



State of
New Hampshire

HOUSE RECORD

Second Year of the 167th General Court

Calendar and Journal of the 2022 Session

Web Site Address: www.gencourt.state.nh.us

Vol. 44

Concord, N.H.

Thursday, January 6, 2022

No. 2

HOUSE JOURNAL NO. 1 (Cont'd)

Wednesday, January 5, 2022

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

HOUSE JOURNAL NO. 2

Thursday, January 6, 2022

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 Bob Stewart, Pastor of St. Paul's United Methodist Church in Manchester.

This morning I share in part a prayer written by Rev. Marcy Sheremetta. As the dawn breaks on a new year, let us give thanks for all we hold dear: our health, our family and our friends. Let us release our grudges, our anger and our pains, for these are nothing but binding chains. Let us live each day in the most loving ways, the God-conscious way. Let us serve all who are in need, regardless of race, color or creed. Let us keep God of our own understanding in our hearts and to chant God's name each day. Let us lead the world from darkness to light, from falsehood to truth and from wrong to right. Let us remember that we are all one, embracing all, discriminating against none. May our year be filled with peace, prosperity and love. May God's blessings shower upon us and bestow upon each of us a bright, healthy and peaceful new year. O loving and compassionate God, guide the leaders that are gathered here today, that in turn they may guide us also into your ways, O God. Bind us together by your love and cause us to know ourselves to be a people called out of darkness into your marvelous light. Guide our discussions in love and respect for you and for each other. May we hear your voice and feel your presence through the words spoken aloud this day. Lead and guide us, O God. Lead us in and through your love. Amen.

Representative Verville, member from Deerfield, led the Pledge of Allegiance.

A recording of the National Anthem, performed by the United States Army Band, was played.

LEAVES OF ABSENCE

Reps. Aldrich, Booras, Dontonville, Fenton, Mary Griffin, Litchfield, Pantelakos, Richards, Rouillard and Spang, the day, illness.

Reps. Berch, Cornell, Cote, Ebel, Fargo, McBeath, Moran, Myler, Salloway and Southworth, the day, important business.

Reps. Elliott, Sandler, Sofikitis and Tanner, the day, illness in the family.

REGULAR CALENDAR CONT'D

HB 238, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in manslaughter cases. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for the Majority of Criminal Justice and Public Safety. This bill would prohibit defendants from using the so-called "LGBTQ+ panic defense." This legal strategy asks a judge or jury to find that the actual or perceived gender, gender identity or sexual orientation of a victim — and that alone — was to blame for their killing. Typically, defendants admit guilt but introduce a "panic" defense to justify or mitigate their violent actions against an LGBTQ+ person. The goal of this defense is to secure a lesser conviction, such as manslaughter, or a

lesser sentence. It has been used effectively dozens of times in the United States. The bipartisan majority believes a person's gender, gender identity or sexual orientation should not be allowed to justify, explain or mitigate a homicide. As such, we support this bill and its goal of prohibiting such a defense in New Hampshire. Vote 13-8. Rep. Gary Hopper for the Minority of Criminal Justice and Public Safety. A murder charge can be mitigated to manslaughter if a defendant can demonstrate that the defendant was "Under the influence of extreme mental or emotional disturbance caused by extreme provocation." This bill would prohibit using this defense if the extreme emotional reaction was the result of the "disclosure of the victim's actual or perceived gender." The minority believes this bill should be Inexpedient to Legislate for a few reasons. Carving out segments of society for special protections is unwise. Writing into law what a defendant can't use as a defense sets a bad precedent. However, the primary reason to find this bill inexpedient to legislate is because there wasn't a demonstrated need for the law in New Hampshire.

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

Rep. Abramson spoke against.

Rep. Abbas spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 223 - NAYS 118

YEAS - 223

BELKNAP

Bordes, Mike
Trotter, Douglas

Harvey-Bolia, Juliet

Lang, Timothy

O'Hara, Travis

CARROLL

Buco, Thomas
MacDonald, John
McConkey, Mark

Burroughs, Anita
Knirk, Jerry
Umberger, Karen

Cordelli, Glenn
Marsh, William
Woodcock, Stephen

Deshaies, Brodie
McAleer, Chris

CHESHIRE

Abbott, Michael
Fox, Dru
Maneval, Andrew
Toll, Amanda Elizabeth

Ames, Richard
Gomarlo, Jennie
Parshall, Lucius
Von Plinsky, Sparky

Eaton, Daniel
Harvey, Cathryn
Rhodes, Jennifer
Weber, Lucy

Faulkner, Barry
Hunt, John
Schapiro, Joe
Welkowitz, Lawrence

COOS

Craig, Kevin
Laflamme, Larry
Tucker, Edith

Davis, Arnold
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William
Thompson, Dennis

GRAFTON

Abel, Richard
Egan, Timothy
Ham, Bonnie
Murphy, James
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Ladd, Rick
Nordgren, Sharon
Sykes, George

Almy, Susan
Gordon, Edward
Massimilla, Linda
Simon, Matthew
Weston, Joyce

Depalma IV, Joseph
Hakken-Phillips, Mary
Muirhead, Russell
Stavis, Laurel

HILLSBOROUGH

Alexander, Joe
Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Gorski, Ted
Hyland, Stephanie
Kelsey, Niki
Langley, Diane
Long, Patrick
Mayville, Mary
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Newman, Sue
Vail, Suzanne

Bouldin, Amanda
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Fedolfi, Jim
Graham, John
Schmidt, Janice
Klee, Patricia
Lascelles, Richard
King, Mark
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rice, Kimberly
Stevens, Deb
Vann, Ivy

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Klein-Knight, Nicole
Laughton, Stacie-Marie
Murray, Megan
Mullen, Sue
Pedersen, Michael
Plett, Fred
Rombeau, Catherine
Smith, Timothy
Veilleux, Daniel

Boyd, Bill
Berry, Ross
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Heath, Mary
Judy, Jean
Labranche, Tony
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Lane, Connie
McWilliams, Rebecca

Allard, James
Gallager, Eric
Luneau, David
Pimentel, Roderick

Bartlett, Christy
Hall, Muriel
MacKay, James
Rogers, Katherine

Caplan, Tony
Klose, John
Mason, James
Schamberg, Thomas

Schuett, Dianne
Wallner, Mary Jane
White, Nick

Schultz, Kristina
Walz, Mary Beth
Wolf, Dan

Shurtleff, Steve
Wazir, Safiya
Woods, Gary

Soucy, Timothy
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Bunker, Lisa
Doucette, Fred
Gay, Betty
Hamblet, Joan
Murray, Kate
Maggiore, Jim
McKinney, Betsy
Paige, Mark
Simpson, Alexis
Vandecasteele, Susan
Weyler, Kenneth

Abrami, Patrick
Cahill, Michael
Edgar, Michael
Gilman, Julie
Harb, Robert
Katsakiores, Phyllis
Major, Norman
Melvin, Charles
Pratt, Kevin
Somssich, Peter
MacDonald, Wayne

Acton, Dennis
Cali-Pitts, Jacqueline
Edwards, Jess
Grossman, Gaby
Nelson, Jodi
Khan, Aboul
Malloy, Dennis
Meuse, David
Read, Ellen
Sweeney, Joe
Wallace, Scott

Altschiller, Debra
DiLorenzo, Charlotte
Ford, Oliver
Grote, Jaci
Janigian, John
Lynn, Bob
McBride, Everett
Milz, David
Roy, Terry
Tripp, Richard
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Groen, Fenton
Smith, Marjorie
Vincent, Kenneth

Cannon, Gerri
Frost, Sherry
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

Chase, Wendy
Gourgue, Amanda
Kenney, Cam
Schmidt, Peter

Conley, Casey
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Oxenham, Lee
Sullivan, Brian

Gottling, Suzanne
Rollins, Skip

Merchant, Gary
Stapleton, Walter

O'Hearne, Andrew
Smith, Steven

NAYS - 118

BELKNAP

Bean, Harry
Johnson, Dawn
Silber, Norman

Comtois, Barbara
Littlefield, Richard
Sylvia, Michael

Hough, Gregg
Mackie, Jonathan
Terry, Paul

Howard, Raymond
Ploszaj, Tom
Varney, Peter

CARROLL

Avellani, Lino

Nelson, Bill

Smith, Jonathan

CHESHIRE

Bordenet, John

Qualey, James

Santonastaso, Matthew

GRAFTON

Alliegro, Mark
Greeson, Jeffrey

Berezhny, Lex

Folsom, Beth

Sanborn, Gail

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Cushman, Leah
Foster, William
Greene, Bob
Infantine, William
Lewicke, John
Nunez, Hershel
Renzullo, Andrew
Tausch, Lindsay

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Harriott-Gathright, Linda
Kofalt, Jim
McLean, Mark
Pauer, Diane
Sheehan, Vanessa
Toomey, Dan

Griffin, Barbara
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Sanborn, Laurie
Mooney, Maureen
Post, Lisa
Somero, Paul
Ulery, Jordan

King, Bill
Creighton, Jim
Erf, Keith
Gould, Linda
Homola, Susan
Lanzara, Tom
Notter, Jeanine
Prout, Andrew
Lekas, Tony
Warden, Mark

MERRIMACK

Andrus, Louise
McGuire, Carol
Boyd, Stephen
Yakubovich, Michael

Cambrils, Jose
Moffett, Michael
Seaworth, Brian

Hill, Gregory
Pearl, Howard
Testerman, Dave

Kennedy, Margaret
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abramson, Max
Bershtein, Alan
Guthrie, Joseph
Love, David
Piemonte, Tony
Thomas, Douglas
Verville, Kevin

Baldasaro, Al
Dodge, Dustin
Harley, Tina
Pearson, Mark
Potucek, John
Torosian, Peter
Vose, Michael

Baxter, Tim
Emerick, Tracy
Hobson, Deborah
McMahon, Charles
Pearson, Stephen
True, Chris
Welch, David

Belanger, Cody
Green, Dennis
Layon, Erica
Osborne, Jason
Spillane, James
Tudor, Paul
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Hayward, Peter
Pitre, Joseph

Bailey, Glenn
Horgan, James
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Harrington, Michael
Kittredge, Mac

SULLIVAN

Aron, Judy

Callum, John

Spilsbury, Walter

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

Rep. Wallace voted Yea and intended to vote Nay.

Rep. Leavitt did not vote and notified the Clerk he wished to be recorded in favor.

HB 579, requiring notice to the public before immigration checkpoints are conducted. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for the Majority of Criminal Justice and Public Safety. This bill requires New Hampshire's state, county, and municipal law enforcement agencies to provide 24 hours' notice to the public after being notified by federal law enforcement officials that an immigration checkpoint will be conducted. During these checkpoints, individuals traveling on New Hampshire's roadways are stopped without probable cause or reasonable suspicion that a crime has been committed. Stops without suspicion are typically not allowed under the Fourth Amendment except under very limited circumstances. Given the significant intrusion on civil liberties that these federal checkpoints represent, this bill merely requires that local agencies provide 24 hours' notice to the public of such immigration checkpoints when they are informed by a federal agency that such a checkpoint will occur. Like the notice that is required for state sobriety checkpoints, the majority believes that providing advanced notice will mitigate the significant intrusions on civil liberties that these immigration checkpoints create. Vote 11-9. Rep. Chris True for the Minority of Criminal Justice and Public Safety. This bill, as amended, requires any New Hampshire law enforcement agency, that is notified by a federal agency of its intent to conduct an immigration checkpoint in New Hampshire, to give notice to the public of the date and area in which the check point will occur, and such notice be provided by using various media resources. Since the purpose of immigration check points is to stop those who are in the country illegally, the minority does not support the bill as amended, as it requires that notice be given so that those who are in the country illegally are alerted so that they can avoid the checkpoint. The minority believes that state and local law enforcement do wish to be informed of any immigration checkpoints in their area. The minority also believes that if a federal agency feels that the notification of a pending checkpoint would be detrimental to the effectiveness of the checkpoint, the federal agency would simply cease the courtesy notification to law enforcement.

Majority Amendment (2201h)

Amend RSA 265:1-c as inserted by section 1 of the bill by replacing it with the following:

265:1-c Immigration Checkpoints. When any state, county, or municipal police department or law enforcement agency is informed by a federal agency of intent to conduct an immigration checkpoint, the department or agency shall give notice to the public within 24 hours of when the checkpoint is scheduled to occur or as soon as is practical. The notice shall disclose, if known, the date, municipality, and geographical area in which the checkpoint will occur. Notice to the public shall be provided by using various media resources available, which may include publishing this information on the government agency's website and on social media, or the use of press conferences, press releases, radio and television coverage, posters, and flyers.

Majority committee amendment adopted.

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

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 254 - NAYS 85**YEAS - 254****BELKNAP**

Harvey-Bolia, Juliet
O'Hara, Travis

Johnson, Dawn
Ploszaj, Tom

Lang, Timothy
Sylvia, Michael

Littlefield, Richard
Terry, Paul

CARROLL

Avellani, Lino
Knirk, Jerry
Woodcock, Stephen

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Smith, Jonathan
Umberger, Karen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Hunt, John
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Fox, Dru
Maneval, Andrew
Toll, Amanda Elizabeth

Bordenet, John
Gomarlo, Jennie
Parshall, Lucius
Von Plinsky, Sparky

Eaton, Daniel
Harvey, Cathryn
Santonastaso, Matthew
Weber, Lucy

COOS

Craig, Kevin
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William
Tucker, Edith

Laflamme, Larry

GRAFTON

Abel, Richard
Depalma IV, Joseph
Gordon, Edward
Muirhead, Russell
Smith, Suzanne

Adjutant, Joshua
Egan, Timothy
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Almy, Susan
Fellows, Sallie
Ladd, Rick
Nordgren, Sharon
Weston, Joyce

Berezhny, Lex
Folsom, Beth
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Bergeron, Paul
Burt, John
Cornell, Patricia
Dutzy, Sherry
Freitas, Mary
Harriott-Gathright, Linda
Infantine, William
Kelsey, Niki
Langley, Diane
Lewicke, John
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rombeau, Catherine
Stevens, Deb
Telerski, Laura
Veilleux, Daniel

Bouldin, Amanda
King, Bill
Blasek, Melissa
Chretien, Jacqueline
Kelley, Diane
Espitia, Manny
Goley, Jeffrey
Healey, Robert
Schmidt, Janice
Klee, Patricia
Lanzara, Tom
Long, Patrick
McGhee, Kat
Nunez, Hershel
Perez, Maria
Post, Lisa
Rung, Rosemarie
Lekas, Tony
Ulery, Jordan
Warden, Mark

Ammon, Keith
Baroody, Benjamin
Bouchard, Donald
Cohen, Bruce
Smith, Denise
Fedolfi, Jim
Graham, John
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Laughton, Stacie-Marie
King, Mark
McLean, Mark
Nutter-Upham, Frances
Petrigno, Peter
Prout, Andrew
Newman, Sue
Smith, Timothy
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Andrew
Beaulieu, Jane
Bradley, Amy
Connors, Erika
DiSilvestro, Linda
Foster, William
Hamer, Heidi
Hyland, Stephanie
Judy, Jean
Labranche, Tony
Leishman, Peter
Murray, Megan
Mooney, Maureen
O'Brien, Michael
Piedra, Israel
Newman, Ray
Somero, Paul
Tausch, Lindsay
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Kennedy, Margaret
MacKay, James
Pearl, Howard
Schuett, Dianne
Soucy, Timothy
Wazir, Safiya
Woods, Gary

Andrus, Louise
Gallager, Eric
Klose, John
Mason, James
Pimentel, Roderick
Schultz, Kristina
Wallner, Mary Jane
Wells, Natalie
Yakubovich, Michael

Bartlett, Christy
Hall, Muriel
Lane, Connie
McGuire, Carol
Rogers, Katherine
Seaworth, Brian
Walsh, Thomas
White, Nick

Caplan, Tony
Hill, Gregory
Luneau, David
McWilliams, Rebecca
Schamberg, Thomas
Shurtleff, Steve
Walz, Mary Beth
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Belanger, Cody
Cali-Pitts, Jacqueline
Edgar, Michael
Gay, Betty
Hamblet, Joan
Janigian, John
Maggiore, Jim
McBride, Everett
Osborne, Jason
Somssich, Peter
Wallace, Scott
Yokela, Josh

Abrami, Patrick
Bershtein, Alan
DiLorenzo, Charlotte
Edwards, Jess
Gilman, Julie
Harb, Robert
Murray, Kate
Major, Norman
McMahon, Charles
Paige, Mark
Torosian, Peter
Ward, Gerald

Acton, Dennis
Bunker, Lisa
Dodge, Dustin
Emerick, Tracy
Grossman, Gaby
Hobson, Deborah
Khan, Aboul
Malloy, Dennis
Melvin, Charles
Read, Ellen
Vandecasteele, Susan
Welch, David

Altschiller, Debra
Cahill, Michael
Doucette, Fred
Ford, Oliver
Grote, Jaci
Nelson, Jodi
Layon, Erica
McBeath, Rebecca
Meuse, David
Simpson, Alexis
Vose, Michael
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Chase, Wendy
Gourgue, Amanda
Horrigan, Timothy
Smith, Marjorie
Rich, Cecilia

Bailey, Glenn
Conley, Casey
Grassie, Chuck
Kenney, Cam
Oxaal, Ariel
Vincent, Kenneth

Bixby, Peter
Ellis, Donna
Harrington, Michael
Kittredge, Mac
Schmidt, Peter
Wall, Janet

Cannon, Gerri
Frost, Sherry
Horgan, James
Levesque, Cassandra
Pitre, Joseph

SULLIVAN

Aron, Judy
O'Hearne, Andrew
Sullivan, Brian

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Merchant, Gary
Spilsbury, Walter

NAYS - 85**BELKNAP**

Bean, Harry
Howard, Raymond
Varney, Peter

Bordes, Mike
Mackie, Jonathan

Comtois, Barbara
Silber, Norman

Hough, Gregg
Trottier, Douglas

CARROLL

Nelson, Bill
McConkey, Mark

Cordelli, Glenn

Deshaies, Brodie

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

COOS

Davis, Arnold

Thompson, Dennis

GRAFTON

Alliegro, Mark
Ham, Bonnie

Binford, David
Simon, Matthew

Sanborn, Gail

Greeson, Jeffrey

HILLSBOROUGH

Alexander, Joe
Creighton, Jim
Gorski, Ted
Kofalt, Jim
Notter, Jeanine
Rice, Kimberly

Griffin, Barbara
Erf, Keith
Gould, Linda
Sanborn, Laurie
Pauer, Diane
Sheehan, Vanessa

Berry, Ross
Griffin, Gerald
Greene, Bob
Lascelles, Richard
Plett, Fred
Toomey, Dan

Boehm, Ralph
Gagne, Larry
Homola, Susan
Mayville, Mary
Renzullo, Andrew

MERRIMACK

Allard, James
Boyd, Stephen

Cambrils, Jose
Testerman, Dave

Moffett, Michael

Pitaro, Matthew

ROCKINGHAM

Abramson, Max
Harley, Tina
Pearson, Mark
Potucek, John
Spillane, James
True, Chris

Baxter, Tim
Katsakiores, Phyllis
McKinney, Betsy
Pratt, Kevin
Sweeney, Joe
Tudor, Paul

Green, Dennis
Love, David
Milz, David
Roy, Terry
Thomas, Douglas
Verville, Kevin

Guthrie, Joseph
Lynn, Bob
Piemonte, Tony
Pearson, Stephen
Tripp, Richard
MacDonald, Wayne

STRAFFORD

DeLemus, Susan
Newton, Clifford

Groen, Fenton
Turcotte, Leonard

Hayward, Peter
Wuelper, Kurt

Kaczynski, Thomas

SULLIVAN

Stapleton, Walter

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

Rep. Toomey voted Nay and intended to vote Yea.

Rep. Leavitt did not vote and notified the Clerk he wished to be recorded in favor.

HB 598, relative to the portion of a minimum sentence to be served to be eligible for parole. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Dick Marston for the Majority of Criminal Justice and Public Safety. Currently, those incarcerated in state prison have an opportunity at 2/3 of their minimum sentence to apply for a sentence reduction. In New Hampshire, we have “truth in sentencing” for those serving minor sentences in prison, which doesn’t seem to work unless all recommended programs are complete, indicating the inmate has been rehabilitated. One of the responsibilities of the committee is to consider the victims of these crimes. That is why “truth in sentencing” was enacted in the early 1980’s. The parole board is not in favor of this bill citing that the board currently has five members instead of nine. The Attorney General’s office is against this bill. The bill was opposed by the victim advocate along with the Department of Corrections. Vote 10-9.

Rep. Linda Harriott-Gathright for the Minority of Criminal Justice and Public Safety. This bill allows for persons serving a minimum of five years or more to be eligible to apply for parole after serving 50% of their minimum sentence, providing they have met the many requirements listed in the amendment. This bill removes the 1980’s truth in sentencing (TIS) laws, which state that an inmate must serve 100% of their minimum sentence prior to being eligible for parole. New Hampshire is the only state with a 100% minimum. This bill is not a get out of jail free card, but a complete buy in, and incentivizes the inmate’s rehabilitation. This bill further eliminates a one size fits all policy. TIS is expensive, extreme, and outdated. Many other states have repealed or amended their TIS laws. Truth in sentencing has resulted in longer time in prison, meaning a higher price tag for taxpayers. One year in prison is costing taxpayers approximately \$40,000 per inmate.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Harriott-Gathright and Klein-Knight spoke against.

