member accept another question. The member does not. The Chair recognizes the last speaker, Representative Cushing to speak in favor of the majority recommendation of Interim Study on HB 1586.

Representative Cushing: Thank you, Madam Speaker. Like my other colleagues on the Criminal Justice and Public Safety Committee, I find this a very difficult place to be in this moment. As somebody who when the bill first had a vote in our committee, I voted for the bill and as someone who's spent a couple of decades working with victims of crime, primarily survivors of homicide victims, but I have a pretty good understanding about the journey people make from victims to survivors. In the Criminal Justice Committee, we deal with failure all the time. That's all we deal with. We deal with people who were murdered. We deal with people who were maimed by drunk drivers. We deal with the impact of drug abuse. We deal with the impact of sexual incest. We deal with the corrections system. We deal with trying to figure out justice and safety and it's really complicated. You may see us on occasion splitting on the line around firearms, but for the rest of the issues that come before us, most of the time we spend hours listening to the most awful things that have happened to human beings and then hours sitting around trying to figure out how to not make things worse. Now, as somebody who's dealt with statute of limitations, I've stood before you and I've had statute of limitations extended when it came around to cold case on sexual cases, and I worked diligently to try to provide victims

of crime with support. I know that this bill that came before us, I, at the request of the sponsor, a request was made to hold a hearing as late as we could, which I did and I will tell you the absolute, the testimony was very powerful. I know that every member of my committee was impacted. I know that we want to do something about changing the statute of limitations. I know that we will do that. I think that there are some people who had legitimate questions and legitimate concerns that we just didn't have time to address. Now, we voted for, we didn't have the votes to pass this and we did not have the votes to kill it. We finally came together by an 18 to 2 vote to recommend Interim Study. As I said, as the Chair of the committee, this Interim Study, this is not death with dignity, but we just need to sit down and deal with what is a very complicated situation, as any criminal justice thing is. I want to be smart on crime. I don't want to necessarily be foolish. I've been in a situation where we have passed legislation that turned out to not be quite what we thought it was going to be at the end of the day. I'm also very mindful that we are going to be discussing the statutes of limitations on sexual assault again in this chamber before this session ends. There is a bill in the other chamber that I am a cosponsor of to lift the statute of limitations for sexual assault. I think it will pass and I feel very defensive about my committee right now because I know we feel we are a little bit under attack when our committee is being challenged and that's not part of what we want to do. I would simply ask you to support the committee report of Interim Study and have faith and confidence that we will do our best to address the other arguments. Thank you. Press the green button.

Deputy Speaker Ebel: A roll call was requested by, I believe, Representative Buchanan. The House will come to order. The Chair recognizes Representative McLean, for a parliamentary inquiry.

Representative McLean: Thank you, Madam Speaker. Madam Speaker, if I know that DNA and other emerging technologies have given law enforcement new tools in the fight against rape and other sexual crimes, but that New Hampshire's 6-year criminal statute of limitations separates many victims from their quest for justice. If I know that HB 1586 addresses this problem by ending the statute of limitations while 100,000% preserving the judicial process rights of the accused, the rules of evidence and the burden of proof. If I know the county attorneys of New Hampshire support HB 1586 because they are the ones that have to turn the victims away and finally, Madam Speaker, if I know that this issue has already been studied for 30 years and that the people of New Hampshire finally deserve action, would I now press the red button to defeat the Interim Study motion so that another motion of Ought to Pass can be brought forward? Thank you, Madam Speaker.

Deputy Speaker Ebel: The Chair recognizes Representative Cushing for a parliamentary inquiry.

Representative Cushing: Madam Speaker, if I believe and I know. If I believe that the victims the survivors in this chamber and throughout the state and throughout the country who are living with the trauma of sexual assault, there is no question that the trauma is there and ongoing. And, if I further know that the statute of limitations for sexual assault is too short and that the committee recognizes that and is prepared to work to address that. And, if I further know that the 18 to 2 vote to Interim Study this bill is one that signals our commitment to help secure justice, would I now press the green button to uphold the committee report?

Deputy Speaker Ebel: The question before the House is on the majority recommendation of Interim Study on HB 1586. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will pay attention to the state of the vote. With 200 Yeas and 123 Nays, the motion for Interim Study passes.

REGULAR CALENDAR CONT'D

HB 1608-FN, prohibiting the manufacture, sale, transfer, and possession of large capacity ammunition feeding devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the Majority of Criminal Justice and Public Safety. This bill would make it a crime to sell, transfer, manufacture, or acquire a large capacity ammunition magazine or feeding device in New Hampshire. Similar legislation has been enacted in 9 states and the District of Columbia. Between 1990 and 2017, 64% of high-fatality mass shootings perpetrated involved firearms employing these devices. Since the federal assault weapons ban—which also banned high capacity magazines—was allowed to expire in 2004, firearms manufacturers and gun groups have worked diligently to move the goal posts by framing magazines and loading devices formerly classified as “high capacity” as “standard capacity.” The result has been a series of escalating tragedies across the country, culminating in horrors such as the Las Vegas mass shooting that left over 50 people dead and over 400 wounded. Large capacity loading devices provide a distinct advantage to active shooters intent on murdering numerous people: they increase the number of rounds that can be fired at potential victims before having to pause to reload or switch weapons. Evidence shows that victims struck by multiple rounds are 60% more likely to die when compared with the fatality rates of gunshot wound victims who were hit by only a single bullet. Evidence also shows these bans are effective. A study published in the American Journal of Public Health in 2019 found the incidence of high-fatality mass shootings in states where these devices are allowed was more than double the rate in the states that have banned them. This bill would allow people who legally own these devices at present to continue to legally own them. However, it would prohibit their sale, transfer, or acquisition after passage of the bill. Vote 11-9.