Rep. Roy spoke in favor.

On a division vote, with 181 members having voted in the affirmative, and 171 in the negative, the majority committee report was adopted.

HB 620-FN-L, requiring law enforcement agencies to gather and analyze certain demographic information.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Dave Testerman for the Majority of Criminal Justice and Public Safety. The intent of this legislation was to gather the demographic data of persons who have an encounter with law enforcement. It would have required the law enforcement officer to enter data into a database based on their observation of the individual. This is subject to human error and judgment. It would be far easier to encode this information into the bar code on the driver's license or add this information to the personal data already on the back of the license. If the person does not have a driver's license it could be entered manually into the existing database tool or report. Vote 12-8.
Rep. Ray Newman for the Minority of Criminal Justice and Public Safety. This bill requires law enforcement agencies to gather and analyze certain demographic information. It requires that police departments and law enforcement agencies gather, analyze, and make available to the public, at least annually, data on demographics, including gender and race. This data shall be provided for arrests, citations, motor vehicle and subject stops and searches including, frisks, container searches, and searches of cars and residences, regardless of the disposition of the case. The rationale for stops and searches must be provided by the participating law enforcement personnel. Having demographic data will help in determining if there are any problems with racial profiling in New Hampshire. If problems are detected, the data would also be useful information to help determine if legislation is needed to resolve those problems. This bill was a direct result of a recommendation of New Hampshire Commission on Law Enforcement, Accountability, Community, and Transparency (LEACT). LEACT engaged public, private and community stakeholders to develop recommendations for the reforms necessary to enhance transparency, accountability and community relations in law enforcement.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **HB 620-FN-L**, requiring law enforcement agencies to gather and analyze certain demographic information, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 629-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Scott Wallace for the Majority of Criminal Justice and Public Safety. This bill is being recommended for interim study by the majority due to a conflict with another pending cannabis bill. If not for this conflict, this bill would likely have received an Ought to Pass with Amendment recommendation from the committee as the bill has merit, is remarkably simple without expanding government, and is consistent with our neighbor states and provinces that have us actually surrounded with some type of limited home grow for adults. Vote 11-9.
Rep. Casey Conley for the Minority of Criminal Justice and Public Safety. This bill would allow adults, 21 years and older, to possess and/or cultivate limited amounts of cannabis for personal use. If approved, a legal adult could possess up to three-quarters of an ounce of cannabis, five grams of hashish, 300 milligrams of edible cannabis products, and up to six cannabis plants for home cultivation. Cannabis could be traded or given away to legal adults under this bill but it could not be sold. Just as important, this bill imposes no taxes of any kind. This bill represents a New Hampshire solution to recreational cannabis use, and creates a potential bridge to retail sales in the future. This proposal passed the House with a veto-proof majority in 2020, and it deserves a vote on the House floor in 2022 rather than more study.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **HB 629-FN**, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products, be laid on the table.

On a division vote, with 144 members having voted in the affirmative, and 210 in the negative, the motion failed.

The question now being adoption of the majority committee report of Refer for Interim Study.

Reps. Abramson, Warden and Conley spoke against.

Rep. Abbas spoke in favor.

On a division vote, with 122 members having voted in the affirmative, and 231 in the negative, the majority committee report failed.

Rep. Warden moved the minority committee report of Ought to Pass.

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

On a division vote, with 241 members having voted in the affirmative, and 113 in the negative, the minority committee report was adopted and the bill was ordered to third reading.

HB 632, banning a sentence of life imprisonment without parole for a juvenile convicted of homicide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dave Testerman for the Majority of Criminal Justice and Public Safety. The intent of this legislation was to prevent the sentencing of a juvenile to life in prison when convicted of homicide. The bill, however, would prohibit any circumstances where a juvenile could be sentenced to life without parole. The holding from *Miller v. Alabama* prohibits a mandatory life sentence for a juvenile. This bill would eliminate the judicial discretion altogether. Vote 11-9.

Rep. Casey Conley for the Minority of Criminal Justice and Public Safety. This bill would eliminate the sentence of life without the possibility of parole for crimes committed before someone turns 18. Society has come to recognize that juvenile brains are still developing, and that crimes committed at such a young age, including homicide, do not indicate how the offender might act later in life. Twenty-five states, plus Washington, D.C., have banned life without parole sentences for juvenile offenders, Vermont and Massachusetts among them. Although New Hampshire currently has no juveniles serving this sentence, the best way to ensure none do is to prohibit its use. Passing this bill would achieve that goal.

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

Rep. Conley spoke against and yielded to questions.

Rep. Roy spoke in favor.

On a division vote, with 181 members having voted in the affirmative, and 174 in the negative, the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Somssich moved that the House reconsider its action whereby, on a division vote of 241-113, the House adopted the minority committee report of Ought to Pass on **HB 629-FN**, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

Rep. Somssich spoke against.

Motion failed.

REGULAR CALENDAR CONT'D

SB 92-FN, relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for the Majority of Criminal Justice and Public Safety. The majority of the committee supports the amendment to the law governing bail for the commission of certain violent offenses, such as domestic violence and sexual assault. Rather than appear before a bail commissioner outside of court, a person charged with certain violent offenses will be held and brought before the court for an arraignment. During the arraignment, the state may move for a person to be detained pending trial if the state can demonstrate, by clear and convincing evidence, that the release of the person is a danger to the public or another. Furthermore, the amendment holds individuals accountable who continue to violate the conditions of their release by repeatedly failing to appear in court or get arrested multiple time for a subsequent felony, class A misdemeanor, or driving or operating while impaired by creating a rebuttable presumption that this individual will not abide by the conditions of their release. These proposed changes to New Hampshire's laws governing bail and pre-trial release address the most egregious instances, such as a woman being abused by the same perpetrator within 24 hours after that person was released without appearing before the court. Vote 11-10.

Rep. John Bordenet for the Minority of Criminal Justice and Public Safety. This bill is well intentioned to combat the perceived issue of the catch and release of criminals. It is unclear what is the cause of this problem. Anecdotaly some believe accused criminals are brought into custody and somehow let loose and immediately commit another crime. This bill requires bail hearings for most violent felonies and some domestic violence misdemeanors be heard by a judge. According to this bill, bail commissioners will no longer be able to rule for these types of bail hearings. These hearings would add more to the workload of our present court system. The courts are already backlogged. Why make additional work? We heard an estimate of two to three million dollars would be required to implement this law. We already face a shortage of public defenders and this bill would add to this shortage. Present law provides the accused be held if they break the conditions of their release; committing another crime would be a violation of those conditions.

Majority Amendment (2180h)

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

AN ACT relative to the release of a defendant pending trial.

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

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

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

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

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

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

III. When considering whether to release or detain a person, the court **and, if applicable, a bail commissioner** shall consider the following issues:

- (a) Safety of the public or the defendant.

(1) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; stalking under RSA 633:3-a; trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; computer pornography and child exploitation under RSA 649-B; or felonious use of firearms under RSA 650-A:1 shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. Arraignment shall occur no later than 24 hours after the arrest, Saturdays, Sundays, and legal holidays excluded, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the same day, Saturdays, Sundays, and legal holidays excluded. At the person's appearance before the court, the court shall order that the person be detained pending trial if the court determines by clear and convincing evidence that release of the person is a danger to the public or themselves. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant and material factors presented pursuant to paragraph IV. If the court does not find by clear and convincing evidence that the person must be detained, the court shall order the person released pursuant to paragraph I(a) or paragraph I(b), or, if applicable, temporarily detained pursuant to paragraph I(d).

(2) If a person is charged with any **other** criminal offense, an offense listed in RSA 173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged with a violation of a protective order issued under RSA 173-B, the court may order preventive detention without bail, or, in the alternative, may order restrictive conditions including but not limited to electronic monitoring and supervision, only if the court determines by clear and convincing evidence that release will endanger the safety of that person or the public. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant factors presented pursuant to paragraph IV.

- (b) Assuring the court appearance of charged persons.

(1) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required.

(2) If the court determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past [5] 3 years, or twice on the present case, ~~[there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required]~~ **the person shall be detained in pretrial detention based upon the rebuttable presumption that release will not reasonably assure the appearance of the person as required.**

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

(4) The court shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition unless the court determines by clear and convincing evidence that the nature of the allegations presents a substantial risk that the person will not appear and that no reasonable alternative will assure the person's appearance. The defendant shall be afforded the opportunity to be heard.

(c) Failure of a person to abide by previous bail conditions. ~~[If there is probable cause to believe that, while on release pending resolution of a previous offense, the person committed a felony, class A misdemeanor, or driving or operating while impaired, there shall be a rebuttable presumption that the person will not abide by a condition that the person not commit a new offense. The court shall not impose a financial condition that will result in the pretrial detention of the person solely as a result of that financial condition unless the court determines by clear and convincing evidence after a hearing that no reasonable alternative or combination of conditions will assure that the person will not commit a new offense. The court may consider any relevant factors in making its determination]~~ ***If there is probable cause to believe that a person, while on release pending resolution of a previous offense, committed a felony, class A misdemeanor, or driving or operating while impaired, was released on bail, and thereafter was arrested for a third felony, class A misdemeanor, or driving or operating while impaired, the person shall be detained in pretrial detention based upon the rebuttable presumption that the person will not abide by a condition that the person not commit a new offense.***

IV.(a) Evidence in support of preventive detention shall be made by offer of proof at the initial appearance ***of the person*** before the court. ~~[At that time, the defendant]~~ ***If the court determines the person should be detained pursuant to paragraph III, the person*** may request a subsequent bail hearing where live testimony [is] ***may be*** presented to the court ***to rebut any presumption that the person is a danger to himself, herself, or the public, or that release will not reasonably assure the person's appearance, or that the person is at-risk of re-offending while on bail.***

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

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

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

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

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

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

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

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

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

VIII. A person charged with an offense who is, or was at the time the offense was committed, on release pending trial for a felony or misdemeanor under federal or state law, release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal or state law; or probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III, [may] ***shall*** be detained for a period of not more than 72 hours from the time of his or her arrest, excluding Saturdays, Sundays and holidays. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state, or local law enforcement official. Upon such notice, the court shall direct the clerk to notify by telephone the department of corrections, division of field services, of the pending bail hearing. ~~[If the department fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial.]~~ ***The court shall hold a bail hearing promptly after the expiration of the 72-hour period and may consider the actions taken or to be taken by such other court, probation or parole official, or law enforcement official in determining the conditions of release or detention to be imposed in the case before the court.*** Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole [may] ***shall*** be subject to arrest and detention as probation and parole violators.

IX. Upon the appearance of a person charged with a class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines pursuant to paragraph III that such release will endanger the safety of the person or the public. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

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

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

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

2 Effective Date. This act shall take effect January 1, 2023.

AMENDED ANALYSIS

This bill amends the statute governing bail and pretrial release to include provisions for pretrial detention for commission of certain offenses that would create a presumption that the defendant is a danger to the public.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **SB 92-FN**, relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

HB 20-FN-A-L, establishing the Richard “Dick” Hinch education freedom account program. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the Majority of Education. This bill would have established education freedom accounts (EFA) and was retained by the Education Committee. Since EFA legislation was passed, the bill would have been amended to address implementation and administrative rules questions, but new legislation has been introduced for that purpose. The majority recommends interim study so that implementation can be further studied for possible future legislation. Vote 11-9.

Rep. David Luneau for the Minority of Education. According to the Legislative Budget Assistant, education freedom accounts (EFA) expose the state to more than \$70 million a year in new costs. Despite the fiscal exposure, unrealistic cost estimates, and overwhelming public opposition, the EFA statute was enacted as part of the state budget bill. During budget hearings, the Department of Education stressed cost savings would be realized because the majority of EFA applications would be from students leaving their public schools, leading to a reduction in grants to school districts and saving the state and taxpayers money. Yet, the department’s recent report to the EFA Oversight Committee revealed the vast majority of EFAs are actually going to private and home school students. In fact, just 280 of the 1,635 applications came from students who decided to leave their public schools starting this year. Now taxpayers are on the hook for more than \$6.7 million to pay private school tuition and home school costs for 1,355 students who otherwise wouldn’t cost the state or taxpayers anything. The state has an obligation to fund public schools, not private alternatives. But now public tax dollars are being used to pay private school tuition bills, while at the same time the state’s financial support for public schools goes down and continues to be the lowest in the nation. The Legislative Budget Assistant makes it clear with this statement: “the net impact would be increased state education trust fund expenditures and decreased local adequacy grant revenue.” That’s \$70 million from the education trust fund not going to public schools, not improving student equity, and not going to property tax relief. Unlike public schools, EFA programs have no accountability requirements. And EFA administration costs can be as high as 10%. The minority believes the EFA program is not good public education policy and is a wasteful use of public tax dollars.

MOTION TO LAY ON THE TABLE

Rep. Cordelli moved that **HB 20-FN-A-L**, establishing the Richard “Dick” Hinch education freedom account program, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 136, requiring schools to update documents and software to include the option of identifying a student as non-binary. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alicia Lekas for the Majority of Education. This bill would require schools to update documents and software to include the option of identifying a student as non-binary. The majority believes that schools currently have the opportunity to implement this notation in a way that best fits document policy and software best suited to the school without another state mandate. Local districts may achieve the intent of this bill by a simple check box identifying non-binary. Some schools currently use a notation field which provides greater information, including preferred pronouns. It is also considered important for the school nurse to know the biological sex of the student to help avoid misdiagnosis. Vote 11-9.

Rep. Stephen Woodcock for the Minority of Education. This bill requires the Department of Education and local school districts to update their student information systems to support a non-binary gender identifier. The committee heard that the cost to the department would be de minimis, approximately \$20,000. The cost to local school districts would be absorbed by the vendors of student information systems and services. The intent of the bill was

and is to allow parents the opportunity to enroll their children in a public school with the gender designation as non-binary, much like what is being done on driver's licenses issued by the Division of Motor Vehicles. This change would eliminate the additional and almost annual aggravation of fighting the battle with a school's administration over the student reporting system and its limitations. This additional check-off option does not impact state or local data collection and reporting of biological sex (male or female) will continue to be collected. This data addition would simply allow students the opportunity to be referenced by their gender as well as biological sex. This bill reduces the potential for student bullying, harassment, and discrimination and creates relief of mental anguish to the parents and student caused by the inability of a school to recognize a student as non-binary. In the end this bill harms no one, has limited expense, and improves the relationship of parents and students with schools and their administrations. And at the same time, it enhances a student's daily life within the school building.

MOTION TO LAY ON THE TABLE

Rep. Cordelli moved that **HB 136**, requiring schools to update documents and software to include the option of identifying a student as non-binary, be laid on the table.

On a division vote, with 194 members having voted in the affirmative, and 163 in the negative, the motion was adopted.

(Representative Rice in the Chair)

REGULAR CALENDAR CONT'D

HB 214, relative to school building aid grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, is intended to provide a statewide facilities condition assessment of public elementary and secondary schools using infrastructure funds previously appropriated under RSA 198:15-y, III. The condition assessment will provide the Department of Education (DOE) and legislature a thorough understanding of statewide school building aid construction and renovation needs. The DOE shall design and implement a statewide process for collecting and analyzing public school facility data using site visitation teams comprised of architectural and engineering consultants. Data gathered in the field shall be used to identify schools that may need construction or major reconstruction within the next 10 years in order to provide a safe, healthy, and efficient-to-operate facility. The facility condition assessment shall assess facility conditions, energy use, education sufficiency/education space, and technical infrastructure. Beginning with construction authorized by a local school district on or after July 1, 2025, projects not on the school facilities priority list shall not be eligible for school building aid grants unless deemed an emergency. The department has estimated that statewide, there is 33 million square feet of school facilities. It is understood that buildings that are relatively current will not require a site assessment. At the cost of \$0.10 per square foot, the cost to complete the statewide assessment approximates \$3.3 million. This amount is currently in the Public School Infrastructure Fund which is tasked to support New Hampshire's public school safety, health, connectivity, security, and structural issues. With the passage of this bill as amended, the department and legislature will have a better understanding of statewide school building aid needs to plan and fund priority needs. This bill, as amended, is a result of years of school building aid research and discussion. As most states have done, it is time for New Hampshire to gather the necessary school infrastructure data as is currently done for other capital projects in the state. Vote 20-0.

Amendment (2225h)

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

AN ACT relative to a public school facility condition assessment and school building aid grants.

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

1 Public School Infrastructure Fund; Facility Condition Assessment. Amend RSA 198:15-y, III(g) to read as follows:

(g) *Funding for the department of education to support the development, implementation, and maintenance of a facility condition assessment for public elementary and secondary schools. A facility condition assessment shall assess the schools' facility condition, energy use, educational sufficiency, and technology infrastructure.*

(h) Other school building or infrastructure needs the governor, in consultation with the public school infrastructure commission, may identify, except for school building aid projects that are otherwise prohibited by law.

2 New Paragraphs; Grants for School Construction; Facility Condition Assessments. Amend RSA 198:15-a by inserting after paragraph V the following new paragraphs:

VI.(a) A facility condition assessment produced using public school infrastructure funds under RSA 198:15-y, III shall be used to establish a school facilities priorities list in the department of education. The list shall identify schools that may need construction or major reconstruction within the next 10 years in order to provide an adequate learning environment in a safe, healthy, and efficient to operate facility. The state board of education shall adopt rules pursuant to RSA 541-A relative to the establishment and procedures for the facilities priorities list.

(b) Beginning with construction authorized by a local school district on or after July 1, 2025, projects not on the school facilities priority list shall not be eligible for school building aid grants unless deemed an emergency pursuant to RSA 198:15-c, I(c).

VII. Beginning July 1, 2023, and each fiscal year thereafter, a school district desiring to avail itself of the grants provided under this section shall have in place a long-range capital improvement program that identifies facility goals and outlines procedures and guidelines to be followed to approach and accomplish those goals.

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

AMENDED ANALYSIS

This bill provides for the department of education to complete a facility condition assessment of schools' facilities and identify a facilities priorities list. Schools seeking school building aid will have to have in place a long-range capital improvement program.

Committee amendment adopted.

Committee report adopted and the bill was ordered to third reading.

HB 255, relative to limited liability for institutions of higher education and businesses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the Majority of Education. This bill, as amended, provides that no New Hampshire entity shall compel receipt of a COVID-19 vaccine by any individual who objects to such vaccination for any reason of personal conscience, a religious belief, or for medical reasons, including prior recovery from COVID-19. This bill's original language, establishing a limitation on liability for higher education and businesses, is no longer needed. The amendment, however, is submitted for the purpose of rejecting the federal directive establishing a mandatory vaccine work requirement. This unnecessary mandate is trampling state powers and imposing new burdens on employers when they can least afford it, an infringement on personal rights, and making life harder for the unvaccinated who want to work in an economy with already too few workers. There are a number of reasons for rejecting this federal mandate. Article 4 of New Hampshire's Bill of Rights is titled Rights of Conscience Unalienable. This article reads, "Among the natural rights, some are, in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience." Amendment 2239h specifically addresses personal conscience along with religious belief, medical reasons, and natural COVID-19 immunity as exceptions to the vaccination mandate to work. In 1868, the New Hampshire Supreme Court (in the case *Hale v. Everett*) ruled that, "the 'Rights of Conscience' can't be surrendered to government, nor could "society" or "government" have any claim to assume to take them away or interfere with them." Our state constitution provides citizens a number of rights in which choices are made. The rights of conscience and religion are unalienable rights that should not be trampled upon by a single stroke of any administrative pen. This bill does not address or discuss the efficacy of vaccines, it simply states that entities cannot require an individual to be vaccinated. Public and private entities may continue to request or require mask wearing and follow other CDC protocols. Vote 11-8.

Rep. David Luneau for the Minority of Education. This bill limits an organization's liability that could arise from individuals who contract COVID-19. The amendment replaces the bill by imposing a mandate on all organizations, including businesses, hospitals, clinics, schools, churches, clubs, and societies, prohibiting them from requiring any individual to be vaccinated against COVID-19. Experts in medicine and public health testified how the COVID-19 vaccine is safe and effective, and how the vast majority of hospital employees support a vaccine requirement as they know it is the best way to combat the virus, reduce transmission, protect people from severe disease and death, and put an end to the pandemic. Business leaders support the rights of companies, schools, and organizations to protect their patrons and employees from a virus that has taken the lives of over 750,000 Americans. This bill, as amended, puts any organization that receives federal funds through contracts or grants in the perilous position to either comply with this new state mandate or lose those contracts and grants.

Majority Amendment (2239h)

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

AN ACT relative to prohibiting vaccine mandates by New Hampshire employers.

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

1 New Section; Protective Legislation; Imposition of Conditions; Prohibiting Mandatory Vaccines. Amend RSA 275 by inserting after section 3 the following new section:

275:3-a Prohibition of Mandatory COVID-19 Vaccines.