Rep. Terry Roy for the Minority of Criminal Justice and Public Safety. It is the opinion of the minority that this law is unconstitutional. The exact same law was struck down just last year in the State of California. (See *Duncan v. Becerra*, 366 F. Supp. 3d 1131.) In a scathing 89-page ruling, a federal judge found it to be an unjustified government intrusion on the 2nd Amendment. The minority agrees. It's time to stop trying to impose laws from other states on the people of New Hampshire, and send a message that our constitutional rights are not for sale.

Majority Amendment (1037h)

Amend RSA 159-E:2, III(c)(5)-(6) as inserted by section 1 of the bill by replacing them with the following:

(5) Manufactured, imported, transferred, or possessed by a manufacturer or importer licensed under 18 U.S.C. Section 923, et seq.:

(A) For the purposes of testing or experimentation authorized by the United States Attorney General, or for product development;

(B) For repair and return to the person from whom it was received;

(C) For transfer in foreign or domestic commerce for delivery and possession outside the state;

(6) Transported by a resident of another state into this state for the exclusive purpose of use in an established shooting competition if the device is lawfully possessed under the laws of another state; or

(7) Manufactured, transported, possessed, sold, or rented and which has been altered to fire only blank ammunition for the purpose of rental for use solely as a prop for a motion picture, television or digital audiovisual production, or entertainment event.

On a division vote, with 170 members having voted in the affirmative, and 111 in the negative, the majority committee amendment was adopted.

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

Rep. Adjutant offered floor amendment (1170h).

Floor Amendment (1170h)

Amend RSA 159-E:2, III(c)(6)-(7) as inserted by section 1 of the bill by replacing them with the following:

(6) Transported by a resident of another state into this state for the exclusive purpose of use in an established shooting competition if the device is lawfully possessed under the laws of another state;

(7) Manufactured, transported, possessed, sold, or rented and which has been altered to fire only blank ammunition for the purpose of rental for use solely as a prop for a motion picture, television or digital audiovisual production, or entertainment event; or

(8) Purchased for possession and use by a lawfully permitted shooting range as defined in RSA 159-B:8, II, provided such device is safely secured.

Rep. Adjutant spoke in favor and yielded to questions.

On a division vote, with 153 members having voted in the affirmative, and 157 in the negative, floor amendment (1170h) failed.

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

Reps. Horn, Burt and Abbas spoke against and yielded to questions.

Rep. Sylvia spoke against.

Rep. Meuse spoke in favor and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 150 - NAYS 145

YEAS - 150 BELKNAP

Huot, David

CARROLL

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Harvey, Cathryn
Schapiro, Joe

Ames, Richard
Ley, Douglas
Swinburne, Sandy

Faulkner, Barry
Mann, John
Pearson, William

Gomarolo, Jennie
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard

Almy, Susan

Campion, Polly

Dontonville, Roger

Egan, Timothy
Maes, Kevin
Stringham, Jerry

Ford, Susan
Mulligan, Mary Jane
Smith, Suzanne

French, Elaine
Nordgren, Sharon
Sykes, George

Josephson, Timothy
Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Hall, Brett
Herbert, Christopher
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Telerski, Laura
Wilhelm, Matthew

Bouldin, Andrew
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Pickering, Daniel
Riel, Cole
St. John, Michelle
Toomey, Dan
Williams, Kermit

Backus, Robert
Bordy, William
Cleaver, Skip
Dargie, Paul
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Sue
Stack, Kathryn
Vail, Suzanne

Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Griffith, Willis
Heath, Mary
Klein-Knight, Nicole
Murray, Megan
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Snow, Kendall
Stevens, Deb
Van Houten, Constance

MERRIMACK

Bartlett, Christy
Ebel, Karen
Luneau, David
Myler, Mel
Schuett, Dianne
Walz, Mary Beth

Buchanan, Ryan
Ellison, Arthur
MacKay, James
Pimentel, Roderick
Schultz, Kristina
Wells, Kenneth

Carson, Clyde
Fox, Samantha
McWilliams, Rebecca
Rogers, Katherine
Soucy, Timothy
Woods, Gary

Doherty, David
Lane, Connie
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Gilman, Julie
Lovejoy, Patricia
Read, Ellen

Berrien, Skip
Cushing, Robert Renny
Grossman, Gaby
Maggiore, Jim
Somssich, Peter

Bunker, Lisa
DiLorenzo, Charlotte
Murray, Kate
McConnell, Liz
Ward, Gerald

Bushway, Patricia
Edgar, Michael
Le, Tamara
Meuse, David

STRAFFORD

Bixby, Peter
Smith, Marjorie

Grassie, Chuck
Treleaven, Susan

Horrigan, Timothy
Wall, Janet

Kenney, Cam

SULLIVAN

O'Hearne, Andrew

Sullivan, Brian

Tanner, Linda

NAYS - 145

BELKNAP

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Beaudoin, Richard
Varney, Peter

Howard, Raymond
Spanos, Peter

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Kanzler, Harrison

MacDonald, John

CHESHIRE

Bordenet, John

Eaton, Daniel

Fenton, Donovan

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Adjutant, Joshua
Ruprecht, Dennis