I. No entity in New Hampshire shall compel receipt of a COVID-19 vaccine by any individual who objects to such vaccination for any reason of personal conscience, a religious belief, or for medical reasons, including prior recovery from COVID-19.

II. In this section, "entity" means the state and any political subdivision of the state, corporation, association, club, firm, daycare, public or private school, public or private institution of higher education, partnership, society, nonprofit, joint stock company, or any other entity, including any governmental entity or religious entity.

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

AMENDED ANALYSIS

This bill prohibits New Hampshire entities from compelling receipt of a COVID-19 vaccine by any individual who objects to such vaccination for employment.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 255**, relative to limited liability for institutions of higher education and businesses, be laid on the table.

Rep. Cushman requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 142

YEAS - 213

BELKNAP

Bordes, Mike	Lang, Timothy	Trottier, Douglas
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CARROLL

Buco, Thomas	Burroughs, Anita	Cordelli, Glenn	Crawford, Karel
Deshaies, Brodie	MacDonald, John	Knirk, Jerry	Marsh, William
McAleer, Chris	Umberger, Karen	Woodcock, Stephen	

CHESHIRE

Abbott, Michael	Ames, Richard	Bordenet, John	Eaton, Daniel
Faulkner, Barry	Fox, Dru	Gomarlo, Jennie	Harvey, Cathryn
Hunt, John	Maneval, Andrew	Mann, John	Parshall, Lucius
Schapiro, Joe	Toll, Amanda Elizabeth	Von Plinsky, Sparky	Weber, Lucy
Welkowitz, Lawrence			

COOS

Craig, Kevin	Kelley, Eamon	Hatch, William	Laflamme, Larry
Merner, Troy	Theberge, Robert	Thompson, Dennis	Tucker, Edith

GRAFTON

Abel, Richard	Adjutant, Joshua	Almy, Susan	Depalma IV, Joseph
Egan, Timothy	Fellows, Sallie	Hakken-Phillips, Mary	Ham, Bonnie
Ladd, Rick	Massimilla, Linda	Muirhead, Russell	Murphy, James
Nordgren, Sharon	Stavis, Laurel	Smith, Suzanne	Sykes, George
Weston, Joyce			

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Paul	Booras, Efstathia	Bouchard, Donald	Bradley, Amy
Burt, John	Chretien, Jacqueline	Cohen, Bruce	Connors, Erika
Cornell, Patricia	DiSilvestro, Linda	Dutzy, Sherry	Espitia, Manny
Freitas, Mary	Gagne, Larry	Goley, Jeffrey	Graham, John
Greene, Bob	Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary
Herbert, Christopher	Hyland, Stephanie	Schmidt, Janice	Jack, Martin
Judy, Jean	Klee, Patricia	Klein-Knight, Nicole	Sanborn, Laurie
Labranche, Tony	Langley, Diane	Laughton, Stacie-Marie	Leishman, Peter
Long, Patrick	King, Mark	Murray, Megan	Mangipudi, Latha
McGhee, Kat	Moran, Melbourne	Mullen, Sue	Nunez, Hershel
Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael	Pedersen, Michael
Perez, Maria	Petrigno, Peter	Piedra, Israel	Plett, Fred
Porter, Marjorie	Query, Joshua	Newman, Ray	Rombeau, Catherine
Rung, Rosemarie	Newman, Sue	Snow, Kendall	Stevens, Deb
Smith, Timothy	Telerski, Laura	Vail, Suzanne	Vann, Ivy
Veilleux, Daniel	Wilhelm, Matthew		

MERRIMACK

Alicea, Caroletta	Allard, James	Bartlett, Christy	Caplan, Tony
Ellison, Arthur	Gallager, Eric	Hall, Muriel	Lane, Connie
Luneau, David	MacKay, James	Mason, James	McWilliams, Rebecca
Moffett, Michael	Pimentel, Roderick	Rogers, Katherine	Schamberg, Thomas
Schuett, Dianne	Schultz, Kristina	Shurtleff, Steve	Soucy, Timothy
Wallner, Mary Jane	Walz, Mary Beth	Wazir, Safiya	Wolf, Dan
Woods, Gary			

ROCKINGHAM

Abrami, Patrick	Acton, Dennis	Altschiller, Debra	Bunker, Lisa
Cahill, Michael	Cali-Pitts, Jacqueline	DiLorenzo, Charlotte	Doucette, Fred
Edgar, Michael	Emerick, Tracy	Gilman, Julie	Grossman, Gaby

Grote, Jaci
Lynn, Bob
Malloy, Dennis
Meuse, David
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Ward, Gerald

Hamblet, Joan
Pearson, Mark
McBeath, Rebecca
Milz, David
Read, Ellen
Sytek, John
Welch, David

Janigian, John
Maggiore, Jim
McKinney, Betsy
Osborne, Jason
Simpson, Alexis
Thomas, Douglas
Weyler, Kenneth

Murray, Kate
Major, Norman
Melvin, Charles
Paige, Mark
Somssich, Peter
MacDonald, Wayne

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Schmidt, Peter
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Harrington, Michael
Smith, Marjorie
Rich, Cecilia

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Newton, Clifford
Turcotte, Leonard

Conley, Casey
Gourgue, Amanda
Kenney, Cam
Oxaal, Ariel
Vincent, Kenneth

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary

O'Hearne, Andrew

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BELKNAP

Bean, Harry
Howard, Raymond
Ploszaj, Tom
Varney, Peter

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Littlefield, Richard
Sylvia, Michael

Hough, Gregg
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino

Nelson, Bill

Smith, Jonathan

McConkey, Mark

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold

GRAFTON

Alliegro, Mark
Sanborn, Gail

Berezhny, Lex
Gordon, Edward

Binford, David
Greeson, Jeffrey

Folsom, Beth
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Smith, Denise
Gorski, Ted
Kelsey, Niki
Lewicke, John
Mooney, Maureen
Prout, Andrew
Lekas, Tony
Warden, Mark

Alexander, Joe
King, Bill
Creighton, Jim
Erf, Keith
Gould, Linda
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Renzullo, Andrew
Tausch, Lindsay

Ammon, Keith
Berry, Ross
Cushman, Leah
Foster, William
Healey, Robert
Lanzara, Tom
Mayville, Mary
Pauer, Diane
Sheehan, Vanessa
Toomey, Dan

Boyd, Bill
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Homola, Susan
Lascelles, Richard
McLean, Mark
Post, Lisa
Somero, Paul
Ulery, Jordan

MERRIMACK

Andrus, Louise
Klose, John
Pitaro, Matthew
Walsh, Thomas

Cambrils, Jose
Leavitt, John
Boyd, Stephen
Wells, Natalie

Hill, Gregory
McGuire, Carol
Seaworth, Brian
White, Nick

Kennedy, Margaret
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Belanger, Cody
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Lundgren, David
Piemonte, Tony
Pearson, Stephen
Tripp, Richard
Verville, Kevin

Abramson, Max
Bershtein, Alan
Gay, Betty
Harley, Tina
Khan, Aboul
McBride, Everett
Potucek, John
Soti, Julius
True, Chris
Vose, Michael

Baldasaro, Al
Dodge, Dustin
Green, Dennis
Hobson, Deborah
Layon, Erica
McMahon, Charles
Pratt, Kevin
Spillane, James
Tudor, Paul
Wallace, Scott

Baxter, Tim
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Love, David
Packard, Sherman
Roy, Terry
Torosian, Peter
Vandecasteele, Susan
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Hayward, Peter
Pitre, Joseph

Bailey, Glenn
Horgan, James
Wuelper, Kurt

DeLemus, Susan
Kaczynski, Thomas

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 607-FN, establishing local education savings accounts for students. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for the Majority of Education. This bill will establish “local education freedom accounts,” that are different from “education freedom accounts.” (EFA) Last year, EFA legislation was passed involving state education funding. This bill, as amended, will provide for school districts to vote (60% majority required) to establish locally funded accounts for students seeking other education options. Local funds for the account will be 80% of the local per student costs minus special education funding. The local EFA student will remain a resident student of the district and, therefore, the district will continue to receive state adequacy and any eligible differentiated aid. If the student is a child with disabilities, they will continue to be eligible for services at their resident school since state and local funds special needs funds will remain with the district. There is no family cap for eligibility in this program. The allowable expenses for local EFA use will be the same as the state program. The resident school district will benefit from the program since they will continue to get all appropriate state funding and keep 20% of the local funding. It is, therefore, a win-win situation for the student and school district. Vote 10-9.

Rep. Marjorie Porter for the Minority of Education. This bill, as introduced, allows for a new, local education freedom account (EFA) program, parallel to the existing program, but funded entirely by the statewide education property taxes (SWEPT) collected by the municipality. The amendment, which replaced the bill, made drastic changes to the original; however, the committee did not receive the final version of the 11-page amendment until late in the afternoon of our final committee meeting before deadlines. Instead of SWEPT, the amendment relies on local property taxes which vary widely among cities and towns. Although there was no fiscal note attached to the amendment, documents provided to the committee by the member who introduced it indicated these local EFA grants could range between \$4,800 to \$11,400 or more per student, depending on the school district. Any student currently enrolled in a public school or charter school, or being homeschooled, would be eligible, and there is no family income cap, as exists in the current law. This program has the potential to have a dramatic impact on local schools, their budgets, and local property taxes. The minority believes it should have had a full public hearing, allowing committee members to have their questions answered, including those concerning constitutionality, and the public to be heard. Such a fundamental change should be fully vetted before being enacted, not rushed through as a last-minute amendment to a retained bill.

Majority Amendment (2250h)

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

1 New Chapter; Local Education Freedom Accounts. Amend RSA by inserting after chapter 194-F the following new chapter:

CHAPTER 194-G**LOCAL EDUCATION FREEDOM ACCOUNTS**

194-G:1 Definitions. In this chapter:

- I. “Adequate education grant” means the grant calculated under RSA 198:41.
- II. “Curriculum” means the lessons and academic content taught in a specific course, program, or grade level.
- III. “Department” means the department of education.
- IV. “Education freedom account” or “EFA” means the account to which funds are allocated by the scholarship organization to the parent of an EFA student in order to pay for qualifying education expenses to educate the EFA student under this chapter.
- V. “Education service provider” means a person or organization that receives payments from education freedom accounts to provide educational goods and services to EFA students.
- VI. “Eligible student” means a resident of a school district that adopts the provisions of this chapter, who is at least 5 years of age and not more than 20 years of age, who has not graduated from high school and is:
 - (a) Currently attending a New Hampshire public school, including a chartered public school; or
 - (b) A kindergarten student; or
 - (c) Receiving home education pursuant to RSA 193-A.
- VII. “EFA student” means an eligible student who is participating in the EFA program.

An EFA student participating under this chapter shall be counted in the average daily membership in residence of their school district.

VIII. "Full-time" means more than 50 percent of instructional time.

IX. "Remote or hybrid" shall mean any public school that is not providing instruction in person where the student or the educator are both not physically present in the traditional classroom due to full-time or part-time classroom closure.

X. "Parent" means a biological or adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of an EFA student.

XI. "Program" means the education freedom account program established in this chapter.

XII. "Scholarship organization" means a scholarship organization approved under RSA 77:G, that administers and implements education freedom accounts.

194-G:2 Program Eligibility.

I. There is established a local education freedom account program. In any school district that adopts this chapter pursuant to RSA 197:3-b, the parent of an eligible student may receive a grant from a scholarship organization if the parent signs a contract with the scholarship organization.

II. The parent of an eligible student who signs a contract with a scholarship organization agrees to use the funds deposited in an eligible student's account for any of the following qualifying educational expenses:

(a) Tuition for course fees at any public school, chartered public school, nonpublic school, or program approved by the department pursuant to RSA 186-C:5.

(b) Textbooks, curriculum, or materials required to supplement or administer the curriculum.

(c) Payment to a tutor or tutoring facility.

(d) Fees for transportation to and from an educational service provider paid to a fee-for-service transportation provider, not to exceed \$750 per school year.

(e) Tuition and fees for online learning programs.

(f) Educational services or therapies from a licensed or certified practitioner or provider, including licensed or certified paraprofessionals or educational aides.

(g) Computer hardware and software and other assistive devices if an eligible school, licensed or certified tutor, licensed or certified educational service practitioner or provider, or licensed medical professional verifies in writing that these items are essential for the student to meet annual, measurable goals.

(h) Fees for a nationally standardized norm-referenced achievement test, advanced placement examination, or any exam related to college admission.

III. The parent of an eligible student shall be provided copies of all signed agreements.

IV. The parent of an eligible student shall be required to annually renew the agreement to continue participation in the program.

V. No eligible student shall receive a grant under this chapter and an education tax credit scholarship pursuant to RSA 77-G in the same school year.

VI. Eligible students participating in the program may participate in curricular and co-curricular courses and programs pursuant to RSA 193:1-c.

VII. An agreement shall be automatically terminated if the eligible student no longer resides in the school district, and all unencumbered moneys shall revert back to the school district.

VIII. The failure to enter into an agreement pursuant to this chapter for any school year for which an eligible student is required to attend a public school shall not preclude the parent of such student from entering into an agreement for a subsequent school year.

IX. An EFA student shall remain a student in their resident school district for the purposes of RSA 193:1.

X. The resident school district shall receive funding for EFA students pursuant to RSA 198:40-a.

194-G:3 Application for an Education Freedom Account.

I. A parent may apply to the scholarship organization to establish an EFA for an eligible student. The scholarship organization shall accept and approve applications each year and shall establish procedures for approving applications in an expeditious manner.

II. The scholarship organization shall create a standard form that parents can submit to establish their student's eligibility for the EFA program and shall ensure that the application is publicly available and may be submitted through various sources, including the Internet.

III. The scholarship organization shall approve an application for an EFA if:

(a) The parent submits an application for an EFA in accordance with application procedures established by the scholarship organization.

(b) The student on whose behalf the parent is applying is an eligible student.

(c) Funds are available for the EFA.

(d) The parent signs an agreement with the scholarship organization:

(1) To provide an education for the eligible student in the core knowledge domains that include science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music.

(2) Not to enroll the eligible student as a full-time student in their resident district public school while participating in the EFA program.

(3) To provide an annual record of educational attainment by:

(A) Having the student take a nationally-standardized, norm-referenced achievement test and to provide the results to the scholarship organization by the end of each school year which the scholarship organization shall make available to the department as aggregate scores; or

(B) Having the student take the statewide student assessment test pursuant to RSA 193-C:6; or

(C) Maintaining a portfolio including, but not limited to, a log which designates by title the reading materials used; samples of writings, worksheets, workbooks, or creative materials used or developed by the student. The parent shall have a certified teacher or a teacher currently teaching in a nonpublic school, who is selected by the parent, evaluate the student's educational progress upon review of a portfolio and discussion with the parent or student.

(4) To use the funds in the EFA only for qualifying expenses to educate the eligible student as established by the EFA program.

(5) To comply with the rules and requirements of the EFA program.

IV. The signed agreement between the parent and the scholarship organization shall satisfy the compulsory school attendance requirements of RSA 193:1.

V. The scholarship organization shall annually renew a student's EFA if funds are available.

VI. Upon notice to the scholarship organization, an EFA student may choose to stop receiving EFA funding and enroll full-time in a public school.

(a) Enrolling as a full-time student in the resident district public school shall result in the immediate suspension of payment of additional funds into the student's EFA. However, an EFA that has been open for at least one full school year shall remain open and active for the parent to make qualifying expenditures to educate the student from funds remaining in the EFA. When no funds remain in the student's EFA, the scholarship organization may close the EFA.

(b) If an eligible student decides to return to the EFA program, payments into the student's existing EFA may resume if the EFA is still open and active. A new EFA may be established if the student's EFA was closed.

194-G:4 Authority and Responsibilities of the Scholarship Organization. The scholarship organization shall have the following additional duties, obligations, and authority:

I. The scholarship organization shall maintain an updated list of education service providers and shall ensure that the list is publicly available through various sources, including the Internet.

II. The scholarship organization shall provide parents with a written explanation of the allowable uses of EFA funds, the responsibilities of parents, the duties of the scholarship organization, and the role of any financial management firms that the scholarship organization may contract with to administer any aspect of the EFA program.

III. The scholarship organization shall ensure that parents of students with disabilities receive notice that the EFA student will still be eligible to receive services from the resident school district in accordance with Individuals With Disabilities Education Act (IDEA) and any existing individualized education program (IEP).

IV. The scholarship organization may withhold from deposits or deduct from EFAs an amount to cover the costs of administering the EFA program, up to a maximum of 10 percent annually.

V. The scholarship organization shall implement a commercially viable system for payment of services from EFAs to education service providers by electronic or online funds transfer.

(a) The scholarship organization shall not adopt a system that relies exclusively on requiring parents to be reimbursed for out-of-pocket expenses, but rather shall provide maximum flexibility to parents by facilitating direct payments to education service providers. Scholarship organizations may pre-approve requests for reimbursements for qualifying expenses, including expenses pursuant to RSA 194-G:2, II, but shall not disperse funds to parents without receipt that such pre-approved purchase has been made.

(b) A scholarship organization may contract with a private institution or organization to develop the payment system.

VI. The scholarship organization may also seek to implement a commercially viable system for parents to publicly rate, review, and share information about education service providers, ideally as part of the same system that facilitates the electronic or online funds transfers.

VII. If an education service provider requires partial payment of tuition or fees prior to the start of the academic year to reserve space for an EFA student admitted to the education service provider, such partial payment may be paid by the scholarship organization, if funds are available, prior to the start of the school year in which the EFA is awarded and deducted in an equitable manner from subsequent quarterly EFA deposits to ensure adequate funds remain available throughout the school year; but if an EFA student decides not to use the education service provider, the partial reservation payment shall be returned to the scholarship organization by such education service provider and credited to the student's EFA.

VIII. The scholarship organization shall continue making deposits into a student's EFA until:

- (a) The scholarship organization determines that the EFA student is no longer an eligible student.
- (b) The scholarship organization determines that there was intentional and substantial misuse of the funds in the EFA.
- (c) The parent or EFA student withdraws from the EFA program.
- (d) The EFA student enrolls full-time in the resident district public school.
- (e) The EFA student graduates from high school.

IX. The scholarship organization may conduct or contract for the auditing of individual EFAs, and shall at a minimum conduct random audits of EFAs on an annual basis.

X. The scholarship organization may make any parent or EFA student ineligible for the EFA program in the event of intentional and substantial misuse of EFA funds.

(a) The scholarship organization shall create procedures to ensure that a fair process exists to determine whether an intentional and substantial misuse of EFA funds has occurred.

(b) If an EFA student is free from personal misconduct, that student shall be eligible for an EFA in the future if placed with a new guardian or other person with the legal authority to act on behalf of the student.

(c) The scholarship organization may refer suspected cases of intentional and substantial misuse of EFA funds to the attorney general for investigation if evidence of fraudulent use of EFA funds is obtained.

(d) A parent or EFA student may appeal the scholarship organization's decision to deny eligibility for the EFA program to the department.

XI. The scholarship organization may bar an education service provider from accepting payments from EFAs if the scholarship organization determines that the education service provider has:

(a) Intentionally and substantially misrepresented information or failed to refund any overpayments in a timely manner.

(b) Routinely failed to provide students with promised educational goods or services.

XII. The scholarship organization shall create procedures to ensure that a fair process exists to determine whether an education service provider may be barred from receiving payments from EFAs.

(a) If the scholarship organization bars an education service provider from receiving payments from EFAs, it shall notify parents and EFA students of its decision as quickly as possible.

(b) Education service providers may appeal the scholarship organization's decision to bar them from receiving payments from the EFA to the department.

XIII. The scholarship organization may accept gifts and grants from any source to cover administrative costs, to inform the public about the EFA program, or to fund additional EFAs.

XIV. The department shall adopt rules that are necessary for the administration of this chapter.

XV. The scholarship organization shall adopt policies or procedures that are necessary for the administration of this chapter. This may include policies or procedures:

(a) Establishing or contracting for the establishment of an online anonymous fraud reporting service.

(b) Establishing an anonymous telephone number for fraud reporting.

(c) Requiring a surety bond for education service providers receiving more than \$100,000 in EFA funds.

(d) Refunding payments from education service providers to EFAs.

(e) Ensuring appropriate use and rigorous oversight of all funds expended under this program.

XVI. The scholarship organization shall not exclude, discriminate against, or otherwise disadvantage any education provider with respect to programs or services under this section based in whole or in part on the provider's religious character or affiliation, including religiously based or mission-based policies or practices.

194-G:5 Computation of Local Education Funds.

I. The superintendent of the school district shall calculate the funds for local education freedom accounts based on the local district's approved budget from the previous year as follows: the total moneys raised by local education taxes under RSA 76:8, III, less special education spending multiplied by 80 percent, and divided by the previous year's average daily membership in attendance. The funds shall not include any federal grants or state funding. The superintendent of the school district shall make such funds available to each student requesting a local education freedom account.

II. The scholarship amount shall be recalculated annually. The amount granted shall be the original grant or the recalculated grant, whichever is greater. No eligible student shall receive a scholarship that is less than the scholarship the student received in his or her first year of participation in the program,

III. If a student no longer resides in the local district, or attends the chartered public school, during the regular school year, the funds the student has been approved to receive shall be prorated and the balance shall be distributed to the local school district.

IV. The superintendent of the local school district shall transfer the funds to each student's local education freedom account no later than July 14 prior to the beginning of the school year.

194-G:6 Program Funding and Payment.

I. The scholarship organization shall notify the superintendent of the school district of any eligible student whose parents have signed an agreement under RSA 194-G:2.

II. Funds received pursuant to this program shall not constitute income taxable to the parent of the eligible student or to the eligible student.

III. In exchange for the parent's agreement pursuant to RSA 194-G:2, the superintendent shall transfer funding to the eligible student's account established by the scholarship organization. The transfers shall be made quarterly at the same time as state grants are distributed under RSA 198:42.

IV. All eligible student accounts shall be held in institutions qualified by the school district.

V. The scholarship organization may remove any eligible student from the program for non-compliance with program eligibility requirements of RSA 194-G:2.

(a) The parent may appeal the decision of the scholarship organization to the superintendent.

(b) Any funds remaining in the account for that student shall revert to the school district.

VI. The scholarship organization may refer cases of fraudulent misuse of funds for investigation.

VII.(a) The scholarship organization may approve education service providers on its own initiative, at the request of parents, or by notice to the scholarship organization provided by prospective education service providers.

(b) A prospective education service provider that wishes to receive payments from EFAs shall:

(1) Submit notice to the scholarship organization that it wishes to receive payments from EFAs.

(2) Agree not to refund, rebate, or share EFA funds with parents or EFA students in any manner, except that funds may be remitted or refunded to an EFA in accordance with procedures established by the scholarship organization.

VIII. Parents may make payments for the costs of educational programs and services not covered by the funds in their accounts.

IX. A scholarship organization may receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this chapter.

194-G:7 Scholarship Organization: Requirements. A scholarship organization shall:

I. Develop and maintain agreement forms in cooperation with the superintendent.

II. Provide copies of agreements signed by parents of eligible students to the superintendent.

III. Comply with all federal and state laws regarding student privacy.

IV. Review all receipts for fees and services pursuant to 194-G:2, II.

V. Provide annual reports on the number of students participating in the program, the providers of services to students, and the value of the program funds to the school district.

VI. Conduct an annual survey of parents of eligible students with accounts. The survey shall include the number of years the parent has been in the program, the relative satisfaction of the parent with the program, and suggestions of the parent for improvement. The survey shall be included in the annual report.

VII. Conduct an annual audit of all accounts of eligible students.

194-G:8 Schools and Providers of Educational Services; Requirements.

I. Schools and educational service providers shall comply with all federal and state laws regarding student privacy.

II. Schools and educational service providers shall furnish receipts for eligible services pursuant to RSA 194-G:2, II to the parent.

III. The school district in which the eligible student resides shall provide a participating school or educational service provider that has admitted an eligible student under this program with a copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. section 1232 (g), and state policies.

IV. Special education services to students in an EFA program under this chapter shall be at a location that is at the discretion of the school district.

194-G:9 Responsibilities of Public Schools and School Districts. A public school, or school district, that previously enrolled an EFA student shall provide a private school that is also an education service provider and that has enrolled an EFA student with a complete copy of the EFA student's school records, in a timely manner, while complying with 20 U.S.C. section 1232g, the Family Educational Rights and Privacy Act of 1974.

194-G:10 Legal Proceedings.

I. In any legal proceeding challenging the application of this chapter to an education service provider, the state bears the burden of establishing that the law is necessary and does not impose any undue burden on the education service provider.

II. No liability shall arise on the part of the scholarship organization or the state or of any public school or school district based on the award of or use of an EFA pursuant to this chapter.

III. If any part of this chapter is challenged in a state court as violating either the state or federal constitutions, parents of eligible and/or EFA students shall be permitted to intervene as of right in such lawsuit for the purposes of defending the EFA program's constitutionality. However, for the purposes of judicial administration, a court may require that all parents file a joint brief, so long as they are not required to join any brief filed on behalf of any named defendant.

IV. If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

194-G:11 Rescission. If a school district that has adopted local education freedom account accounts votes to rescind its action under RSA 197:3-b, IV, any parent of an eligible student who has entered into a contract with a scholarship organization prior to the time of such rescission may continue to receive grants as long as the eligible student is under the age of 20 years and has not graduated from high school.

2 New Section; Method of Adopting Local Education Freedom Accounts. Amend RSA 197 by inserting after section 3-a the following new section:

197:3-b Method of Adopting Local Education Freedom Accounts.

I. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in the school district, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the school board or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the school board shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. Such corrections shall not in any way change the intended effect of the article as presented in the original language of the petition. For the purposes of this section, the number of registered voters in a school district shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. In school districts with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in school districts with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the district, so presented not less than 60 days before the next annual meeting, the school board shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special school district meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed school district meeting shall be used at any reconvened session of the same school district meeting. In no event shall a special school district meeting be held on the biennial election day.

II. The wording of the question shall be: "Shall we adopt the provisions of RSA 194-G to allow the establishment if a local education freedom account program in (local school district)?"

III. If a 3/5 majority of those voting on the question vote "yes," RSA 194-G shall apply within the school district at the annual or special meeting next following. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

IV. Any school district which has adopted RSA 194-G may consider rescinding its action in the manner described in paragraphs I-III, except that the question shall be placed on the official ballot. The wording of the question shall be: "Shall we rescind the provisions of RSA 194-G, as adopted by the (local school district) on (date of adoption), so that a local education freedom account program will no longer be used in the district?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this chapter. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

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

AMENDED ANALYSIS

This bill allows school districts to adopt a program for local education freedom accounts for a parent of an eligible student to receive a grant from a scholarship organization for qualifying educational expenses at a public school, chartered public school, nonpublic school, or program approved by the department of education.

MOTION TO LAY ON THE TABLE

Rep. Wolf moved that **HB 607-FN**, establishing local education savings accounts for students, be laid on the table. Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 187 - NAYS 170

YEAS - 187

BELKNAP

Bordes, Mike

CARROLL

Buco, Thomas
MacDonald, John
Umberger, Karen

Burroughs, Anita
Knirk, Jerry
Woodcock, Stephen

Crawford, Karel
Marsh, William

Deshaies, Brodie
McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Toll, Amanda Elizabeth

Ames, Richard
Fox, Dru
Mann, John
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

COOS

Davis, Arnold
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William
Thompson, Dennis

Laflamme, Larry
Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Muirhead, Russell
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

Depalma IV, Joseph
Ham, Bonnie
Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Hamer, Heidi
Hyland, Stephanie
Jeudy, Jean
Laughton, Stacie-Marie
Murray, Megan
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne

Bouldin, Andrew
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Infantine, William
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Boyd, Bill
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Schmidt, Janice
Klein-Knight, Nicole
Long, Patrick
Mayville, Mary
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Griffin, Barbara
Booras, Elstathia
Cohen, Bruce
Dutzy, Sherry
Graham, John
Herbert, Christopher
Jack, Martin
Langley, Diane
King, Mark
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Caplan, Tony
Lane, Connie
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Allard, James
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Andrus, Louise
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

Bartlett, Christy
Hall, Muriel
Mason, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Lundgren, David
McKinney, Betsy
Simpson, Alexis

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Maggiore, Jim
Meuse, David
Somssich, Peter

Cahill, Michael
Gilman, Julie
Murray, Kate
Malloy, Dennis
Paige, Mark
Sytek, John

Cali-Pitts, Jacqueline
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

Chase, Wendy
Frost, Sherry
Kenney, Cam
Rich, Cecilia

Conley, Casey
Gourgue, Amanda
Levesque, Cassandra
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary

O'Hearne, Andrew

NAYS - 170**BELKNAP**

Bean, Harry
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

CARROLL

Avellani, Lino
McConkey, Mark

Nelson, Bill

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

GRAFTONAlliegro, Mark
Sanborn, Gail
Simon, MatthewBerezhny, Lex
Gordon, EdwardBinford, David
Greeson, JeffreyFolsom, Beth
Ladd, Rick**HILLSBOROUGH**Lekas, Alicia
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Labranche, Tony
Marston, Dick
Nunez, Hershel
Prout, Andrew
Lekas, TonyAlexander, Joe
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Kelsey, Niki
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Tausch, LindsayAmmon, Keith
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kofalt, Jim
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Sheehan, Vanessa
Ulery, JordanKing, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Sanborn, Laurie
Lewicke, John
Notter, Jeanine
Post, Lisa
Somero, Paul
Warden, Mark**MERRIMACK**Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, NatalieHill, Gregory
Moffett, Michael
Seaworth, Brian
White, NickKennedy, Margaret
Pearl, Howard
Testerman, Dave
Yakubovich, MichaelKlose, John
Pitaro, Matthew
Walsh, Thomas**ROCKINGHAM**Abbas, Daryl
Baldasaro, Al
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Love, David
McBride, Everett
Osborne, Jason
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vandecasteele, Susan
Wallace, ScottAbrami, Patrick
Baxter, Tim
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Lynn, Bob
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Verville, Kevin
Welch, DavidAbramson, Max
Belanger, Cody
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Vose, Michael
Weyler, KennethActon, Dennis
Bershtein, Alan
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh**STRAFFORD**Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Turcotte, LeonardBailey, Glenn
Hayward, Peter
Newton, Clifford
Wuelper, KurtDeLemus, Susan
Horgan, James
Schmidt, PeterGroen, Fenton
Kaczynski, Thomas
Pitre, Joseph**SULLIVAN**Aron, Judy
Stapleton, WalterCallum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the motion was adopted.

REGULAR CALENDAR CONT'D**HB 608-FN-A-L**, relative to the formula for determining funding for an adequate education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for the Majority of Education. This bill attempts to identify the necessary elements and costs associated with the adequate education funding formula. Components of this bill include base cost, differentiated aid, a fiscal capacity disparity aid grant premised upon equalized valuation per pupil, required use and accountability reporting for the use of grant funds, and repeal of stabilization grants to municipalities. The committee worked with the Department of Education to address the intent of this bill; however, the Office of the Legislative Budget Assistant was unable to complete a fiscal note providing the necessary changes to ensure that the formula would meet current statewide educational needs as well as grant allocation amounts designed to provide additional funds to school districts in communities with below average property valuation per pupil. Funding appropriations for educational funding for the biennium have been completed and signed into law; therefore, the majority recommends the bill be found Inexpedient to Legislate. Although the majority

recommends Inexpedient to Legislate, communication has been made with Finance, Division II, requesting that a joint working group be established to address issues identified during the hearing process on this bill. The work group, comprising Division II and four members from the Education Committee, has begun its work to better meet educational trends and needs as well as other education costing challenges. Work group meetings are scheduled in the House Calendar. Vote 12-8.

Rep. David Luneau for the Minority of Education. The minority agrees with the bill's sponsors that changes need to be made to the state's public school funding plan. Public school students in New Hampshire perform among the best in the country; it's just not happening in every school district. The state's current funding scheme results in significant inequities for both students and taxpayers. Some districts with high property valuations can fund their school budgets at optimal levels with relatively low property tax rates. But other districts with lower property valuations have high property tax rates, and even then, may not be able to fund a school budget sufficient to provide students with an opportunity for good outcomes. The current school funding law is contrary to the fundamental holdings of the *Claremont* cases – that the state must distribute state aid in a manner that provides an equal opportunity for good public educations for all of New Hampshire's children. The minority believes more work should be done to develop a foundation opportunity program that closes the student opportunity gap and assures every district has access to the resources they need to sufficiently fund their schools.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 608-FN-A-L**, relative to the formula for determining funding for an adequate education, be laid on the table.

On a division vote, with 193 members having voted in the affirmative, and 154 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

SB 44, establishing the New Hampshire workforce pathway program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the Majority of Education. This bill would establish a workforce pathway program which would be administered by the Community College System of New Hampshire (CCSNH). The goal of providing credentials for unemployed and underemployed people through certificate programs is laudable; however, the bill conflicts with existing state plans and funding. The legislation was opposed by the Commissioners of Education and Business and Economic Affairs. A comprehensive state plan to address workforce needs was developed by all stakeholders less than two years ago and deserves the opportunity for implementation and evaluation. Nothing currently prevents CCSNH from developing training programs to advance the goals of this bill. Vote 17-3.

Rep. Marjorie Porter for the Minority of Education. This bill sets up a workforce pathways program, administered by the Community College System of New Hampshire (CCSNH), with the purpose of providing training and credentials for high demand and underfilled entry-level jobs to unemployed or underemployed New Hampshire adults. The program brings together the CCSNH, the Department of Employment Security (DES), the Department of Economic Affairs, and career and technical education centers to do so. By utilizing federal Workforce Opportunity Investment funds allocated to the DES for job training and the community college system's financial aid programs, there would be no cost to the students for these short-term certificate programs. The workforce pathways program has the support of the CCSNH and the Business and Industry Association (BIA). Long before COVID-19, New Hampshire businesses struggled to find qualified entry-level employees. The minority finds it is long past time for this program to be implemented.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **SB 44**, establishing the New Hampshire workforce pathway program, be laid on the table. On a division vote, with 201 members having voted in the affirmative, and 148 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 87, relative to the definition of electioneering. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for the Majority of Election Law. This bill, as amended, reconfigures the current statute addressing electioneering at and in the polling place in order to comply with constitutional protections for free speech. In 2018, the Supreme Court struck down a Minnesota law that prohibited political gear worn by voters in polling locations. The bill amends the current statute, which prohibits wearing advocacy material, to provide that it is permissible to wear clothing or paraphernalia in the polling place and at the voting station that expresses an opinion as to a candidate, party or measure being voted. The bill better defines clothing or paraphernalia and continues to prohibit wearing items of political advocacy statements by election officials employed by the town, city, or State of New Hampshire. The majority of the committee believes that this bill allows practice to comply with the law. Vote 11-9.

Rep. Paul Bergeron for the Minority of Election Law. This bill would amend the definition of “electioneering” so that anyone, except election officials, could wear clothing or paraphernalia that advocates for or against a candidate, political party, or ballot measure, inside the polling place. Under RSA 659:43, voters have a right “to enter or exit the polling place without interruption or interference” and are provided a 10-foot wide safe-passage corridor from the entrance door of the building where voting occurs. This bill does not provide for a safety corridor once the voter has entered the building. This bill will embolden campaign activists to congregate inside the polling place, wearing all sorts of campaign paraphernalia in an attempt to influence voters after they have entered the building. RSA 659:43 is intended to protect “the safety, welfare and rights of voters” the minority believes; HB87 would weaken the intent of existing law by removing that safety corridor once the voter has entered the polling place.

Majority Amendment (2246h)

Amend the bill by replacing section 1 with the following:

1 Electioneering; Definition. Amend RSA 652:16-h to read as follows:

652:16-h Electioneering. Electioneering means visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted.

I. Electioneering includes, but is not limited to[:

~~I. Wearing clothing or paraphernalia that displays a candidate’s name, likeness, or logo, a ballot measure’s number, title, subject, or logo, a political party’s name or logo, or any communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure, provided that a person eligible to vote or register to vote in the voting district who is unable to remove or cover clothing that explicitly advocates for or against any candidate, political party, or measure, may wear such clothing in the polling place while actively engaged in the process of registering to vote or while actively engaged in the process of voting.~~

~~H.] distributing or posting a card, handbill, poster, placard, picture, pin, sticker, circular, or any other form of communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure.~~

II. For the following officials, electioneering shall also include wearing clothing or paraphernalia that displays a candidate’s name, likeness, or logo, a ballot measure’s number, title, subject, or logo, a political party’s name or logo, or any communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure:

(a) Election officers, as defined by RSA 652:14.

(b) Ballot clerks, as defined by RSA 658:25.

(c) Observers authorized by the moderator pursuant to RSA 659:13-a.

(d) Challengers appointed pursuant to RSA 666:4 or RSA 666:5.

AMENDED ANALYSIS

This bill amends the definition of “electioneering” by prohibiting only certain election officials from wearing clothing or paraphernalia that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted.

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. Parshall moved that **HB 87**, relative to the definition of electioneering, be laid on the table.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 166 - NAYS 184

YEAS - 166

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Von Plinsky, Sparky

Ames, Richard
Fox, Dru
Parshall, Lucius
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Eaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
 Fellows, Sallie
 Murphy, James
 Sykes, George

Adjutant, Joshua
 Hakken-Phillips, Mary
 Nordgren, Sharon
 Weston, Joyce

Almy, Susan
 Ham, Bonnie
 Stavis, Laurel

Depalma IV, Joseph
 Muirhead, Russell
 Smith, Suzanne

HILLSBOROUGH

Bouldin, Andrew
 Booras, Efstathia
 Cohen, Bruce
 Dutzy, Sherry
 Hamer, Heidi
 Hyland, Stephanie
 Jeudy, Jean
 Laughton, Stacie-Marie
 Murray, Megan
 Nutter-Upham, Frances
 Perez, Maria
 Porter, Marjorie
 Rung, Rosemarie
 Telerski, Laura
 Veilleux, Daniel

Baroody, Benjamin
 Bouchard, Donald
 Connors, Erika
 Espitia, Manny
 Harriott-Gathright, Linda
 Infantine, William
 Klee, Patricia
 Leishman, Peter
 Mangipudi, Latha
 Nutting-Wong, Allison
 Petrigno, Peter
 Query, Joshua
 Newman, Sue
 Toomey, Dan
 Wilhelm, Matthew

Beaulieu, Jane
 Bradley, Amy
 Cornell, Patricia
 Freitas, Mary
 Heath, Mary
 Schmidt, Janice
 Klein-Knight, Nicole
 Long, Patrick
 McGhee, Kat
 O'Brien, Michael
 Piedra, Israel
 Newman, Ray
 Snow, Kendall
 Vail, Suzanne

Bergeron, Paul
 Chretien, Jacqueline
 DiSilvestro, Linda
 Goley, Jeffrey
 Herbert, Christopher
 Jack, Martin
 Langley, Diane
 King, Mark
 Mullen, Sue
 Pedersen, Michael
 Plett, Fred
 Rombeau, Catherine
 Smith, Timothy
 Vann, Ivy

MERRIMACK

Alicea, Caroletta
 Hall, Muriel
 McWilliams, Rebecca
 Schuett, Dianne
 Walz, Mary Beth

Bartlett, Christy
 Lane, Connie
 Pimentel, Roderick
 Schultz, Kristina
 Wazir, Safiya

Caplan, Tony
 Luneau, David
 Rogers, Katherine
 Soucy, Timothy
 Wolf, Dan

Ellison, Arthur
 MacKay, James
 Schamberg, Thomas
 Wallner, Mary Jane
 Woods, Gary

ROCKINGHAM

Altschiller, Debra
 DiLorenzo, Charlotte
 Grote, Jaci
 Maggiore, Jim
 McKinney, Betsy
 Packard, Sherman
 Somssich, Peter

Bunker, Lisa
 Edgar, Michael
 Hamblet, Joan
 Major, Norman
 McMahon, Charles
 Paige, Mark
 MacDonald, Wayne

Cahill, Michael
 Gilman, Julie
 Murray, Kate
 Malloy, Dennis
 Meuse, David
 Read, Ellen
 Ward, Gerald

Cali-Pitts, Jacqueline
 Grossman, Gaby
 Loughman, Tom
 McBeath, Rebecca
 Milz, David
 Simpson, Alexis

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Grassie, Chuck
 Smith, Marjorie
 Treleaven, Susan

Cannon, Gerri
 Fontneau, Timothy
 Horrigan, Timothy
 Oxaal, Ariel
 Vincent, Kenneth

Chase, Wendy
 Frost, Sherry
 Kenney, Cam
 Schmidt, Peter
 Wall, Janet

Conley, Casey
 Gourgue, Amanda
 Levesque, Cassandra
 Rich, Cecilia

SULLIVAN

Gottling, Suzanne

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 184**BELKNAP**

Bean, Harry
 Hough, Gregg
 Littlefield, Richard
 Silber, Norman

Bordes, Mike
 Howard, Raymond
 Mackie, Jonathan
 Sylvia, Michael

Comtois, Barbara
 Johnson, Dawn
 O'Hara, Travis
 Terry, Paul

Harvey-Bolia, Juliet
 Lang, Timothy
 Ploszaj, Tom
 Varney, Peter

CARROLL

Avellani, Lino
 Deshaies, Brodie
 McConkey, Mark

Nelson, Bill
 MacDonald, John
 Umberger, Karen

Cordelli, Glenn
 Smith, Jonathan

Crawford, Karel
 Marsh, William

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Thompson, Dennis

GRAFTON

Alliegro, Mark
 Folsom, Beth
 Ladd, Rick

Berezhny, Lex
 Sanborn, Gail
 Massimilla, Linda

Binford, David
 Gordon, Edward
 Simon, Matthew

Egan, Timothy
 Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Kelsey, Niki
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Tausch, Lindsay

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lascelles, Richard
McLean, Mark
Pauer, Diane
Sheehan, Vanessa
Ulery, Jordan

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Lewicke, John
Mooney, Maureen
Post, Lisa
Somero, Paul
Warden, Mark

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Labranche, Tony
Marston, Dick
Notter, Jeanine
Prout, Andrew
Lekas, Tony

MERRIMACK

Allard, James
Hill, Gregory
Mason, James
Pitaro, Matthew
Testerman, Dave

Andrus, Louise
Kennedy, Margaret
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cambrils, Jose
Klose, John
Moffett, Michael
Seaworth, Brian
White, Nick

Gallager, Eric
Leavitt, John
Pearl, Howard
Shurtleff, Steve
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Love, David
McBride, Everett
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Yokela, Josh

Abrami, Patrick
Baxter, Tim
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Lundgren, David
Melvin, Charles
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
Wallace, Scott

Abramson, Max
Belanger, Cody
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Welch, David

Acton, Dennis
Bershtein, Alan
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Spilsbury, Walter

Callum, John
Stapleton, Walter

Cloutier, John

Rollins, Skip

and the motion failed.