Gordon, Edward

Hennessey, Erin

Migliore, Vincent Paul

HILLSBOROUGH

Alexander, Joe
Burt, John
Flanagan, Jack
Greene, Bob
Jack, Martin
McLean, Mark
Plett, Fred

Griffin, Barbara
Camarota, Linda
Gagne, Larry
Gunski, Michael
King, Mark
Notter, Jeanine
Proulx, Mark

Barry, Richard
Erf, Keith
Goley, Jeffrey
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Prout, Andrew

Boehm, Ralph
Davis, Fred
Gould, Linda
Hopper, Gary
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew

Rice, Kimberly
Lekas, Tony
Woodbury, David

Sanborn, Laurie
Smith, Timothy

Shaw, Barbara
Ulery, Jordan

Somero, Paul
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
McGuire, Carol
Testerman, Dave

Horn, Werner
Pearl, Howard
Turcotte, Alan

Klose, John
Schamberg, Thomas
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Davis, Dan
Dolan, Tom
Gay, Betty
Harb, Robert
Janigian, John
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Barnes, Arthur
Thomas, Douglas
Doucette, Fred
Green, Dennis
Hobson, Deborah
Janvrin, Jason
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Vose, Michael
Yokela, Josh

Abramson, Max
Bershtein, Alan
Desilets, Joel
Edwards, Jess
Grote, Jaci
Hoelzel, Kathleen
Kolodziej, Walter
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Wallace, Scott

Acton, Dennis
Costable, Michael
DeSimone, Debra
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Love, David
Malloy, Dennis
O'Connor, John
Pratt, Kevin
Spillane, James
Vallone, Mark
Welch, David

STRAFFORD

Harrington, Michael

Rooney, Abigail

Wuelper, Kurt

SULLIVAN

Aron, Judy
Lucas, Gates
Smith, Steven

Callum, John
Merchant, Gary

Cloutier, John
Rollins, Skip

Laware, Thomas
Stapleton, Walter

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

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on **HB 1608-FN**, prohibiting the manufacture, sale, transfer, and possession of large capacity ammunition feeding devices, be printed in the Permanent Journal.
Motion adopted.

DEBATE ON HB 1608-FN

Representative Cushing: Thank you. I just want to point out that there is a printing error that took place that the committee adopted an amendment that was offered by Representative Welch, then we went on to take other action, but when it appeared in the calendar for some reason it was incorrect. It's been put in the seat pockets. What is in the seat pocket is what was in the computer the whole time.

Speaker Shurtleff: We thank you for that explanation. Thank you. The question before the House is on the adoption of majority amendment (1037h). Are you ready for the question? All those in favor, say Aye, those opposed, Nay. The Chair is in doubt. Members in the chamber will take their seats. This will be a division vote. The Chair was in doubt on the last vote on the adoption of the majority amendment (1037h). This will be a division vote. If you are in favor of the adoption of the amendment, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 170 voting Yea, 111 voting Nay, the majority amendment is adopted. The bill is on second reading and open to further amendment. The Chair recognizes Representative Adjutant to introduce floor amendment (1170h). State your inquiry.

Representative Flanagan: Mister Speaker, I'm a little confused. I have the amendment we just voted on and there is no verbiage in here as it relates to high compacity magazines so did that change the bill completely?

Speaker Shurtleff: It's that particular section. It should state what section the amendment refers to.

Representative Flanagan: Well, it refers to insert by section one.

Speaker Shurtleff: So it would be section one. If it said replace all following.

Representative Flanagan: I'll talk to the sponsor of the amendment. Thank you.

Speaker Shurtleff: That might be the simplest answer. The Chair recognizes Representative Adjutant to introduce floor amendment (1170h).

Representative Adjutant: Thank you, Mister Speaker. Mister Speaker, amendment (1170h) seeks to answer a question that I had about this bill when I saw it. I'm going to say what's normally reserved to be the quiet part out loud and just say that I like to shoot. I like to shoot at ranges. There are a few ranges that I frequent and I usually rent a rifle if I don't bring my own and I don't believe that everyone who would want to shoot

with a higher capacity magazine just wants to stick it to the government. This amendment would allow range owners legal protections in order to keep and allow their customers to use these high capacity magazines in a safe and constructive environment where everyone practices the four weapon safety rules and I would ask that the body approve the amendment. Thank you very much.

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

Representative Baldasaro: Thank you, Mister Speaker. Thank you, Representative. What you're talking about on a range. If I shoot in my backyard and I have high capacity magazines, am I covered, or am I?

Representative Adjutant: I apologize. I actually didn't hear what you said. If you shoot your what?

Representative Baldasaro: If I shoot, you understand high capacity goes. I could have AR-15. I could have a MK, SKS with high capacity magazine. If I shoot in my yard, am I okay with this law?

Representative Adjutant: Representative, is your yard a shooting range as defined by RSA 159-B: (a)-(2)?

Representative Baldasaro: My yard is my right as a 2nd Amendment to shoot. So, with this law, I want to make damn well sure that the magazine police are not going to come by and say you cannot shoot a high capacity magazine in your yard. With this amendment, only ranges.

Representative Adjutant: Representative, I'm going to be completely honest with you. Without this amendment, I'm not going to vote for the bill. I think that this provides an adequate enough offshoot, to use that metaphor, for folks that still want to go and use these weapons recreationally. I'm trying to do the best I can to make the bill a little better in my opinion so that's the answer to that. I think in your situation, that would still be prohibited based on the remaining language of the legislation in that personal private property isn't made an exemption there. If the amendment fails, I'm going to vote the same side as you on this bill.