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

Rep. Bergeron spoke against.

Rep. Sweeney spoke in favor.

On a division vote, with 186 members having voted in the affirmative, and 164 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

HB 327, requiring that voters show identification when personally delivering absentee ballots to town and city clerks. **REFER FOR INTERIM STUDY.**

Rep. James Qualey for Election Law. This bill would require a city or town clerk to mark the affidavit envelopes of in-person absentee voters to indicate that such voters presented identification upon returning their ballots and would exempt ballots so marked from signature verification by the moderator. The majority of the committee felt that an interim study is needed to ensure that any changes to the absentee voter verification procedures provide more complete remedies for defects in the current process. Vote 19-1.

Committee report adopted.

HB 514, relative to ballot column rotation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Natalie Wells for the Majority of Election Law. This bill, as amended, makes a modification to the formula used to determine ballot column rotations. Ballot column rotation is required because positioning

on the ballot provides a party, candidate or measure an advantage. The amount of that advantage depends on the exact location on the ballot. As required by RSA 656:5, and as prepared by the Secretary of State, ballot columns are assigned to political parties on a rotating basis within state representative districts. Consideration is also given to senate districts. The order of rotation is determined every ten years after the completion of the state's decennial redistricting process. The determination is made using a formula that provides that the deviation cannot be greater than 1%. The Secretary of State provided testimony that allowing some greater deviation would greatly reduce the resources needed to develop the rotation formula and still provide ample variability in outcome, preserving the intent of the statute. The majority of the committee agreed that the requested modification from 1% to 2% was warranted. Vote 12-8.

Rep. Paul Bergeron for the Minority of Election Law. "Primacy effect" refers to the advantage that one candidate has over another based on his or her position on the ballot, or the advantage that one party has over another based on the party's position on the ballot. In 2006, the New Hampshire Supreme Court found that the "primacy effect may be sufficiently strong to affect one candidate's victory over another" (*Ralph L. Akins and another v. Secretary of State, No. 2005-794*). RSA 656:5, III now requires the Secretary of State to rotate party columns and some candidate positions on the ballot so that the average deviation "shall be as close to 0 percent as is practicable." HB 514 proposes increasing the allowable range of deviation to two percent. During testimony, the Deputy Secretary of State said that it was "difficult" to achieve a range of deviation close to 0 percent but also admitted that his office has been able to do so in the past. The Secretary of State's position that his job would be easier if the acceptable range of deviation for party and candidate rotations were increased is understandable, but the court found "that the primacy effect influences, even to a small degree, the outcome of New Hampshire elections..." Ultimately, the rights of voters and candidates in this matter deserve greater consideration and support than do the wishes of the Secretary of State for an easier process.

Majority Amendment (2242h)

Amend the bill by replacing section 1 with the following:

1 Preparation of Voting Materials; Ballots; Party Columns. Amend RSA 656:5, III to read as follows:

III. The generic column rotation plans shall be based on a reasonably balanced rotation of party columns within and across all non-floterial state representative districts, those being the smallest representative districts to which each voting place is apportioned pursuant to part I, article 11 of the New Hampshire constitution. Consideration shall also be given to reasonably minimize any obvious, substantial, and avoidable imbalances in column rotation within senate districts. The average deviation from equal rotation for the first party column position, measured across the state as a whole and based on population according to the last decennial federal census, shall be as close to 0 percent as is practicable but in no event greater than ~~1~~ **2** percent. Once generic column rotation plans are established the secretary of state shall publish such plans to the department's website.

Majority committee amendment adopted.

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

Rep. Bergeron spoke against.

Rep. Wells spoke in favor.

Rep. Barbara Griffin requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 165

YEAS - 188

BELKNAP

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
Deshaies, Brodie
Umberger, Karen

Nelson, Bill
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McConkey, Mark

CHESHIRE

Hunt, John

Quale, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Ulery, Jordan

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Tausch, Lindsay

MERRIMACK

Allard, James
Kennedy, Margaret
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Andrus, Louise
Klose, John
Moffett, Michael
Seaworth, Brian
White, Nick

Cambrils, Jose
Leavitt, John
Pearl, Howard
Testerman, Dave
Wolf, Dan

Hill, Gregory
Mason, James
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Love, David
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
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Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne

Abramson, Max
Belanger, Cody
Edwards, Jess
Green, Dennis
Hobson, Deborah
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Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Acton, Dennis
Bershtein, Alan
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

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Wuelper, Kurt

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Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 165**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Von Plinsky, Sparky

Ames, Richard
Fox, Dru
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Bordenet, John
Harvey, Cathryn
Schapiro, Joe
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Eaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth

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Hatch, William

Laflamme, Larry

Tucker, Edith

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Fellows, Sallie
Murphy, James
Sykes, George

Adjutant, Joshua
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Almy, Susan
Massimilla, Linda
Stavis, Laurel

Egan, Timothy
Muirhead, Russell
Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia
 Beaulieu, Jane
 Bradley, Amy
 Cornell, Patricia
 Freitas, Mary
 Heath, Mary
 Jack, Martin
 Langley, Diane
 King, Mark
 Mullen, Sue
 Pedersen, Michael
 Porter, Marjorie
 Rung, Rosemarie
 Lekas, Tony
 Vail, Suzanne

Bouldin, Amanda
 Bergeron, Paul
 Chretien, Jacqueline
 DiSilvestro, Linda
 Goley, Jeffrey
 Herbert, Christopher
 Klee, Patricia
 Laughton, Stacie-Marie
 Murray, Megan
 Nutter-Upham, Frances
 Perez, Maria
 Query, Joshua
 Newman, Sue
 Smith, Timothy
 Vann, Ivy

Bouldin, Andrew
 Booras, Efstathia
 Cohen, Bruce
 Dutzy, Sherry
 Hamer, Heidi
 Hyland, Stephanie
 Klein-Knight, Nicole
 Leishman, Peter
 Mangipudi, Latha
 Nutting-Wong, Allison
 Petrigno, Peter
 Newman, Ray
 Snow, Kendall
 Telerski, Laura
 Veilleux, Daniel

Baroody, Benjamin
 Bouchard, Donald
 Connors, Erika
 Espitia, Manny
 Harriott-Gathright, Linda
 Schmidt, Janice
 Labranche, Tony
 Long, Patrick
 McGhee, Kat
 O'Brien, Michael
 Piedra, Israel
 Rombeau, Catherine
 Stevens, Deb
 Toomey, Dan
 Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
 Gallager, Eric
 MacKay, James
 Schamberg, Thomas
 Soucy, Timothy

Bartlett, Christy
 Hall, Muriel
 McWilliams, Rebecca
 Schuett, Dianne
 Wallner, Mary Jane

Caplan, Tony
 Lane, Connie
 Pimentel, Roderick
 Schultz, Kristina
 Walz, Mary Beth

Ellison, Arthur
 Luneau, David
 Rogers, Katherine
 Shurtleff, Steve
 Woods, Gary

ROCKINGHAM

Altschiller, Debra
 DiLorenzo, Charlotte
 Grote, Jaci
 Maggiore, Jim
 Paige, Mark
 Ward, Gerald

Bunker, Lisa
 Edgar, Michael
 Hamblet, Joan
 Malloy, Dennis
 Read, Ellen
 Yokela, Josh

Cahill, Michael
 Gilman, Julie
 Murray, Kate
 McBeath, Rebecca
 Simpson, Alexis

Cali-Pitts, Jacqueline
 Grossman, Gaby
 Loughman, Tom
 Meuse, David
 Somssich, Peter

STRAFFORD

Bixby, Peter
 Ellis, Donna
 Grassie, Chuck
 Smith, Marjorie
 Vincent, Kenneth

Cannon, Gerri
 Fontneau, Timothy
 Horrigan, Timothy
 Oxaal, Ariel
 Wall, Janet

Chase, Wendy
 Frost, Sherry
 Kenney, Cam
 Schmidt, Peter

Conley, Casey
 Gourgue, Amanda
 Levesque, Cassandra
 Treleven, Susan

SULLIVAN

Cloutier, John
 Oxenham, Lee

Gottling, Suzanne
 Sullivan, Brian

Merchant, Gary

O'Hearne, Andrew

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

HB 531-FN-L, relative to determining the qualifications of voters and establishing provisional voter registration and provisional ballots. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for the Majority of Election Law. The majority of the committee agreed that this bill, eliminating the qualified voter affidavit and establishing provisional registration and voting procedures, cannot be implemented at the current time. In part, this legislation would require a person to return to the polls with necessary documentation on the same day they sought to vote. Concerns were raised regarding the enforceability. While the concept is supported as a means to ensure legal voting, the proper implementation of any such practices needs more work before adoption of a bill. Vote 15-5.

Rep. Heidi Hamer for the Minority of Election Law. This bill would compromise the integrity of our Election Day registration and voting process. New Hampshire has done fine without provisional ballots. Why should we add another complicated step for our already overburdened city and town clerks? New Hampshire has a great team of dedicated election workers and officials who make voting in New Hampshire a smooth and easy process. They should be thanked, rather than overworked.

MOTION TO LAY ON THE TABLE

Rep. Barbara Griffin moved that **HB 531-FN-L**, relative to determining the qualifications of voters and establishing provisional voter registration and provisional ballots, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 535, relative to the qualified voter affidavit. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for the Majority of Election Law. This proposed piece of legislation would repeal the qualified voter affidavit and sworn statement on registration forms now used in Election Day voter registration.

It seeks to replace sworn affidavits that have no documentary support with proof of eligibility in the first instance. To do so, it in part seeks to make changes in the voter identification process. The sponsor acknowledged that the bill needs more work. The majority of the committee agreed that establishment of widespread voter fraud is not needed for such practices as it is generally agreed that locking the door before the theft is good practice. However, if this process is to be modified, adjustments to this legislation are necessary. Vote 17-3. Rep. Connie Lane for the Minority of Election Law. This bill is yet another bill in the continuing effort to improve voter integrity by making it more difficult for people to vote in New Hampshire –this one eliminates the qualified voter affidavit. It will eliminate any alternative for voters to provide identification if they do not have ID or have forgotten it on election day. Despite having no evidence of rampant fraud in New Hampshire elections or abuse of the qualified voter affidavit, the minority believe this bill relies on scare tactics and unlikely scenarios of voter fraud. In fact, the primary example that has been used in discussion of this bill is a case involving a voter who was reportedly suffering from mental health issues at the time the voter fraud was committed. The existing law subjects those who submit false affidavits to fines of varying amounts between \$2000-\$5000 and jail time of up to 7 years, all of which are spelled out in the affidavit. No amount of study will make this bill palatable; the minority believes its sole purpose is to make voting more difficult under the guise of voter integrity.

MOTION TO LAY ON THE TABLE

Rep. Barbara Griffin moved that **HB 535**, relative to the qualified voter affidavit, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

HB 554, relative to temporary absence from domicile for voting purposes. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the Majority of Election Law. This bill proposes to amend RSA 654:2 which defines a voter's temporary absence and what impact that absence has on domicile for voting. During the past year, with many relocations due to the pandemic, questions arose as to when being temporarily out of state or in state became a permanent change effecting domicile. Testimony provided to the committee ranged from, "the matter is covered currently" to, "this change was needed to address the issue of a voter being absent and having no physical ties to the state." While an important issue that should be addressed, the committee and sponsor agreed the bill as drafted needed work and was not ready for passage. Vote 17-3.

Rep. Russell Muirhead for the Minority of Election Law. The minority is concerned that this bill, in its effort to clarify what counts as a temporary absence from New Hampshire for voting purposes, would unintentionally render New Hampshire residents, who spend substantial time at vacation homes that they own or rent in other states, ineligible to vote in New Hampshire. More generally, the minority is uncertain about the practical problems the bill is meant to address. Because these issues with the underlying bill are unlikely to be remediated, the minority voted against referring for interim study.

MOTION TO LAY ON THE TABLE

Rep. Barbara Griffin moved that **HB 554**, relative to temporary absence from domicile for voting purposes, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

HB 84, declaring May 21 as Ona "Oney" Judge Day and naming the new terminal at Portsmouth international airport at Pease in her honor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for the Majority of Executive Departments and Administration. This bill would honor Ona "Oney" Judge Staines, a courageous slave who escaped from George Washington's family. She eventually made her way to Portsmouth New Hampshire, where she married and lived the twilight of her life in freedom. The amendment corrects her name and makes this a one-day observance in 2022. The committee noted that commemorations such as these have recently been one day inaugural celebrations. Future Governors are encouraged to continue this proclamation. Further, it was felt that this was appropriately celebrated by the localities where she lived, and is a historically relevant topic for school discussion. Finally, the committee noted that such commemorations when incorporated into state law often get buried there. For example, Constitution Day is a New Hampshire state holiday codified in New Hampshire law that few remember. Ona "Oney" Judge Staines deserves better than to be forgotten. Vote 15-3.

Rep. Mark Alliegro for the Minority of Executive Departments and Administration. This bill would proclaim May 21 as "Ona Judge Day" and name the new terminal at Portsmouth International Airport in her honor. Ona "Oney" Judge was an escaped slave from the estate of George Washington. The Washington family attempted to persuade her to return but, in the end, let her be. Escaping slavery to freedom was a courageous act by Ms. Judge and approximately 100,000 other righteous escapees. The committee has agreed previously,

in bipartisan fashion, that such commemorations are handled to better effect, not by passage of another law, but rather by interested groups petitioning the Governor for a proclamation, or by allowing the pertinent municipalities to recognize and celebrate individuals and events as they see fit. The minority of the committee proposes that the same principle should be applied in this case.

Majority Amendment (2097h)

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

AN ACT declaring May 21, 2022 as Ona Judge Staines Day.

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

1 Observances Proclaimed by the Governor; Ona Judge Staines Day. The governor shall proclaim May 21, 2022 as Ona Judge Staines Day in New Hampshire, in honor of the day in 1796 on which the enslaved maid Ona Judge Staines seized her freedom from the President's house in Philadelphia where George and Martha Washington were at dinner, and in celebration of her eventually making her way to New Hampshire where she lived in freedom for the rest of her life. The proclamation shall call on the citizens of New Hampshire to observe the day with appropriate ceremonies and activities and call on schools to commemorate the day with appropriate educational activities.

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

AMENDED ANALYSIS

This bill proclaims May 21, 2022 as Ona Judge Staines Day.

Majority committee amendment adopted.

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

HB 204, proclaiming January 24 as "Granny D" day. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Alliegro for the Majority of Executive Departments and Administration. This bill would proclaim January 24 as "Granny D" (Doris Haddock) Day." The committee determined the bill to be Inexpedient to Legislate, considering that the state already has many commemorative days and the more we add, the less attention is paid to each; and that interest in commemorating Doris Haddock would be better served not by passing another law, but rather by petition to the Governor for a state-wide commemoration, as happened this year, or a local celebration. Vote 15-3.

Rep. Timothy Fontneau for the Minority of Executive Departments and Administration. The minority believes Doris "Granny D" Haddock has earned the privilege of having an annual day named in her honor. A New Hampshire native, she personified the work ethic and independent spirit of the people of New Hampshire. Throughout her life she advocated for participation in democracy. She gained national attention in 1999 and 2000, when at the age of 90, she walked over 3,200 miles across the USA to advocate for campaign finance reform. Granny D has been named by USA Today as one of the ten most influential women of the last century. It has been said that she symbolizes much of what is great about New Hampshire: determination, grit, hope and love for her fellow Americans. Let's honor this great New Hampshire native with the recognition she deserves.

MOTION TO LAY ON THE TABLE

Rep. McGuire moved that **HB 204**, proclaiming January 24 as "Granny D" day, be laid on the table.

On a division vote, with 229 members having voted in the affirmative, and 118 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 275, relative to the governor's power to initiate a state of emergency and various emergency powers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the Majority of Executive Departments and Administration. As amended, this bill modifies the powers the legislature grants to the Governor related to a state of emergency. When an emergency strikes, the Governor needs the power to deal with the situation promptly. This bill permits the Governor to declare a state of emergency for up to 21 days without involving the legislature. He can then renew that state of emergency up to three times for up to 21 days each. This permits the Governor to maintain his emergency powers for up to 84 days. This bill also grants the legislature the power to meet and terminate individual emergency orders. Currently the legislature can only terminate the state of emergency but not individual emergency orders. During the recent emergency the legislature clearly approved the continuation of the state of emergency as shown by its overwhelming support in a vote in June 2020. However, there was widespread concern about certain emergency orders, for example, the one that did not include places of worship among essential businesses. Because the only option to deal with that would have been to end the entire state of emergency and all emergency orders, the legislature effectively had no way to address the issue. It is important to provide the legislature with finer control of the emergency while still permitting the Governor to react promptly to issues that arise. The main points of this language were agreed to by the current Governor in June

of this year. However, it was too late to include this language in any bill at that time and the agreement was to add it to a retained bill. Emergencies have more than one phase. There is the initial phase which requires quick and decisive action which the Governor is better suited to than the legislature. However, after the immediate problems have been dealt with the emergency transitions to a management phase where there are still serious problems that may last for a long time but the situation does not require the same level of urgent response as the initial phase. After the initial phase the people of New Hampshire need to be involved in the process through their legislators. If the legislature believes that the state of emergency should last beyond 84 days, it may vote to renew it for up to 90 days at a time and can renew it as often as needed. Concern has been raised that there may be a need to extend the state of emergency but that it might be impossible for the legislature to meet. Even during the recent emergency the legislature was able to meet in less than that amount of time. We have shown that we have the creativity and flexibility to meet and do our duty even under difficult circumstances. Legislation affects the future. This bill is not a referendum on how the recent state of emergency was handled. Even if we believe that the current Governor handled the recent emergency perfectly, we need to consider the possibility that a future Governor may respond in a less appropriate manner. While current statute permits the legislature to meet and vote to end a state of emergency there is a significant difference between the legislature having the power to meet to end a state of emergency and it being required to meet to extend one. Meeting and voting to extend the state of emergency makes it clear to our constituents that we are doing our job representing them rather than sitting on our hands and leaving the responsibility to the Governor. In Part I Article 37 our constitution states in part "In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit...". A state of emergency is a truly extraordinary thing. It is the suspension of this constitutionally mandated separation of powers. While that may be necessary to respond quickly to an emergency, after some point in time it is no longer justified and the legislature must resume its constitutionally mandated task of guiding the way any remaining problems created by the emergency are managed. That must be an active role, not just standing aside and acquiescing to whatever the Governor chooses to do. Also, if the state of emergency does need to extend beyond 84 days the legislature should have the Governor's back and actively declare its support of how the emergency is being handled. If there is opposition to the state of emergency, we should share in the blame or credit of extending it. That is our responsibility as representatives of our constituents. Vote 10-8. Rep. Jaci Grote for the Minority of Executive Departments and Administration. Current law regarding executive orders, allows the legislature to terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber. The Governor's power to renew a declaration of a state of emergency terminates under the adoption of the concurrent resolution. We do not see this bill, as amended, as an improvement to this statute. As representatives of the people of New Hampshire, it is our moral and ethical duty, as public servants, to participate in all pertinent powers of the legislature, and therefore, we do not need an additional statute to confirm these responsibilities and obligations.

Majority Amendment (2235h)

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

AN ACT relative to the declaration of a state of emergency.

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

1 Emergency Powers; Notice; Declaration and Termination of State of Emergency. Amend RSA 4:45, I and II to read as follows:

I. The governor shall have the power to declare a state of emergency, as defined in RSA 21-P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. As soon as practicable, the governor shall notify the speaker of the house of representatives and the senate president of the impending issuance of emergency orders under this section and provide a description of such orders. The general court shall have the same power to declare a state of emergency by concurrent resolution of the house and senate. An executive order or concurrent resolution declaring a state of emergency shall specify the:

(a) Nature of the emergency;

(b) Political subdivisions or geographic areas subject to the declaration;

(c) Conditions that have brought about the emergency; and

(d) Duration of the state of emergency, **if declared by the governor and less than 21 days, or if declared by the general court and less than 90 days.**

II.(a) A state of emergency shall terminate automatically 21 days after its declaration **if declared by the governor, or 90 days after its declaration if declared by the general court**, unless it is renewed under the same procedures set forth in paragraph I of this section. The governor may, by executive order, renew a declaration of a state of emergency ~~[as many times as]~~ **no more than 3 times if** the governor finds

it is necessary to protect the safety and welfare of the inhabitants of this state. The general court may, by concurrent resolution, renew a declaration of a state of emergency as many times as it finds is necessary to protect the safety and welfare of the inhabitants of this state.

(b) If the governor finds that maintaining the state of emergency is no longer justified, the governor shall issue an executive order terminating the state of emergency.

(c) The legislature may terminate a state of emergency or any emergency order issued thereunder by a ~~[majority vote of both the senate and the house of representatives]~~ **concurrent resolution adopted by a majority vote of each chamber**. A majority for this vote shall consist of a majority of members present and voting in each chamber acting separately. A state of emergency shall terminate upon a ~~[majority vote of both chambers]~~ **concurrent resolution adopted by a majority vote of each chamber**, under this subparagraph; provided, however, that such vote shall not preclude the governor from declaring a new emergency for different circumstances under paragraph I of this section.

~~[(d) Ninety days from the date of declaration of a state of emergency, and every 90 days thereafter, the governor shall call, pursuant to Part II, Article 50 of the New Hampshire constitution, and address a joint session of the general court, and shall provide a written copy of the address to all members of both chambers within 5 business days. At such joint session, the legislature shall vote on whether to terminate the state of emergency by concurrent resolution adopted by a simple majority of both chambers acting separately on the following question: "Shall the current state of emergency be terminated?" For purposes of this section, "simple majority" means a majority of members present and voting "yea" in both chambers.]~~

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

AMENDED ANALYSIS

This bill revises the authority of the governor and general court to declare, renew, or terminate a state of emergency.

Majority committee amendment adopted.

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

Rep. Tony Lekas spoke in favor.

Rep. Grote spoke against.

Rep. Belanger requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 165

YEAS - 190

BELKNAP

Bean, Harry
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bordes, Mike
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Littlefield, Richard
Silber, Norman
Varney, Peter

CARROLL

Avellani, Lino
Deshaies, Brodie
Umberger, Karen

Nelson, Bill
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McConkey, Mark

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel

Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Plett, Fred
Rice, Kimberly
Tausch, Lindsay

Post, Lisa
Sheehan, Vanessa
Ulery, Jordan

Prout, Andrew
Somero, Paul
Warden, Mark

MERRIMACK

Andrus, Louise
Kennedy, Margaret
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cambrils, Jose
Klose, John
Moffett, Michael
Seaworth, Brian
White, Nick

Caplan, Tony
Leavitt, John
Pearl, Howard
Testerman, Dave
Wolf, Dan

Hill, Gregory
Mason, James
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

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Abbas, Daryl
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Dodge, Dustin
Ford, Oliver
Harb, Robert
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Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Abrami, Patrick
Baxter, Tim
Doucette, Fred
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Harley, Tina
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Lundgren, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

Abramson, Max
Belanger, Cody
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Verville, Kevin
Welch, David

Acton, Dennis
Bershtein, Alan
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

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Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Spilsbury, Walter

Callum, John
Stapleton, Walter

Merchant, Gary
Smith, Steven

Rollins, Skip

NAYS - 165

BELKNAP

Howard, Raymond

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Toll, Amanda Elizabeth

Ames, Richard
Fox, Dru
Mann, John
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Fellows, Sallie
Nordgren, Sharon
Weston, Joyce

Adjutant, Joshua
Hakken-Phillips, Mary
Stavis, Laurel

Almy, Susan
Massimilla, Linda
Smith, Suzanne

Egan, Timothy
Murphy, James
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Jeudy, Jean
Langley, Diane
King, Mark

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Hyland, Stephanie
Klee, Patricia
Laughton, Stacie-Marie
Murray, Megan

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha

Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Freitas, Mary
Heath, Mary
Jack, Martin
Labranche, Tony
Long, Patrick
McGhee, Kat

Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Allard, James
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Ellison, Arthur
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Paige, Mark
Sweeney, Joe

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Read, Ellen
Ward, Gerald

Cahill, Michael
Gilman, Julie
Murray, Kate
McBeath, Rebecca
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Loughman, Tom
Meuse, David
Somssich, Peter

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter

Conley, Casey
Gourgue, Amanda
Levesque, Cassandra
Treleven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne

O'Hearne, Andrew

Oxenham, Lee

and the majority committee report was adopted and the bill was ordered to third reading.
Rep. Muirhead did not vote and notified the Clerk he wished to be recorded against.

HB 414, relative to evacuations under a state of emergency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dianne Schuett for the Majority of Executive Departments and Administration. This bill proposed to make emergency evacuation orders recommendations rather than orders, and allow services to be denied to those who do not evacuate. While well intentioned, this bill presented several logistical problems. The committee heard from several first responders that their first obligation is the safety of the people they serve and feel honor bound to rescue them. One of them stated that the fact that we have a nuclear facility in our state makes this bill very problematic. There could be difficulties if it becomes necessary to evacuate large groups of residents from an entire area or neighborhood as quickly and efficiently as possible, as those wishing to remain would still have to be contacted. And, if the situation becomes so dire that the residents change their minds and wish to be evacuated, those first responders would then be in more extreme danger trying to assist them later. There were also questions about households with some members wishing to be evacuated and others wishing to stay. The majority of the committee believes there were too many unanswered issues in this bill. Vote 12-6.

Rep. Tony Lekas for the Minority of Executive Departments and Administration. During a declared state of emergency current statute permits the governor to compel the evacuation of the population in any area effected by the emergency. While such an evacuation order would be issued for the protection of the people in the area the final decision on whether or not to leave one's home should be up to the resident. There is a longstanding American tradition of considering a person's home their castle meaning that a person has additional privileges in their home. This is reflected in the constitution, law, and tradition. Forcing someone to leave their home violates that tradition. On the other hand if someone chooses to ignore a recommendation to evacuate, they should have no right to expect that first responders further risk their safety to help them evacuate later and this bill explicitly states that "emergency services shall not be required for those who have chosen not to evacuate." This bill permits the governor to recommend but not compel an evacuation. Do we really want law enforcement to drag people out of their home if they choose to stay? We heard that letting people stay if they refuse to leave is current practice. This has come up during some evacuations related to flooding. This bill would change statute to reflect this practice.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 198 - NAYS 156**YEAS - 198
BELKNAP**

Bordes, Mike	Lang, Timothy	Trottier, Douglas
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CARROLL

Buco, Thomas	Burroughs, Anita	Crawford, Karel	Deshaies, Brodie
MacDonald, John	Knirk, Jerry	Marsh, William	McAleer, Chris
Umberger, Karen			

CHESHIRE

Abbott, Michael	Ames, Richard	Bordenet, John	Eaton, Daniel
Faulkner, Barry	Fox, Dru	Gomarlo, Jennie	Harvey, Cathryn
Maneval, Andrew	Mann, John	Parshall, Lucius	Rhodes, Jennifer
Schapiro, Joe	Toll, Amanda Elizabeth	Von Plinsky, Sparky	Weber, Lucy
Welkowitz, Lawrence			

COOS

Kelley, Eamon	Hatch, William	Laflamme, Larry	Thompson, Dennis
Tucker, Edith			

GRAFTON

Abel, Richard	Adjutant, Joshua	Almy, Susan	Egan, Timothy
Fellows, Sallie	Gordon, Edward	Hakken-Phillips, Mary	Ham, Bonnie
Massimilla, Linda	Muirhead, Russell	Murphy, James	Nordgren, Sharon
Stavis, Laurel	Smith, Suzanne	Sykes, George	Weston, Joyce

HILLSBOROUGH

Alexander, Joe	Bouldin, Amanda	Bouldin, Andrew	Baroody, Benjamin
Beaulieu, Jane	Bergeron, Paul	Booras, Efstathia	Bouchard, Donald
Bradley, Amy	Chretien, Jacqueline	Cohen, Bruce	Connors, Erika
Cornell, Patricia	Creighton, Jim	DiSilvestro, Linda	Dutzy, Sherry
Espitia, Manny	Freitas, Mary	Goley, Jeffrey	Graham, John
Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary	Herbert, Christopher
Hyland, Stephanie	Schmidt, Janice	Jack, Martin	Jeady, Jean
Klee, Patricia	Klein-Knight, Nicole	Labranche, Tony	Langley, Diane
Laughton, Stacie-Marie	Leishman, Peter	Long, Patrick	King, Mark
Murray, Megan	Mangipudi, Latha	Mayville, Mary	McGhee, Kat
Mullen, Sue	Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael
Pedersen, Michael	Perez, Maria	Petrigno, Peter	Piedra, Israel
Porter, Marjorie	Query, Joshua	Newman, Ray	Rice, Kimberly
Rombeau, Catherine	Rung, Rosemarie	Newman, Sue	Snow, Kendall
Stevens, Deb	Smith, Timothy	Telerski, Laura	Toomey, Dan
Vail, Suzanne	Vann, Ivy	Veilleux, Daniel	Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta	Allard, James	Bartlett, Christy	Caplan, Tony
Ellison, Arthur	Gallager, Eric	Hall, Muriel	Lane, Connie
Luneau, David	MacKay, James	Mason, James	McWilliams, Rebecca
Pimentel, Roderick	Rogers, Katherine	Schamberg, Thomas	Schuetz, Dianne
Schultz, Kristina	Shurtleff, Steve	Soucy, Timothy	Wallner, Mary Jane
Walz, Mary Beth	Wazir, Safiya	Wolf, Dan	Woods, Gary

ROCKINGHAM

Abrami, Patrick	Altschiller, Debra	Bunker, Lisa	Cahill, Michael
DiLorenzo, Charlotte	Edgar, Michael	Emerick, Tracy	Gilman, Julie
Grossman, Gaby	Grote, Jaci	Hamblet, Joan	Murray, Kate
Loughman, Tom	Lynn, Bob	Pearson, Mark	Maggiore, Jim
Malloy, Dennis	McBeath, Rebecca	McBride, Everett	McMahon, Charles
Meuse, David	Milz, David	Paige, Mark	Potucek, John
Read, Ellen	Pearson, Stephen	Simpson, Alexis	Somssich, Peter
Sweeney, Joe	Sytek, John	Tudor, Paul	MacDonald, Wayne
Ward, Gerald	Welch, David	Weyler, Kenneth	

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Ellis, Donna	Fontneau, Timothy	Frost, Sherry	Gourgue, Amanda
Grassie, Chuck	Horrigan, Timothy	Kenney, Cam	Levesque, Cassandra
Smith, Marjorie	Oxaal, Ariel	Schmidt, Peter	Treleaven, Susan
Vincent, Kenneth	Wall, Janet		

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew

NAYS - 156**BELKNAP**

Bean, Harry
Howard, Raymond
Ploszaj, Tom
Varney, Peter

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Mackie, Jonathan
Sylvia, Michael

Hough, Gregg
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
McConkey, Mark

Nelson, Bill
Woodcock, Stephen

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Hunt, John

Qualey, James

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Simon, Matthew

Berezhny, Lex
Sanborn, Gail

Binford, David
Greeson, Jeffrey

Depalma IV, Joseph
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Erf, Keith
Gorski, Ted
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Tausch, Lindsay

Ammon, Keith
Berry, Ross
Cushman, Leah
Foster, William
Gould, Linda
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Sheehan, Vanessa
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Post, Lisa
Somero, Paul
Warden, Mark

Griffin, Barbara
Boehm, Ralph
Smith, Denise
Gagne, Larry
Healey, Robert
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Prout, Andrew
Lekas, Tony

MERRIMACK

Andrus, Louise
Klose, John
Pearl, Howard
Testerman, Dave

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Wells, Natalie

Hill, Gregory
McGuire, Carol
Boyd, Stephen
White, Nick

Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baxter, Tim
Dodge, Dustin
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Lundgren, David
Osborne, Jason
Roy, Terry
Torosian, Peter
Verville, Kevin

Abramson, Max
Belanger, Cody
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Major, Norman
Piemonte, Tony
Soti, Julius
Tripp, Richard
Vose, Michael

Acton, Dennis
Bershtein, Alan
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
McKinney, Betsy
Pratt, Kevin
Spillane, James
True, Chris
Wallace, Scott

Baldasaro, Al
Cali-Pitts, Jacqueline
Ford, Oliver
Harb, Robert
Janigian, John
Love, David
Melvin, Charles
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Vandecasteele, Susan
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Rollins, Skip

Spilsbury, Walter

and the majority committee report was adopted.
Rep. Woodcock voted Nay and intended to vote Yea.

HB 91-FN, relative to death benefits of first responders who die from suicide. **OUGHT TO PASS.**

Rep. Peter Leishman for Finance. This bill will provide a \$100,000 benefit to any first responder's family who loses a family member due to suicide. Division I of the Finance Committee heard compelling testimony that suicide is becoming all too prevalent among our first responders due to the stressful situations they are facing every day. Suicide devastates families both emotionally and financially. Shockingly, on average, five first responders are taking their lives by suicide every year. The committee supports this benefit to aid families during a most difficult period. Vote 21-0.

Committee report adopted and the bill was ordered to third reading.

Rep. Erf declared a conflict of interest and did not participate in the vote.

HB 254, relative to the placement of minors in secure settings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Erf for Finance. This bill as retained in Finance, provides that under RSA 169-B, when a minor is detained, there must be a continuum of care from least restrictive (community-based) to most restrictive (institutional). HB 254 basically removes simple assault and non-violent offenses from those that can be used to hold minors in an institutional setting. Community placement allows New Hampshire to take advantage of Medicaid cost sharing with the federal government. This cost sharing can't occur with minors held in a secure setting. Any child placed out of home must receive a conflict-free assessment to verify the need. The amendment to the retained bill makes three changes: 1) removes three strikes as a cause to commit; 2) adds judicial oversight allowing the courts to place minors in a secure facility even if they fall outside the scope of offenses specifically allowed by this bill; 3) changes the effective dates allowing the current law related to detention of minors awaiting trial to remain in effect until January 1, 2023 while the rest of the bill takes effect September 1, 2022. This gives the Department of Health and Human Services (DHHS) more time to adjust to handling minors that will now be placed in the community utilizing the System of Care DHHS began to develop in the last biennium and for which about \$60 million has been appropriated to continue development in the current biennium. Vote 21-0.

Amendment (2162h)

Amend the bill by replacing all after section 3 with the following:

4 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

(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]~~ **any offense other than first degree murder, second degree murder, attempted murder, manslaughter, negligent homicide under RSA 630:3, II, first degree assault, second degree assault, except when the allegation is a violation of RSA 631:2, I(d), felonious sexual assault, aggravated felonious sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony, burglary while armed or involving the infliction of bodily harm under RSA 635:1, II, or arson punishable as a felony.** ~~[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.]~~

5 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I by inserting after subparagraph (l) the following new subparagraph:

(m) Notwithstanding the provisions of RSA 169-B:19, I(j), a court may commit the minor to the custody of the department of health and human services for the remainder of minority if the minor is found delinquent for an offense which would be a felony if committed by an adult and the court finds that there is no placement or set of supervision and treatment services other than secure confinement that will protect the public from a substantial risk of serious bodily injury. A court's finding pursuant to this subparagraph is only sufficient to support secure confinement if it is made by clear and convincing evidence following either a stipulation by the parties or an evidentiary hearing at which the rules of evidence have applied. Further, the court's finding shall include written case-specific findings which identify the evidence relied upon and the basis for the determination that secure confinement is necessary. Commitment under this subparagraph 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 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.

6 Applicability.

I. RSA 169-B:14, I(e)(3), as amended by sections 2 of this act, shall apply to cases pending on September 1, 2022 in which a dispositional order has not yet been entered.

II. RSA 169-B:14, I(e)(3), as amended by section 3 of this act, shall apply to cases pending on January 1, 2023 in which a dispositional order has not yet been entered.

III. RSA 169-B:19, as amended by sections 4 and 5 of this act, shall apply to cases pending on September 1, 2022 in which a dispositional order has not yet been entered.

7 Effective Date.

I. Section 3 of this act shall take effect January 1, 2023.

II. The remainder of this act shall take effect September 1, 2022.

Committee amendment adopted.

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

Rep. Rice spoke in favor.

Rep. Lynn spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Baldasaro moved that **HB 254**, relative to the placement of minors in secure settings, be laid on the table.

Rep. Belanger requested a roll call; sufficiently seconded.

YEAS 151 - NAYS 204

YEAS - 151

BELKNAP

Bean, Harry
Hough, Gregg
Mackie, Jonathan
Terry, Paul

Bordes, Mike
Howard, Raymond
Ploszaj, Tom
Varney, Peter

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Littlefield, Richard
Sylvia, Michael

CARROLL

Avellani, Lino
Deshaies, Brodie

Nelson, Bill
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McConkey, Mark

CHESHIRE

Hunt, John

Qualey, James

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Greesson, Jeffrey

Depalma IV, Joseph
Ham, Bonnie

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Ammon, Keith
Berry, Ross

Boyd, Bill
Blasek, Melissa

Griffin, Barbara
Boehm, Ralph

King, Bill
Burt, John

Creighton, Jim
Freitas, Mary
Gould, Linda
Kelsey, Niki
Mayville, Mary
Plett, Fred
Sheehan, Vanessa

Kelley, Diane
Griffin, Gerald
Greene, Bob
Kofalt, Jim
McLean, Mark
Post, Lisa
Somero, Paul

Smith, Denise
Gagne, Larry
Healey, Robert
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Tausch, Lindsay

Foster, William
Gorski, Ted
Homola, Susan
Marston, Dick
Pauer, Diane
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

Allard, James
Kennedy, Margaret
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Andrus, Louise
Klose, John
Moffett, Michael
Seaworth, Brian
Wolf, Dan

Cambrils, Jose
Leavitt, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Hill, Gregory
Mason, James
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Gay, Betty
Hobson, Deborah
Layon, Erica
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Baldasaro, Al
Green, Dennis
Janigian, John
Love, David
McKinney, Betsy
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Bershtein, Alan
Harb, Robert
Katsakiores, Phyllis
Lundgren, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Vandecasteele, Susan
Wallace, Scott

Edwards, Jess
Harley, Tina
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy

Callum, John

Spilsbury, Walter

NAYS - 204

BELKNAP

Lang, Timothy

O'Hara, Travis

Trottier, Douglas

CARROLL

Buco, Thomas
McAleer, Chris
CHESHIRE
Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Santonastaso, Matthew
Weber, Lucy

Burroughs, Anita
Umberger, Karen

Ames, Richard
Fox, Dru
Mann, John
Schapiro, Joe
Welkowitz, Lawrence

Knirk, Jerry
Woodcock, Stephen

Marsh, William

Eaton, Daniel
Harvey, Cathryn
Rhodes, Jennifer
Von Plinsky, Sparky

COOS

Kelley, Eamon
GRAFTON
Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

Hatch, William

Adjutant, Joshua
Fellows, Sallie
Muirhead, Russell
Smith, Suzanne

Laflamme, Larry

Almy, Susan
Gordon, Edward
Murphy, James
Sykes, George

Tucker, Edith

Binford, David
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Lekas, Alicia
Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Graham, John
Herbert, Christopher
Judy, Jean
Labranche, Tony
Leishman, Peter
Murray, Megan

Alexander, Joe
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Erf, Keith
Hamer, Heidi
Hyland, Stephanie
Klee, Patricia
Langley, Diane
Lewicke, John
Mangipudi, Latha

Bouldin, Amanda
Bergeron, Paul
Chretien, Jacqueline
Cushman, Leah
Espitia, Manny
Harriott-Gathright, Linda
Schmidt, Janice
Klein-Knight, Nicole
Lanzara, Tom
Long, Patrick
McGhee, Kat

Bouldin, Andrew
Booras, Efstathia
Cohen, Bruce
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Jack, Martin
Sanborn, Laurie
Laughton, Stacie-Marie
King, Mark
Mooney, Maureen

Mullen, Sue
O'Brien, Michael
Piedra, Israel
Rice, Kimberly
Snow, Kendall
Telerski, Laura
Warden, Mark

Notter, Jeanine
Pedersen, Michael
Porter, Marjorie
Rombeau, Catherine
Stevens, Deb
Toomey, Dan
Wilhelm, Matthew

Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Rung, Rosemarie
Lekas, Tony
Vail, Suzanne

Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Newman, Sue
Smith, Timothy
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy
White, Nick

Bartlett, Christy
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Caplan, Tony
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth

Ellison, Arthur
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

ROCKINGHAM

Abbas, Daryl
Baxter, Tim
Cali-Pitts, Jacqueline
Edgar, Michael
Grossman, Gaby
Nelson, Jodi
Maggiore, Jim
McMahon, Charles
Simpson, Alexis
Ward, Gerald

Abramson, Max
Belanger, Cody
DiLorenzo, Charlotte
Emerick, Tracy
Grote, Jaci
Murray, Kate
Malloy, Dennis
Meuse, David
Somssich, Peter

Acton, Dennis
Bunker, Lisa
Dodge, Dustin
Ford, Oliver
Guthrie, Joseph
Loughman, Tom
McBeath, Rebecca
Paige, Mark
Thomas, Douglas

Altschiller, Debra
Cahill, Michael
Doucette, Fred
Gilman, Julie
Hamblet, Joan
Pearson, Mark
McBride, Everett
Read, Ellen
True, Chris

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter

Conley, Casey
Gourgue, Amanda
Levesque, Cassandra
Treleven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee
Sullivan, Brian

Gottling, Suzanne
Rollins, Skip

Merchant, Gary
Stapleton, Walter

O'Hearne, Andrew
Smith, Steven

and the motion failed.