Speaker Shurtleff: The question before the House is on the adoption of floor amendment (1170h). The Chair recognizes Representative Cushing to speak. Representative Cushing waives. The question before the House is on the adoption of HB (1170h). Are you ready? I'm sorry. The question before the House is on the adoption of the amendment (1170h). Are you ready for the question? A division has been requested. This will be a division vote. Members will kindly take their seats. The question before the House is on the adoption of amendment (1170h). The Chair recognizes Representative Spillane for a parliamentary inquiry.

Representative Spillane: Thank you, Mister Speaker. Thank you, members. If I know that this amendment makes the bill a little bit better and I thank the member for putting it forward. But, if I also know that it does not exempt shooting on personal property and there's a lot of this state that is in rural areas where sandpits are the norm, home ranges are the norm. I have a neighbor who owns 200 acres and built his own range because he is safely away from anybody and it would not allow these people to be exempted under the amendment. And, if I know that some places in this state do not have ready and easy access to a range.

Speaker Shurtleff: Will the member suspend? I can hear while the speaker is doing his PI, that people are whistling. The member at the well deserves the respect of this body and not to be interrupted while he's trying to do his PI. I thank the member. You may proceed.

Representative Spillane: Thank you, Mister Speaker. In some parts of this state, it's rural enough that they have a hard time getting access to a range as defined in the RSA, would I vote against this amendment and press the red button because it does not do quite enough to make this bill good enough?

Speaker Shurtleff: The question before the House is on the adoption of floor amendment (1170h). The Chair recognizes Representative Adjutant for a parliamentary inquiry.

Representative Adjutant: Thank you, Mister Speaker. Mister Speaker, if I know that I am a more pro 2nd Amendment Democrat who wants to do what I can to improve a bill that I otherwise wouldn't vote for. And, Mister Speaker, if I know that there are other members that would be comforted by an amendment such as this. If I know that somebody who is not here right now, but is a Representative from the City of Dover who I ran this amendment by multiple times, was one of the cosponsors on the bill, gave his thumbs up of approval. And, Mister Speaker, if I know that I will not be voting for this bill without this amendment, would I now push the green button to pass this amendment and move on with this? Thank you.

Speaker Shurtleff: This will be a division vote. The question before the House is on the adoption of floor amendment (1170h). If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 153 voting members voting Yea, 157 voting Nay, the amendment fails. The question before the House now is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Franklin, Representative Horn, to speak against the recommendation.

Representative Horn: Thank you, Mister Speaker. This bill makes possession of magazines more than 15 rounds for a pistol and more than 10 rounds for a long gun a prohibition. Gosh darn it if I could get somebody to guarantee me that we can successfully defend tyranny with only 15 rounds for a handgun and only 10 rounds for a long gun, I'd be in favor of this because gosh darn it, that's the purpose of the 2nd Amendment. It's not about sport shooting. It's not about home defense. It's about defending us from tyranny.

Speaker Shurtleff: The member will suspend. The House will be in order. The member has a right to be heard. Please proceed.

Representative Horn: Thank you, Mister Speaker. Some people. Let me rephrase that. It has been suggested that when they wrote this 2nd Amendment that we are here defending, it only applies to black powder weapons. I say that is nonsense as it was legal to own cannon. They were talking about military grade firearms when they wrote the 2nd Amendment. They understood with very valid subject matter expertise that resisting tyranny was important because they had just resisted tyranny successfully. They didn't do it by using polite words. They did it with an armed populous that had the same firepower as the enemy they were fighting. Ten rounds for a long gun and 15 rounds for a handgun will not successfully resist tyranny. That is the whole point of the 2nd Amendment, but I do applaud the very imaginative way that they are trying to yet again restrict our 2nd Amendment. Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Goffstown. Does the member yield to a question? You may inquire.

Representative Aron: Thank you, Mister Speaker. Would you believe that about 7 years ago I went to the Hartford State Capitol and testified and rallied against this very kind of legislation? Would you believe that? In Connecticut?

Representative Horn: Thank you, Representative for that question. I would believe anything that you say because I trust you as a Representative.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Goffstown, Representative Burt, to speak against the recommendation.

Representative Burt: Thank you, Mister Speaker. Mister Speaker, I almost think I can get you to vote against this and let me tell you why, Mister Speaker. There are 517 businesses in New Hampshire that benefit from gun sales, 517. There is Exeter, Epping, Newport, Dover, and let me point out a few other towns, Mister Speaker. There is a gentleman named Shea over in Amherst, Shooter Shooters. I don't know where that is. It's in Amherst. Gosselins in Chester. It was like 30 pages and I only printed 3. It was huge how many people benefit in New Hampshire from gun sales. So, Mister Speaker, with that said, I want to look at the National Shooters Sportsman Foundation. They put out data on every state. New Hampshire employs 2,551 people just in the state for manufacture and distribution and selling firearms and ammunition. In addition, there is 3,919 other jobs and this is in 2018. Of total, 6,470 jobs and Mister Speaker, I wish I had one of these jobs because it pays a lot more than we get. The average pay, Mister Speaker, is 66,400 in wages and benefits. That is a lot of pay. I want to read just one little spot here. It says now, only, not only does manufacturers and sale of firearms and hunting supplies create good jobs in New Hampshire, but the industry also contributes to the economy as a whole. In fact, in 2019, the firearms and ammunition industry was responsible for as much as \$1.4 billion in total economic activity in the State of New Hampshire. So, let be break that down for you, Mister Speaker. In federal taxes, businesses paid \$124 million. They paid the state just shy of \$97 million. That is a lot of money. So, a total of \$220 million was paid in taxes. So, lastly, Mister Speaker, not only does the industry create jobs and sizeable revenues, tax revenues, in New Hampshire, the industry also pays over \$220 million in payroll, \$220 million in payroll. That's a lot of money. So, really, Mister Speaker, I hope you join me in voting no on this because I do not want to jeopardize any of those jobs. And, Mister Speaker, I ask are you willing to put your neighbor out of a good paying job in New Hampshire? Please vote no by pressing the red button if a roll call, which I'm sure is coming, is called. Thank you, Mister Speaker.

Speaker Shurtleff: Will the member yield to a question. Representative Harrington, you may inquire.

Representative Harrington: Thank you, Mister Speaker. Thank you, Representative, for taking my question. I just want to read you a section of this law that I think is probably the most pertinent and the most important section of the whole law because it really, it needs to be read and known by everybody. It says, "This section shall not apply to a large capacity ammunition feeding device lawfully possessed on or before the effective date of this chapter." Now, can you think of any possible way that a police officer could enforce this law, and to do so he would have to somehow know when someone became in possession of a large capacity ammunition feeding device? I could walk into a police station with a bag of these 6 months after this law goes into effect and they would have no way of knowing whether I went out of state and bought them or if I had bought them 10 years ago. Can you think of any way that they could tell this or is there any way possible this law can be enforced?

Representative Burt: Thank you for that question. I don't know if anybody knows, but I am from Vermont. So, with that said, they passed this in Vermont. The AG, the Democrat AG, testified to the Governor and to the House over there, do not pass this. The state police, the local police, they all went and saw the legislators, like us in Montpelier and they said do not pass this. So, I had hope that they were not going to pass it, but they passed it. Why they said, the AG said, do not pass it and the state police said do not pass it was because we can't prove when you bought it because they are going to be grandfathered in. So, what's happened, Mister Speaker, is now all my friends, which I have many of them over there that own firearms, they come to New Hampshire and buy their magazines with cash so that way there is no trail and they sneak back across the border and now they have the new magazines and the state police says there is nothing we can do. So, that is a big reason to vote no on this. Thank you.

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

Representative Baldasaro: Thank you, Mister Speaker. Representative, I'm going to ask you the same question because this is very near and dear to my heart. When I retired from the Marine Corps, I didn't go to Massachusetts because I own too many guns. I'd be a criminal so I came here to New Hampshire. But anyways, if I died and I talked about high capacity rounds and magazines and everything else and canister, if I left them to my children, are they going to be breaking the law under this bill? Will they be confiscated?

Representative Burt: I apologize. I do not know the exact answer to that. I would assume it is in their possession so I would hope no, but I apologize, I do not know if it can be transferred over to the children.

Speaker Shurtleff: The question before the House is. Will the member yield to a follow up? You may inquire.

Representative Baldasaro: Thank you, Mister Speaker. The reason why I ask that because the writing, it talks about the transfer of magazines and other items here, high capacity. That's why it's a big concern of mine and many other Democrats and Republicans in the State of New Hampshire.

Representative Burt: Thank you for that follow up. You are correct. It probably would be against the law to transfer them over, now that I remember reading that. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Belmont, Representative Sylvia, to speak against the recommendation.

Representative Sylvia: Thank you, Mister Speaker. This bill, in my opinion, violates our constitution. Our constitution is kind of unique so I guess we will get a little history lesson here for those who haven't dug deep into it. Our constitution is made in 2 parts. Part 1st is in lead position here because those who wrote the constitution, unlike the federal constitution, our constitution is written to delineate the rights that are reserved to the people, the rights that government does not have. The rights include property. We are talking about property. Our constitution protects the right to have property. We then have Part 2nd, which gives us, gives the government, the powers that are necessary to operate the government. All of the reserved rights in our Bill of Rights, Part 1st of our constitution, are not to be tread upon by the government. That's why we put it first. Now, there is a little exception to that. They call it the police powers of the state. If I go punch the gentleman from Goffstown in the nose, I have violated his rights and therefore the government can step in and adjudicate that issue. In the case of magazines or firearms, they are simply property and if you are not doing anything with that property that harms another citizen, then the police powers of the state just don't apply. They shall not infringe. So, this bill is contrary to the constitution and our rules, I believe it's 51, says that the Vice Chair should not promote this to the body to be heard. So, we should get rid of this. Vote no.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Salem, Representative Abbas, to speak against the recommendation.