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

Rep. Wallner spoke in favor.

Rep. Silber requested a roll call; sufficiently seconded.

YEAS 264 - NAYS 87

YEAS - 264

BELKNAP

Bordes, Mike
O'Hara, Travis

Harvey-Bolia, Juliet
Trotter, Douglas

Hough, Gregg

Lang, Timothy

CARROLL

Avellani, Lino
Cordelli, Glenn
Marsh, William
Woodcock, Stephen

Nelson, Bill
Crawford, Karel
McAleer, Chris

Buco, Thomas
MacDonald, John
McConkey, Mark

Burroughs, Anita
Knirk, Jerry
Umberger, Karen

CHESHIRE

Abbott, Michael
Fox, Dru
Maneval, Andrew
Toll, Amanda Elizabeth

Ames, Richard
Gomarlo, Jennie
Mann, John
Von Plinsky, Sparky

Bordenet, John
Harvey, Cathryn
Parshall, Lucius
Weber, Lucy

Faulkner, Barry
Hunt, John
Schapiro, Joe
Welkowitz, Lawrence

COOS

Craig, Kevin
Laflamme, Larry
Tucker, Edith

Davis, Arnold
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William
Thompson, Dennis

GRAFTON

Abel, Richard
Depalma IV, Joseph

Adjutant, Joshua
Egan, Timothy

Almy, Susan
Fellows, Sallie

Binford, David
Folsom, Beth

Gordon, Edward
Massimilla, Linda
Smith, Suzanne

Greeson, Jeffrey
Murphy, James
Sykes, George

Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Ham, Bonnie
Stavis, Laurel

HILLSBOROUGH

Lekas, Alicia
Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Herbert, Christopher
Judy, Jean
Labranche, Tony
Leishman, Peter
Murray, Megan
McGhee, Kat
Nutter-Upham, Frances
Perez, Maria
Post, Lisa
Rice, Kimberly
Sheehan, Vanessa
Lekas, Tony
Vail, Suzanne

Alexander, Joe
Boyd, Bill
Bergeron, Paul
Bradley, Amy
Cornell, Patricia
Dutzy, Sherry
Griffin, Gerald
Harriott-Gathright, Linda
Hyland, Stephanie
Kelsey, Niki
Langley, Diane
Lewicke, John
Mangipudi, Latha
Mooney, Maureen
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Rombeau, Catherine
Snow, Kendall
Smith, Timothy
Veilleux, Daniel

Bouldin, Amanda
King, Bill
Blasek, Melissa
Chretien, Jacqueline
Cushman, Leah
Erf, Keith
Goley, Jeffrey
Healey, Robert
Schmidt, Janice
Klee, Patricia
Lanzara, Tom
Long, Patrick
Marston, Dick
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Ray
Rung, Rosemarie
Somero, Paul
Tellerski, Laura
Warden, Mark

Ammon, Keith
Baroody, Benjamin
Booras, Efstathia
Cohen, Bruce
Smith, Denise
Espitia, Manny
Graham, John
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Laughton, Stacie-Marie
King, Mark
Mayville, Mary
Notter, Jeanine
Pedersen, Michael
Porter, Marjorie
Renzullo, Andrew
Newman, Sue
Stevens, Deb
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Hall, Muriel
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Soucy, Timothy
Wazir, Safiya
Woods, Gary

Caplan, Tony
Lane, Connie
Mason, James
Pitaro, Matthew
Schuett, Dianne
Wallner, Mary Jane
Wells, Natalie
Yakubovich, Michael

Ellison, Arthur
Leavitt, John
McGuire, Carol
Rogers, Katherine
Schultz, Kristina
Walsh, Thomas
White, Nick

Gallager, Eric
Luneau, David
McWilliams, Rebecca
Boyd, Stephen
Shurtleff, Steve
Walz, Mary Beth
Wolf, Dan

ROCKINGHAM

Abrami, Patrick
Baxter, Tim
Cahill, Michael
Doucette, Fred
Ford, Oliver
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Malloy, Dennis
McMahon, Charles
Paige, Mark
Read, Ellen
Somssich, Peter
Vandecasteele, Susan

Abramson, Max
Belanger, Cody
Cali-Pitts, Jacqueline
Edgar, Michael
Gilman, Julie
Hamblet, Joan
Murray, Kate
Loughman, Tom
McBeath, Rebecca
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Ward, Gerald

Acton, Dennis
Bershtein, Alan
DiLorenzo, Charlotte
Edwards, Jess
Grossman, Gaby
Harb, Robert
Katsakiores, Phyllis
Pearson, Mark
McBride, Everett
Meuse, David
Potucek, John
Pearson, Stephen
Thomas, Douglas
Weyler, Kenneth

Altschiller, Debra
Bunker, Lisa
Dodge, Dustin
Emerick, Tracy
Grote, Jaci
Hobson, Deborah
Khan, Aboul
Maggiore, Jim
McKinney, Betsy
Milz, David
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Tripp, Richard

STRAFFORD

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

Cannon, Gerri
Fontneau, Timothy
Harrington, Michael
Levesque, Cassandra
Pitre, Joseph

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Treleaven, Susan

Conley, Casey
Gourgue, Amanda
Kaczynski, Thomas
Oxaal, Ariel
Vincent, Kenneth

SULLIVAN

Aron, Judy
O'Hearne, Andrew
Stapleton, Walter

Cloutier, John
Oxenham, Lee
Smith, Steven

Gottling, Suzanne
Rollins, Skip
Sullivan, Brian

Merchant, Gary
Spilsbury, Walter

NAYS - 87

BELKNAP

Bean, Harry
Littlefield, Richard
Syvia, Michael

Comtois, Barbara
Mackie, Jonathan
Terry, Paul

Howard, Raymond
Ploszaj, Tom
Varney, Peter

Johnson, Dawn
Silber, Norman

CARROLL

Deshaies, Brodie Smith, Jonathan

CHESHIRE

Qualey, James Rhodes, Jennifer Santonastaso, Matthew

GRAFTONAlliegro, Mark Berezny, Lex Sanborn, Gail Ladd, Rick
Simon, Matthew**HILLSBOROUGH**Griffin, Barbara Berry, Ross Boehm, Ralph Burt, John
Creighton, Jim Kelley, Diane Foster, William Gagne, Larry
Gorski, Ted Gould, Linda Greene, Bob Homola, Susan
Kofalt, Jim Lascelles, Richard McLean, Mark Nunez, Hershel
Pauer, Diane Plett, Fred Prout, Andrew Tausch, Lindsay
Ulery, Jordan**MERRIMACK**Alicea, Caroletta Allard, James Andrus, Louise Cambrils, Jose
Hill, Gregory Kennedy, Margaret Klose, John Moffett, Michael
Pearl, Howard Seaworth, Brian Testerman, Dave**ROCKINGHAM**Abbas, Daryl Baldasaro, Al Gay, Betty Green, Dennis
Harley, Tina Janigian, John Love, David Lynn, Bob
Major, Norman Osborne, Jason Pratt, Kevin Soti, Julius
Spillane, James Sytek, John Torosian, Peter True, Chris
Tudor, Paul Verville, Kevin Vose, Michael MacDonald, Wayne
Wallace, Scott Welch, David Yokela, Josh**STRAFFORD**Ankarberg, Aidan Bailey, Glenn DeLemus, Susan Groen, Fenton
Hayward, Peter Horgan, James Kittredge, Mac Newton, Clifford
Turcotte, Leonard Wuelper, Kurt**SULLIVAN**

Callum, John

and the committee report was adopted and the bill was ordered to third reading.
Rep. Muirhead did not vote and notified the Clerk he wished to be recorded in favor.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Ammon moved that the House reconsider its action whereby, on a roll call vote of 190-165, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 275**, relative to the declaration of a state of emergency.

Rep. Ammon spoke against.

On a division vote, with 170 members having voted in the affirmative, and 184 in the negative, the motion failed.

The House recessed at 12:30 p.m.

RECESS

The House reconvened at 1:25 p.m.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

HB 398, making an appropriation to the department of environmental services for funding eligible wastewater projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gerald Griffin for Finance. This bill, as amended, fulfills the state funding commitment toward certain wastewater projects, the funding to come from available funds. The amendment updates the effective date. Vote 21-0.

Amendment (2117h)

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

1 Department of Environmental Services; Appropriation. There is hereby appropriated to the department of environmental services the sum of \$5,735,248 for the fiscal year ending June 30, 2023 and \$6,919,115 for the fiscal year ending June 30, 2024, which shall be nonlapsing, for the purpose of funding eligible wastewater projects under RSA 486. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2022.

AMENDED ANALYSIS

This bill makes appropriations to the department of environmental services for the purpose of funding eligible wastewater projects under RSA 486.

Committee amendment adopted.

Committee report adopted and the bill was ordered to third reading.

HB 412, making an appropriation to the department of environmental services for the purpose of funding public water system projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tracy Emerick for Finance. This bill provides an appropriation to allow the Department of Environmental Services to accept federal funds to assist public water systems in their preparations for grant requests. Vote 21-0.

Amendment (2172h)

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

1 Department of Environmental Services; Appropriation. There is hereby appropriated to the department of environmental services the sum of \$500,000 for the fiscal year ending June 30, 2023 and \$500,000 for the fiscal year ending June 30, 2024, which shall be nonlapsing, for the purpose of funding public water system projects eligible for state and/or federal assistance. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2022.

Committee amendment adopted.

Committee report adopted and the bill was ordered to third reading.

HB 536-FN, relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Leishman for Finance. This will provide a \$100,000 benefit to any municipal or state public works employee's family killed in the line of duty. Municipal and state public works employees are often working in hazardous locations such as construction zones. Division I of the Finance Committee heard testimony that on average one public works or state public works employee is killed every two years. The committee supports this benefit to provide some additional financial support to families dealing with the tragic loss. Vote 21-0.

Amendment (2118h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2022.

Committee amendment adopted.

Committee report adopted and the bill was ordered to third reading.

HB 591-FN, relative to certain liquor license fees. **OUGHT TO PASS.**

Rep. Tracy Emerick for Finance. This bill establishes an annual license fee of \$216 for retailers that sell only tobacco products. This fee will cover the administrative costs for the tobacco only license. Vote 17-4.

Rep. Abrami yielded to questions.

On a division vote, with 282 members having voted in the affirmative, and 66 in the negative, the committee report was adopted and the bill was ordered to third reading.

HB 118, relative to the fish and game commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John Klose for the Majority of Fish and Game and Marine Resources. This is the same bill that we have heard every year since 1998. This bill may have been disguised and slightly changed every time that we have heard it for the last 23 years, but it amounts to the same failures every single time. The sportsmen of the Granite State have spoken loud and clear, they don't want us to meddle with a system that is working as it is. This is another way in which government overreach can compromise and complicate life for our citizens that we are supposed to be working for. Vote 16-5.

Rep. Ellen Read for the Minority of Fish and Game and Marine Resources. This bill is the latest in a long history of attempts to reform the Fish and Game Commission. Over the last 15 years, there have been numerous commission decisions that ran counter to department biologists' recommendations. These decisions were perceived by large segments of the public as not in the public interest or contrary to the interest of sustaining the native ecosystem for future enjoyment. While the entire committee and all stakeholders agreed that the original bill was ill-conceived and entirely unworkable, over the course of the year since the bill was first submitted, bipartisan members of the committee worked diligently to create an amendment that reflected both the needs of the hunting community as well as the desire to sustainably conserve our native New Hampshire species through scientific data. The proposed amendment allows three of the commissioners to qualify for their commission seats as scientists with advanced degrees or field experience in specific wildlife ecology fields. Further, a weak requirement in current law was identified that may allow inexperienced and unknowledgeable individuals to qualify to be on the commission by simply purchasing, without ever using or intending to use, a hunting, fishing, or trapping license. The proposed amendment addresses this problem by

strengthening the existing license requirement, which would apply to the other seven county-based seats that were not filled by the three scientists, from five years to seven years, and requiring proof of affidavit of take in the past 10 years. The minority feels strongly that reforms on commission requirements are long overdue, as evidenced by the repeated public outcry and the multiple studies, bills, and audits on the issue. The minority further believes that the bill, as amended, was carefully and thoughtfully written, addresses the needs of both the hunting and conservation communities, and represents a good faith, logical, bipartisan compromise. The bill, as amended, would put this long-standing issue to rest by ensuring that all of our commissioners are knowledgeable and well qualified, and are acting solely in the interest of the long-term sustainment and enjoyment of our native New Hampshire species.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Belanger requested a roll call; sufficiently seconded.

YEAS 321 - NAYS 31

YEAS - 321 BELKNAP

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman
Varney, Peter

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
Cordelli, Glenn
Smith, Jonathan
McConkey, Mark

Nelson, Bill
Crawford, Karel
Knirk, Jerry
Umberger, Karen

Buco, Thomas
Deshaies, Brodie
Marsh, William

Burroughs, Anita
MacDonald, John
McAleer, Chris

CHESHIRE

Abbott, Michael
Fox, Dru
Qualey, James
Weber, Lucy

Ames, Richard
Harvey, Cathryn
Rhodes, Jennifer
Welkowitz, Lawrence

Bordenet, John
Hunt, John
Santonastasio, Matthew

Faulkner, Barry
Maneval, Andrew
Schapiro, Joe

COOS

Craig, Kevin
Merner, Troy

Davis, Arnold
Theberge, Robert

Kelley, Eamon
Thompson, Dennis

Laflamme, Larry
Tucker, Edith

GRAFTON

Abel, Richard
Binford, David
Folsom, Beth
Hakken-Phillips, Mary
Muirhead, Russell
Stavis, Laurel

Adjutant, Joshua
Depalma IV, Joseph
Sanborn, Gail
Ham, Bonnie
Murphy, James
Smith, Suzanne

Alliegro, Mark
Egan, Timothy
Gordon, Edward
Ladd, Rick
Nordgren, Sharon
Sykes, George

Berezhny, Lex
Fellows, Sallie
Greeson, Jeffrey
Massimilla, Linda
Simon, Matthew
Weston, Joyce

HILLSBOROUGH

Lekas, Alicia
Bouldin, Andrew
Baroody, Benjamin
Boehm, Ralph
Burt, John
Creighton, Jim
DiSilvestro, Linda
Freitas, Mary
Gorski, Ted
Hamer, Heidi
Homola, Susan
Kelsey, Niki
Sanborn, Laurie
Lascelles, Richard
Long, Patrick
Marston, Dick
Mooney, Maureen
Nutter-Upham, Frances
Pedersen, Michael
Porter, Marjorie
Newman, Ray

Alexander, Joe
Boyd, Bill
Beaulieu, Jane
Booras, Efstathia
Chretien, Jacqueline
Cushman, Leah
Erf, Keith
Griffin, Gerald
Gould, Linda
Harriott-Gathright, Linda
Hyland, Stephanie
Klee, Patricia
Labranche, Tony
Loughton, Stacie-Marie
King, Mark
Mayville, Mary
Mullen, Sue
Nutting-Wong, Allison
Petrigno, Peter
Post, Lisa
Renzullo, Andrew

Bouldin, Amanda
Griffin, Barbara
Berry, Ross
Bouchard, Donald
Cohen, Bruce
Kelley, Diane
Espitia, Manny
Gagne, Larry
Graham, John
Healey, Robert
Jack, Martin
Klein-Knight, Nicole
Langley, Diane
Leishman, Peter
Murray, Megan
McGhee, Kat
Notter, Jeanine
O'Brien, Michael
Piedra, Israel
Prout, Andrew
Rice, Kimberly

Ammon, Keith
King, Bill
Blasek, Melissa
Bradley, Amy
Cornell, Patricia
Smith, Denise
Foster, William
Goley, Jeffrey
Greene, Bob
Heath, Mary
Jeudy, Jean
Kofalt, Jim
Lanzara, Tom
Lewicke, John
Mangipudi, Latha
McLean, Mark
Nunez, Hershel
Pauer, Diane
Plett, Fred
Query, Joshua
Rombeau, Catherine

Rung, Rosemarie
Stevens, Deb
Telerski, Laura
Warden, Mark

Newman, Sue
Lekas, Tony
Toomey, Dan
Wilhelm, Matthew

Sheehan, Vanessa
Smith, Timothy
Ulery, Jordan

Somero, Paul
Tausch, Lindsay
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Cambriels, Jose
Hall, Muriel
Leavitt, John
McWilliams, Rebecca
Pitaro, Matthew
Seaworth, Brian
Walsh, Thomas
White, Nick

Allard, James
Caplan, Tony
Hill, Gregory
MacKay, James
Moffett, Michael
Boyd, Stephen
Soucy, Timothy
Walz, Mary Beth
Wolf, Dan

Andrus, Louise
Ellison, Arthur
Kennedy, Margaret
Mason, James
Pearl, Howard
Schamberg, Thomas
Testerman, Dave
Wazir, Safiya
Woods, Gary

Bartlett, Christy
Gallager, Eric
Klose, John
McGuire, Carol
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Wells, Natalie
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Altschiller, Debra
Bershtein, Alan
Dodge, Dustin
Emerick, Tracy
Grote, Jaci
Harley, Tina
Murray, Kate
Loughman, Tom
Maggiore, Jim
McKinney, Betsy
Osborne, Jason
Pratt, Kevin
Pearson, Stephen
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott
Yokela, Josh

Abrami, Patrick
Baldasaro, Al
Cahill, Michael
Doucette, Fred
Ford, Oliver
Guthrie, Joseph
Hobson, Deborah
Katsakiores, Phyllis
Love, David
Major, Norman
McMahon, Charles
Paige, Mark
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Ward, Gerald

Abramson, Max
Baxter, Tim
Cali-Pitts, Jacqueline
Edgar, Michael
Green, Dennis
Hamblet, Joan
Nelson, Jodi
Khan, Aboul
Lynn, Bob
Malloy, Dennis
Melvin, Charles
Piemonte, Tony
Read, Ellen
Somssich, Peter
Sytek, John
True, Chris
Vose, Michael
Welch, David

Acton, Dennis
Belanger, Cody
DiLorenzo, Charlotte
Edwards, Jess
Grossman, Gaby
Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark
McBride, Everett
Milz, David
Potucek, John
Roy, Terry
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Conley, Casey
Frost, Sherry
Hayward, Peter
Kenney, Cam
Newton, Clifford
Rich, Cecilia
Wuelper, Kurt

Bailey, Glenn
DeLemus, Susan
Gourgue, Amanda
Horgan, James
Kittredge, Mac
Oxaal, Ariel
Treleaven, Susan

Cannon, Gerri
Ellis, Donna
Groen, Fenton
Horrigan, Timothy
Levesque, Cassandra
Schmidt, Peter
Turcotte, Leonard

Chase, Wendy
Fontneau, Timothy
Harrington, Michael
Kaczynski, Thomas
Smith, Marjorie
Pitre, Joseph
Wall, Janet

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Spilsbury, Walter

Merchant, Gary
Stapleton, Walter

O'Hearne, Andrew
Smith, Steven

NAYS - 31 CARROLL

Woodcock, Stephen

CHESHIRE

Eaton, Daniel
Von Plinsky, Sparky

Mann, John

Parshall, Lucius

Toll, Amanda Elizabeth

GRAFTON

Almy, Susan

HILLSBOROUGH

Bergeron, Paul
Schmidt, Janice

Connors, Erika
Perez, Maria

Dutzy, Sherry
Snow, Kendall

Herbert, Christopher
Vail, Suzanne

MERRIMACK

Lane, Connie
Shurtleff, Steve

Luneau, David

Rogers, Katherine

Schultz, Kristina

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Gay, Betty

Gilman, Julie

Meuse, David

STRAFFORD

Bixby, Peter

Grassie, Chuck

Vincent, Kenneth

SULLIVAN

Cloutier, John

Gottling, Suzanne

Oxenham, Lee

Sullivan, Brian

and the majority committee report was adopted.

HB 490, permitting the use of live-action game cameras. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for the Majority of Fish and Game and Marine Resources. As technology changes, so must the world. This bill, as amended, addressed using game cams while hunting. We addressed the “fair chase” concept by placing some time restriction on the use of game cams to assist in the ‘taking’ of wildlife. Also during the public hearing it became abundantly clear a missed topic was private property rights. We decided to treat this bill along the same lines as the current hunting laws regarding the placement of tree stands on private property. In short, we amended the original bill allowing the use of game cams, adding, if placed on private property open to hunting, then written land owner permission to place game cam or land owner posting to allow game cams are required. Additionally, all game cams must be marked with game cam owner contact info. Fish and Game agrees the amendment makes the bill much better for private land owners and enforcement, the New Hampshire Timberland Owners Association, that represents large tract land owners here in New Hampshire, also supports the bill. Vote 14-7.

Rep. Cathryn Harvey for the Minority of Fish and Game and Marine Resources. This bill, as amended, would permit the use of live action game cameras while hunting. The minority believes that permitting such devices, sometimes several on one landowner’s property, could be impossible to regulate. There was testimony suggesting that enforcement of the regulations set forth in the bill would be extremely difficult. More importantly, the minority further believes that using live action cameras to locate animals for a hunter to harvest, even with the time delay, does not support fair chase hunting.