Representative Abbas: Thank you, Mister Speaker. I rise in opposition to oppose the committee's recommendation of Ought to Pass with Amendment. While the goal of preventing a mass shooting is admirable, limiting the amount of ammunition that a magazine can hold doesn't accomplish that goal. During our committee testimony, I'm sure many of you know from personal experience, that if you try you can, one person can swap out a magazine within 1 to 3 seconds. There is really no difference between someone having 5 magazines that hold 30 bullets or someone that has 10 magazines that hold 15 bullets. When an individual will commit a mass shooting, they generally carry preloaded magazines in their possession already. One of the reasons why this is ineffective is it doesn't actually focus on the legality of the actual bullet that the gun can fire. Again, speaking of my own experience, of the firearms that I own, the firearm that can actually shoot the strongest bullet only can hold 5 bullets. So, this does not necessarily accomplish the goal of promoting any type of safety. Now, it's also important to know that a similar law to this bill was recently deemed unconstitutional out in California and that case currently on its way to the Supreme Court. It hasn't quite got there yet. That's the Duncan case out in California. That was decided 2019. In footnote 14 citing the Freedman case, that court emphasized that ultimately, it's up to lawful gun owners and not the government to decide these matters. To limit self-defense to only the method accepted by the government is in effect an enormous transfer of authority from the citizens of this country to the government. A result directly contrary to our constitution and our political tradition. Now, if you're not persuaded by the argument, I presented about the magazine capacity. If you're not persuaded by the, or you're not concerned about the constitutionality of this bill, I do ask you to consider this. The amount of people who appeared before the public hearing, required us, it actually overflowed into the hallway, and we actually ended up taking over the room that is traditionally reserved for the Ways and Means Committee. With 2 rooms full of people appeared, the only person or witness who testified in support of this bill was the sponsor of the bill. The rest of the people appeared were all in opposition of it. I would estimate that the amount of emails I received asking me to vote against this bill was at least 10 to 1. We are the people's legislature and with this bill, I believe the people have clearly already spoken. So, if you agree with me and want to support the people's voice, I ask that you push that red button so another motion can be made. Thank you.

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

Representative Edwards: Thank you, Mister Speaker. Thank you for taking my question. Would you believe that I am pretty comfortable around weapons? I own a Sig Sauer handgun. It's got a 23-round magazine in it. I keep it full and I keep another magazine with it. The reason I do that is because if there is a home break in, I don't know how many people are coming in and how much weaponry they have and I have a wife and dogs and myself to protect. Would you think it's reasonable in defending your home and your family to be able to have enough rounds in the chamber to handle a vast range of threat conditions?

Representative Abbas: Thank you for the question. I would say the Supreme Court has already answered that and the answer is I believe it would be unreasonable and I believe the Supreme Court agrees with that and I believe the quote that I read from the Duncan case out of California would agree with that.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes our last speaker, the Representative from Portsmouth, Representative Meuse, to speak in support of the recommendation.

Representative Meuse: Thank you, Mister Speaker. I rise today in support of HB 1608. This bill would make it a crime to sale, transfer, manufacture or acquire a large capacity ammunition magazine or loading device in New Hampshire. It would limit the capacity of these devices to 10 rounds of ammunition for a long gun. So, long guns include things like assault rifles, AR style rifles and things like that or more than 15 rounds of ammunition for a handgun. As some of the speakers earlier have made clear, if you currently own one of these devices, this bill does allow you to keep it. But, after the bill take effect, you can't legally sell it, trade it or buy a replacement with the same capacity or larger if yours gets damaged. There was a time in this country when the sale of magazines containing any more than 10 bullets was prohibited and it was prohibited under what was called the federal assault weapons ban. But, when that ban was allowed to expire in 2004, firearms manufacturers which you might expect were pretty quick to react. Today, most AR style rifles that are sold in New Hampshire and across the country no longer come with a 10-round magazine. They come with a 30-round magazine that the gun industry in one of the more classic examples of moving the goalpost over the years, now refers to as a standard capacity magazine. In addition to 30 round magazines, 50 round magazines are available and if that doesn't sound like enough you can buy aftermarket devices with a capacity as high as 100 rounds. By making it possible to fire many more bullets without reloading, these devices make weapons that are already extremely deadly, even deadlier. When combined with the high muzzle velocity and accuracy of the weapons they feed, they are capable of creating a rain of fire that not only makes it impossible for most people to flee to take cover or to physically confront the gunman, but they also minimize the opportunity for the victims who are in front of that rain of fire to survive. Between 1990 and 2017, 64% of high fatality mass shootings have involved firearms employing high capacity loading devices. From Newtown to Orlando to Parkland to Las Vegas, were over 50 people lost their lives and over 400 people were wounded in a single incident, the toll has been heartbreaking and it's been devastating. Similar legislation to HB 1608 has been enacted in the District of Columbia and 9 states, some of which it required a tragedy for lawmakers to act. The good news is that states that had the courage to move in that direction, have generally seen that these bans are working. According to a study published last year in the American Journal of Public Health and I think we all have extra reason to like public health these days, the incidents of high fatality mass shootings in states where these devices are allowed, was more than double the rate than states that have banned them. States without bans have also experienced significantly more high fatality mass shootings and a death rate 3 times higher from such incidents. The study concluded that restricting the sale and possession of large capacity magazines appears to reduce both the number of high fatality mass shooting incidents and the number of people killed in states that have passed bills like the one we have before us today. I urge you to follow the committee's recommendation and vote green for Ought to Pass. Thank you.

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

Representative Verville: Thank you, Mister Speaker. Thank you, Representative. Representative are you familiar with the incident that occurred in Florida just under 2 years ago. There was a mother and her 2 children at home and a home invasion had occurred, one perpetrator. The mother and the 2 children barricaded themselves in the mother's bedroom closet. The perpetrator entered the room and was going to enter the closet and the woman announced that she was in the closet with a handgun ready to act. The perpetrator didn't care. He opened the door, the wife, the woman, took a 6 round revolver and got off all 6 shots. Five shots landed on the perpetrator and one shot missed. This is very close range. From being barricade in the closet to a perpetrator at the door, with a 6 round revolver, she only got 5 out of 6 on the perpetrator and the perpetrator was able to flee the building, get into his car and drive almost a mile down the road before he careened off the road. When I hear a story like that; I don't know if you are familiar, but you can google it. When I hear a story like that, being a husband.

Speaker Shurtleff: Will the member suspend? Are we getting close to the end of this story? This is turning into a floor speech.

Representative Verville: I'm a married man with 2 children. It brings me concern that they won't be able to defend themselves against a multi perpetrator type of event. Does that give you any concern with regards to this bill?

Representative Meuse: I have no reason at all to doubt your story and the accuracy of what you are saying. Looking back at the bill itself, the bill actually would allow you to have the magazine of up to 15 rounds for a handgun so the bill in no way would have impacted the case in Florida as you have laid it out, if I am understanding you correctly.

Speaker Shurtleff: Does the member want to yield to a follow up question? You may inquire.

Representative Verville: Thank you, Mister Speaker. Thank you, Representative for taking my question. Can you point to any incidents that have occurred in New Hampshire or a problem that currently exists in New Hampshire that this bill addressed?

Representative Meuse: Well, I think I can't point to any incidents in New Hampshire, but I think if you would have asked people in other states. If you would have asked people in Nevada maybe 3 years ago, if they could have pointed to an incident like this, I think they might have said no too. A year later, we have over 50 people dead and we have 400 people wounded. I think measures like these are measures essentially of manage, that help us manage the risk that innocent people don't lose their lives to these weapons. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. Representative Baldasaro has requested a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. Members will kindly take their seats. The question before the House is the recommendation that the bill Ought to Pass as Amended. This will be a roll call vote. The Chair recognizes Representative Burt for a parliamentary inquiry.

Representative Burt: Thank you, Mister Speaker. Mister Speaker, if I know the Vermont AG, state police and local police over there said not to pass this same bill as it cannot be enforced. If I also know, Mister Speaker, that there in 2018 there was 6,470 jobs in New Hampshire related to guns and I support the middle class as there is a \$1.4 billion impact to New Hampshire's economy. And, lastly Mister Speaker, I know I am not willing to put my neighbor out of a job and I hope you are not either, would you now press the bright red button? Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Representative Newman for a parliamentary inquiry.

Representative Ray Newman: Thank you, Mister Speaker. If I know that large capacity ammunition feeding devices increase the number of rounds that could be fired at potential victims before reloading. And, if I know that over the past decade, 5 deadliest mass shootings in America all involved these devices. And, if I know the shootings where these devices were used resulted in twice as many fatalities and 14 times as many injuries per incident on average compared to those that did not include the use of these devices, would I now press the deep green safety button in order to pass this bill as amended?

Speaker Shurtleff: This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass as Amended. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 150 members voting Yea and 145 voting Nay, the recommendation is adopted.

REGULAR CALENDAR CONT'D

HB 1613-FN, allowing prisoners serving life sentences to be eligible for parole after 25 years. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Daryl Abbas for the Majority of Criminal Justice and Public Safety. Although this bill is well intended, with the exception of the one prisoner on death row or someone who is convicted of murder while serving a sentence in a correctional facility, this bill makes all criminals eligible for parole after serving 25 years which includes first degree murder. Therefore, if an inmate is currently serving a life sentence for gruesomely murdering a child, after 25 years that child murderer would be eligible for parole. The universal application of this bill would result in unintended consequences when New Hampshire already has existing procedures available under the law to commute sentences or granting pardons. Vote 15-5.

Rep. John Bordenet for the Minority of Criminal Justice and Public Safety. This bill would allow prisoners serving life sentences to receive a parole review after 25 years. This would be a parole review, not parole. This is a low-cost method to improve conditions for both inmates and correction officials. Hope for a future of freedom is a simple way to reform prisons.

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

HB 1645-FN, relative to the annulment of misdemeanor domestic violence offenses. **OUGHT TO PASS.**

Rep. Ray Newman for Criminal Justice and Public Safety. Under current law, a person convicted of misdemeanor domestic violence may petition the court for an annulment 3 years from the date of conviction. The annulment effectively removes any record of the domestic violence conviction. This bill will extend the eligibility for an annulment to 10 years from the date of the conviction. Passing this bill will prevent people with multiple domestic violence convictions from getting an annulment unless all of their prior domestic violence

convictions are eligible for an annulment. This is important because for repeat offenders the degree of violence tends to escalate making each of the instances more dangerous. This bill will allow for the creation of a more accurate picture of a person's domestic violence history. Vote 18-2.

Committee report adopted and ordered to third reading.

HB 1671-FN, relative to arrest and search warrants issued by superior court. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The committee concurred with the court in that allowing the current study group that is being conducted within the court system should be allowed to continue its work to completion. Part of that study deals directly with the subject matter of this bill. Vote 19-0.

Committee report 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, Thursday, March 12, 2020 at 9:00 a.m.

Motion adopted.

LATE SESSION

Third Reading and Final Passage

HB 1102, requiring food service establishments to establish food allergy awareness procedures.

HB 1162, relative to adoption and parentage.

HB 1167, relative to the type of counseling that may be required by the state.

HB 1349, establishing a committee to study firearms incidents involving children with access to unsecured firearms.

HB 1516, raising the minimum age for marriage.

HB 1597-FN, relative to dispositional hearings under RSA 169-B.

HB 1657-FN-A, relative to reimbursement of court-ordered services for juveniles.

HB 546-FN, relative to the regulation of art therapists.

HB 1140, establishing a hospital merger advisory commission.

HB 1166, establishing a committee to study obtaining health insurance for those persons who are uninsured in New Hampshire.

HB 1186, establishing a committee to study the filing of certain organizational income reports with the secretary of state.

HB 1209, requiring fidelity insurance coverage for condominium board members, managers, and employees.

HB 1233-FN, relative to coverage for children's early intervention services.

HB 1274, requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

HB 1280-FN, relative to copayments for insulin.

HB 1287-FN, relative to the duration of antibiotic therapy for tick-borne illness.

HB 1345, relative to the organization of alternative treatment centers.

HB 1410, prohibiting the use of flavors in vaping products.

HB 1417, prohibiting the use or collection of biometric data.

HB 1446, establishing a committee to study the labeling of products containing PFAS.

HB 1455-FN, relative to vehicle repairs.

HB 1470, permitting elementary, middle, and high schools to produce and sell certain amounts of maple syrup for educational purposes.

HB 1472, restricting the distribution of plastic straws.

HB 1483, relative to allowing dogs in outdoor dining areas of restaurants.

HB 1484, relative to retroactive denials of previously paid claims.

HB 1495-FN, prohibiting the sale of over-the-counter rape test kits.

HB 1500-FN, relative to a student loan bill of rights and a student loan ombudsman.

HB 1535, relative to installation of solar photovoltaic energy systems by owners subject to deed restrictions in a homeowners association.

HB 1564-FN, prohibiting the use of polystyrene foam.

HB 1633-FN, relative to insurance coverage for tick-borne illness.

HB 1695-FN, relative to background checks for certain persons under the banking law.

HB 1701-FN, relative to the recycling of film plastics.

HB 1174, requiring screening for all law enforcement officers for psychological stability prior to assuming their duties as certified officers.

HB 1257, establishing a committee to study the opportunities for citizen involvement in attorney general investigations of officer involved shootings.

HB 1374, relative to voluntarily surrendered firearms.

HB 1560-FN, defining “serious harm” to an animal as a result of animal cruelty and relative to the criminal penalties for certain negligent actions which cause serious harm to or the death of an animal.

HB 1608-FN, prohibiting the manufacture, sale, transfer, and possession of large capacity ammunition feeding devices.

HB 1645-FN, relative to the annulment of misdemeanor domestic violence offenses.

UNANIMOUS CONSENT

Rep. Prudhomme-O’Brien requested Unanimous Consent of the House regarding the 19th Amendment and addressed the House.

MOTION TO PRINT REMARKS

Rep. Notter moved that the remarks made by Rep. Prudhomme-O’Brien during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Representative Prudhomme-O’Brien: Thank you. Thank you very much. I know it’s been a long night. This won’t be very long. It’s just one page. This is about the 19th Amendment. I was born nearly 50 years to the day after the passage of the 19th Amendment and I’ll be (*unintelligible*) years old on the 100th anniversary of its passage next August. It will be a special day for me personally but a far greater day for our country. My deep love for the suffragettes isn’t just about getting to vote, it goes far beyond that. When I think of them, I think of hope. I think of my life as a little girl and the sharp delineation in my level of hope before and after reading the biography of Susan B. Anthony. When I read about Susan B. Anthony’s life and the feminist ideals that she exposed, I found myself literally hugging the book out of a sense of overwhelming relief that my future was going to be okay. I learned that the challenges of my childhood would be overcome with a dedication to practical education, like what the early feminists encouraged and I spent so much of my time back then focused on staying safe from violence. Living like that it makes you feel very small like an invisible nobody and you doubt your ability to ever be happy. Nobody should live like that. Susan B. Anthony’s book taught me that I deserved better treatment and taught me how I was going to get it and I did. Peacefully giving speeches in public like I am doing right now was once considered so unladylike and uncouth that the suffragettes had rotten food and bits of bricks thrown at them simply for doing so. At the National American Women Suffrage Association convention in Washington D.C. on March 3, 1913, thousands of women were pushed, harassed, spit upon and their progress impeded by men opposed to their boldly stated goal of the right of women to vote being recognized everywhere in America. Additionally, women protesting outside the White House were arrested, jailed and brutalized in what was called the night of terror. Executive member of the National Women’s Party, Dora Lewis, was thrown into a cell where her head was struck on an iron bed and she lost consciousness. Chief organizer and editor of *The Suffragette*, Lucy Burns, was handcuffed with her hands above her head and left that was inside her cell for hours. Many other women also reported having been dragged, beaten or otherwise assaulted by prison guards. Reflecting on the experiences of the suffragettes taught me perseverance and free will and perspective about what I too could endure if I needed when I expressed my most deeply held beliefs. Violence and bullying towards peaceful campaigners is always wrong. It happened in the Civil Rights era and it happened to the suffragettes and is happening at polling places in New Hampshire today. It happened in my own community and in a neighboring community last month and it must stop. No American should ever be made to feel smaller than who they are by bullies and made to live in fear afraid to peacefully express themselves in public about the issues of deep importance to them. That is wrong and it’s un-American. While suffragettes began their journey, supported mostly by Republicans, they later received more support from Democrats as well, most notably from President Woodrow Wilson when he reversed his original opposition to the idea of women’s suffrage and came to accept it. I am deeply grateful for the bipartisan support 100 years ago that made that happen and to the bipartisan unanimous support that HR 8 enjoys here today too. Thank you all and happy women’s history month as well.

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 6:10 p.m.

RECESS