Majority Amendment (2140h)

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

AN ACT relative to the definitions of “game camera” and “hunting day” and relative to the use of game cameras.

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

1 New Paragraph; General Provisions as to Fish and Game; Game Camera. Amend RSA 207:1 by inserting after paragraph XI the following new paragraph:

XI-a. Game Camera: Any device capable of recording and transmitting photographic or video data wirelessly to a remote device, such as a computer or smartphone, as well as a device that merely records photographic or video data and stores such data for later use.

2 New Paragraph; General Provisions as to Fish and Game; Hunting Day. Amend RSA 207:1 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. Hunting Day: The period of time during the calendar day when the lawful taking of a game animal or fur-bearing animal is allowed.

3 New Section; General Provisions as to Fish and Game; Use of Game Cameras. Amend RSA 207 by inserting after section 62 the following new section:

207:63 Use of Game Cameras.

I. Any person taking or attempting to take a game animal or fur-bearing animal may use a game camera to locate, surveil, aid, or assist in any attempt to locate or surveil any game animal or fur-bearing animal, provided that no person shall take a game animal or fur-bearing animal within 10 hours of remotely viewing any image or video of that animal from a game camera in that area.

II.(a) No person shall place a game camera that records or transmits images or data of any kind while unattended outside on the private property of another without the written consent of the property owner, or the property owner has posted signage on his or her property allowing the placement of such camera as provided in this section.

(b) A person may permit the placement of a game camera by posting signs of durable material with any words describing the physical activity permitted, such as “Game Cameras Allowed,” printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such property. Such signs shall posted at gates, bars, and commonly used entrances. This section shall not prevent any property owner from adding to the language required by this section.

(c) Any written permission granted by a property owner under this section shall expire on December 31 of each calendar year, unless earlier rescinded by the property owner or his or her designee.

III. A person who places a game camera on the private property of another shall label the camera with that person’s name and contact information.

IV. A property owner may contact a local or state law enforcement officer or a conservation officer to remove a game camera which was placed in violation of this section.

V. This section shall not prohibit:

(a) The use of a game camera to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked; or

(b) The lawful use of implanted or attached electronic devices by fish and game department staff or other persons holding a scientific permit from the executive director to identify, monitor, and track animals; or

(c) Any device placed or used in accordance with a warrant or in accordance with other lawful actions of law enforcement officers and personnel of the fish and game department in the performance of their official duties.

VI. Any person who violates this section shall be guilty of violation and subject to a fine of up to \$1,000 for each offense and, for a second or subsequent conviction under this section, forfeiture of the placed equipment.

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

AMENDED ANALYSIS

This bill adds definitions of “game camera” and “hunting day” and permits the use of a game camera to take or attempt to take a game animal or fur-bearing animal.

Majority committee amendment adopted.

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

On a division vote, with 195 members having voted in the affirmative, and 159 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 103-FN, establishing a dental benefit under the state Medicaid program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Schapiro for the Majority of Health, Human Services and Elderly Affairs. In 2019, HB 692 was passed and signed into law establishing, in principle, an adult Medicaid dental benefit. Since that time, various attempts to implement this program, either through legislation or budget appropriations, have run into insurmountable obstacles and ultimately failed. This bill, as amended, intends to finally bring this program into existence. It outlines the scope of services, describes the intended delivery model, and appropriates money to fund the program. The result of a bipartisan compromise which pares down benefits and adds cost sharing, it will make available comprehensive, preventative, and restorative oral health care that is critical to maintaining overall health, preventing pain and suffering and decreasing costs associated with emergency room visits. If passed by the House and the Senate and signed into law by the governor, dental services will at long last become available to tens of thousands of low-income New Hampshire residents as of April 1, 2023. Vote 19-1. Rep. Jim Kofalt for the Minority of Health, Human Services and Elderly Affairs. The minority recommends Inexpedient to Legislate on the grounds that this bill would substantively expand an existing government program, creating an additional burden for taxpayers.

Majority Amendment (2214h)

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

1 Statement of Purpose; Dental Benefits under Medicaid Managed Care.

I. The general court recognizes that untreated oral health conditions negatively affect a person’s overall health and that good oral health improves a person’s ability to obtain and keep employment. The general court further recognizes that regular dental care and access to preventive and restorative treatments for oral health conditions are less expensive than emergency care and prevent oral conditions from developing into more complex health conditions that would require medical care.

II. Therefore, to improve overall health, promote savings in the state’s Medicaid managed care program, and prevent future health conditions caused by oral health problems, and based on the recommendation of the working group convened pursuant to 2019, 346:225, the general court hereby determines that it is in the best interest of the state of New Hampshire to extend dental benefits under the Medicaid managed care program to individuals 21 years of age and over.

2 New Paragraph; Medicaid Managed Care Program; Dental Benefits. Amend RSA 126-A:5 by inserting after paragraph XIX the following new paragraph:

XIX-a.(a)(1) The commissioner shall pursue contracting options to administer the state’s Medicaid dental program with the goals of improving access to dental care for Medicaid populations, improving health outcomes for Medicaid enrollees, expanding the provider network, increasing provider capacity, and retaining innovative programs that improve access and care through a value-based care model.

(2) The commissioner shall issue a request for information to assist in selecting the administrative model for the state’s Medicaid dental program. Such model shall be either a model administered by a dental managed care organization or a model administered by the state’s current medical managed care organizations. The commissioner shall obtain the requested information from both the current medical managed care organizations and any interested dental managed care organization. The administrative model selected shall demonstrate the greatest ability to satisfy the state’s need for value, quality, efficiency, innovation, and sav-

ings. The request for information shall be released no later than August 1, 2022. The request for information shall address improving health outcomes, expanding the provider network, increasing capacity of providers, integrating a value-based care model, and exploring innovative programs for children and adults.

(3) If the model administered by a dental managed care organization is selected, the commissioner shall issue a 3-year request for proposals, with 2 optional one-year extensions, to enter into contracts with the vendor that demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The state plan amendment shall be submitted to the Centers for Medicare and Medicaid Services (CMS) within the quarter of implementation (by June 30, 2023). Implementation of a procured contract shall begin April 1, 2023. The commissioner shall establish a capitated rate for the appropriate model for the contract that is full risk to the vendor. In contracting for a dental managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the quality of care provided. Following approval by the joint health care reform oversight committee, pursuant to RSA 420-N:3, the department shall seek, with the review of the fiscal committee of the general court, all necessary and appropriate state plan amendments and waivers to implement the provisions of this paragraph. The program shall not commence operation until such state plan amendments or waivers have been approved by CMS. All necessary state plan amendments shall be submitted within the quarter of implementation (by June 30, 2023) and waivers shall be submitted by October 1, 2022.

(4) The commissioner shall adopt rules, pursuant to RSA 541-A, if necessary, to implement the provisions of this paragraph and shall first obtain approval of proposed rules by the joint health care reform oversight committee, pursuant to RSA 420-N:3.

(b) Any vendor awarded a contract pursuant to this paragraph shall provide the required dental services to children and the following dental services to individuals 21 years of age and over, reimbursed under the United States Social Security Act, Title XIX, or successors to it:

(1) Diagnostic and preventive dental services including an annual comprehensive oral examination, necessary x-rays or other imaging, prophylaxis, topical fluoride, oral hygiene instruction, behavior management and smoking cessation counseling, and other services as determined by the commissioner.

(2) Comprehensive restorative treatment necessary to prevent or treat oral health conditions, to reduce or eliminate the need for future acute oral health care, and to avoid more costly medical or dental care.

(3) Oral surgery and treatment necessary to relieve pain, eliminate infection or prevent imminent tooth loss.

(4) Prosthodontic coverage for DD, ABD, and CFI waiver, and nursing facility resident populations only, subject to medical necessity.

(c) Cost sharing shall be implemented to the maximum extent allowed under CMS guidelines for Medicaid recipients with family incomes above 100 percent of the Federal Poverty Level (FPL).

(d) The department of health and human services shall present an annual report to the health and human services oversight committee that includes, but is not limited to, Medicaid recipient utilization, provider participation, and other indicators of program effectiveness.

(e) In this paragraph, "dental managed care organization" means any dental care organization, dental service organization, health insurer, or other entity licensed under Title XXXVII, that provides, directly or by contract, dental care services covered under this paragraph rendered by licensed providers and that meets the requirements of Title XIX or Title XI of the federal Social Security Act.

3 Appropriation; Department of Health and Human Services; Dental Benefits under Medicaid Managed Care. The sum of \$1,390,000 for the standard Medicaid population for the purpose of funding the state's share for the services described in RSA 126-A:5, XIX-a(b) is appropriated to the department of health and human services. The appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. In addition, the sum of \$337,500 of funding for the state's share for dental benefits under the Medicaid expansion population shall be expended by the department which shall be a credit against the New Hampshire granite advantage health care trust fund established in RSA 126-AA:3.

4 Effective Date. This act shall take effect upon its passage.
Majority committee amendment adopted.

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

MOTION TO LAY ON THE TABLE

Rep. Sylvia moved that **HB 103-FN**, establishing a dental benefit under the state Medicaid program, be laid on the table.

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

On a division vote, with 138 members having voted in the affirmative, and 213 in the negative, the motion failed.

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

Rep. Mark Pearson spoke in favor.

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

YEAS 225 - NAYS 127**YEAS - 225
BELKNAP**

Harvey-Bolia, Juliet

Lang, Timothy

O'Hara, Travis

Nelson, Bill
Deshaies, Brodie
McAleer, ChrisBuco, Thomas
MacDonald, John
Umberger, KarenBurroughs, Anita
Knirk, Jerry
Woodcock, StephenCrawford, Karel
Marsh, William**CHESHIRE**Abbott, Michael
Faulkner, Barry
Mann, John
Von Plinsky, SparkyAmes, Richard
Fox, Dru
Parshall, Lucius
Weber, LucyBordenet, John
Harvey, Cathryn
Schapiro, Joe
Welkowitz, LawrenceEaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth**COOS**Kelley, Eamon
Thompson, DennisHatch, William
Tucker, Edith

Laflamme, Larry

Theberge, Robert

GRAFTONAbel, Richard
Egan, Timothy
Hakken-Phillips, Mary
Muirhead, Russell
Smith, SuzanneAdjutant, Joshua
Fellows, Sallie
Ham, Bonnie
Murphy, James
Sykes, GeorgeAlmy, Susan
Folsom, Beth
Ladd, Rick
Nordgren, Sharon
Weston, JoyceDepalma IV, Joseph
Gordon, Edward
Massimilla, Linda
Stavis, Laurel**HILLSBOROUGH**Bouldin, Amanda
Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Gould, Linda
Healey, Robert
Schmidt, Janice
Klee, Patricia
Lascelles, Richard
Long, Patrick
Mayville, Mary
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Telerski, Laura
Veilleux, DanielBouldin, Andrew
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Espitia, Manny
Graham, John
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Laughton, Stacie-Marie
King, Mark
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Toomey, Dan
Wilhelm, MatthewBoyd, Bill
Bergeron, Paul
Chretien, Jacqueline
Creighton, Jim
Freitas, Mary
Hamer, Heidi
Herbert, Christopher
Judy, Jean
Labranche, Tony
Leishman, Peter
Murray, Megan
Mullen, Sue
Pedersen, Michael
Plett, Fred
Rung, Rosemarie
Smith, Timothy
Vail, SuzanneKing, Bill
Booras, Efsthathia
Cohen, Bruce
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Hyland, Stephanie
Kelsey, Niki
Langley, Diane
Lewicke, John
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Newman, Sue
Tausch, Lindsay
Vann, Ivy**MERRIMACK**Alicea, Caroletta
Ellison, Arthur
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Walz, Mary Beth
Woods, GaryAllard, James
Gallager, Eric
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Wazir, SafiyaBartlett, Christy
Hall, Muriel
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Wells, NatalieCaplan, Tony
Klose, John
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Wolf, Dan**ROCKINGHAM**Abbas, Daryl
Bunker, Lisa
Doucette, Fred
Ford, Oliver
Grote, Jaci
Hobson, Deborah
Katsakiores, Phyllis
Pearson, Mark
McBride, Everett
Paige, Mark
Simpson, Alexis
Tudor, PaulAbrami, Patrick
Cahill, Michael
Edgar, Michael
Gay, Betty
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Maggiore, Jim
McMahon, Charles
Pratt, Kevin
Somssich, Peter
Ward, GeraldActon, Dennis
Cali-Pitts, Jacqueline
Edwards, Jess
Gilman, Julie
Hamblet, Joan
Janigian, John
Loughman, Tom
Major, Norman
Meuse, David
Read, Ellen
Sytek, John
Welch, DavidAltschiller, Debra
DiLorenzo, Charlotte
Emerick, Tracy
Grossman, Gaby
Harb, Robert
Murray, Kate
Lundgren, David
Malloy, Dennis
Milz, David
Pearson, Stephen
Tripp, Richard
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Conley, Casey
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Smith, Marjorie
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Oxaal, Ariel
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Smith, Steven

O'Hearne, Andrew
Sullivan, Brian

NAYS - 127**BELKNAP**

Bean, Harry
Howard, Raymond
Silber, Norman
Varney, Peter

Bordes, Mike
Johnson, Dawn
Sylvia, Michael

Comtois, Barbara
Mackie, Jonathan
Terry, Paul

Hough, Gregg
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino

Cordelli, Glenn

Smith, Jonathan

McConkey, Mark

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

GRAFTON

Alliegro, Mark
Greeson, Jeffrey

Berezhny, Lex
Simon, Matthew

Binford, David

Sanborn, Gail

HILLSBOROUGH

Lekas, Alicia
Berry, Ross
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Sanborn, Laurie
Mooney, Maureen
Post, Lisa
Somero, Paul

Alexander, Joe
Blasek, Melissa
Kelley, Diane
Foster, William
Greene, Bob
Lanzara, Tom
Notter, Jeanine
Prout, Andrew
Lekas, Tony

Ammon, Keith
Boehm, Ralph
Smith, Denise
Griffin, Gerald
Homola, Susan
Marston, Dick
Nunez, Hershel
Renzullo, Andrew
Ulery, Jordan

Griffin, Barbara
Burt, John
Erf, Keith
Gagne, Larry
Kofalt, Jim
McLean, Mark
Pauer, Diane
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Andrus, Louise
Mason, James
Pitaro, Matthew
Walsh, Thomas

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
White, Nick

Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Leavitt, John
Pearl, Howard
Testerman, Dave

ROCKINGHAM

Abramson, Max
Bershtein, Alan
Layon, Erica
Melvin, Charles
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Vandecasteele, Susan
Wallace, Scott

Baldasaro, Al
Dodge, Dustin
Love, David
Osborne, Jason
Roy, Terry
Thomas, Douglas
Verville, Kevin
Yokela, Josh

Baxter, Tim
Green, Dennis
Lynn, Bob
Piemonte, Tony
Soti, Julius
Torosian, Peter
Vose, Michael

Belanger, Cody
Harley, Tina
McKinney, Betsy
Potucek, John
Spillane, James
True, Chris
MacDonald, Wayne

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy

Callum, John

Rollins, Skip

Spilsbury, Walter

and the majority committee report was adopted.

The Speaker referred the bill to the Committee on Finance.

HB 359, creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.** Rep. Mark McLean for the Majority of Judiciary. This bill seeks to create a private cause of action for discrimination based on hairstyles relative to a person's ethnicity. While the entirety of the Judiciary Committee

felt that discrimination based on hairstyles should not be sanctioned, the majority felt that adding such a specific sub-category to the discrimination statutes would introduce a granularity that would diminish the power of the protections offered by the statute's broader classifications such as age, sex, and race. The main concern with this granular approach is that it might be possible to consider that sub-categories not explicitly listed within a given class are not offered protection. Vote 11-10.

Rep. Alexis Simpson for the Minority of Judiciary. A subcommittee of the Judiciary Committee studied the underlying issue of discrimination addressed by the bill and recommended an amendment. The minority amendment would add language to the statutes to disallow discrimination based on hairstyles and head coverings and to allow a person the ability to seek a remedy in the courts. This type of discrimination affects a broad cross-section of people including individuals from some religious communities, racial and ethnic minorities, LGBTQ+ communities, and those who wear protective head coverings for medical reasons.

MOTION TO LAY ON THE TABLE

Rep. McLean moved that **HB 359**, creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 478, relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark McLean for the Majority of Judiciary. This bill requires that Saint Gobain Performance Plastics pay for the remediation of water in certain wells in Merrimack that it contaminated with PFAS. The maintenance agreement that Merrimack entered into with Saint Gobain is scheduled to end in 2023. Information obtained since the agreement was entered into indicates that treatment will be necessary beyond this date, and the bill would force an extension of this agreement for as long as treatment is required. The majority of the Judiciary Committee felt that a legislative solution was not necessary and that the proper approach would be for the town to return to the courts with the new information and seek a modification to update the terms of the agreement. Vote 14-7.

Rep. Alexis Simpson for the Minority of Judiciary. Through its manufacturing operations, Saint Gobain (SG) contaminated groundwater with toxic PFAS chemicals, including wells of Merrimack's municipal water provider, Merrimack Village District (MVD). This bill would require SG to take full financial responsibility for installing and maintaining filtration systems for two of the directly impacted MVD wells to ensure the water meets New Hampshire's drinking water standards for PFAS. Currently, MVD rate payers are bearing costs that should be the sole responsibility of the polluter. An initial agreement between MVD and SG addressed short-term needs to address well contamination, but remediation is expected to be on-going for many more years.

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

Rep. Langley spoke against.

Rep. McLean spoke in favor.

Rep. Bill Boyd spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 139 - NAYS 212

YEAS - 139

BELKNAP

Bean, Harry
Howard, Raymond
Ploszaj, Tom
Varney, Peter

Comtois, Barbara
Littlefield, Richard
Silber, Norman

Harvey-Bolia, Juliet
Mackie, Jonathan
Sylvia, Michael

Hough, Gregg
O'Hara, Travis
Trottier, Douglas

CARROLL

Avellani, Lino
Deshaies, Brodie

Nelson, Bill
MacDonald, John

Cordelli, Glenn
McConkey, Mark

Crawford, Karel
Umberger, Karen

CHESHIRE

Ames, Richard
Qualey, James

Bordenet, John
Rhodes, Jennifer

Hunt, John
Santonastaso, Matthew

Maneval, Andrew
Weber, Lucy

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Almy, Susan
Gordon, Edward
Murphy, James

Berezhny, Lex
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
 Bergeron, Paul
 Creighton, Jim
 Fedolfi, Jim
 Herbert, Christopher
 Lewicke, John
 Nunez, Hershel
 Renzullo, Andrew
 Ulery, Jordan

Alexander, Joe
 Booras, Efsthathia
 Kelley, Diane
 Foster, William
 Kofalt, Jim
 Long, Patrick
 Pauer, Diane
 Rice, Kimberly
 Wilhelm, Matthew

Ammon, Keith
 Burt, John
 Dutzy, Sherry
 Griffin, Gerald
 Lanzara, Tom
 Marston, Dick
 Plett, Fred
 Somero, Paul

King, Bill
 Chretien, Jacqueline
 Erf, Keith
 Greene, Bob
 Leishman, Peter
 McLean, Mark
 Prout, Andrew
 Lekas, Tony

MERRIMACK

Allard, James
 MacKay, James
 Pearl, Howard
 Wolf, Dan

Andrus, Louise
 Mason, James
 Pitaro, Matthew
 Yakubovich, Michael

Cambrils, Jose
 McGuire, Carol
 Seaworth, Brian

Kennedy, Margaret
 Moffett, Michael
 Testerman, Dave

ROCKINGHAM

Abbas, Daryl
 Edwards, Jess
 Harb, Robert
 Lynn, Bob
 Osborne, Jason
 Spillane, James
 True, Chris
 Welch, David

Abrami, Patrick
 Emerick, Tracy
 Harley, Tina
 Major, Norman
 Piemonte, Tony
 Sweeney, Joe
 Vandecasteele, Susan
 Weyler, Kenneth

Acton, Dennis
 Gay, Betty
 Janigian, John
 McBride, Everett
 Roy, Terry
 Sytek, John
 Verville, Kevin
 Yokela, Josh

Doucette, Fred
 Guthrie, Joseph
 Lundgren, David
 Milz, David
 Soti, Julius
 Torosian, Peter
 Vose, Michael

STRAFFORD

Bailey, Glenn
 Kaczynski, Thomas
 Pitre, Joseph

Harrington, Michael
 Kittredge, Mac
 Turcotte, Leonard

Hayward, Peter
 Smith, Marjorie
 Wall, Janet

Horgan, James
 Newton, Clifford
 Wuelper, Kurt

SULLIVAN

Aron, Judy

Callum, John

Spilsbury, Walter

Smith, Steven

NAYS - 212**BELKNAP**

Bordes, Mike

Johnson, Dawn

Terry, Paul

CARROLL

Buco, Thomas
 Marsh, William

Burroughs, Anita
 McAleer, Chris

Smith, Jonathan
 Woodcock, Stephen

Knirk, Jerry

CHESHIRE

Abbott, Michael
 Harvey, Cathryn
 Toll, Amanda Elizabeth

Eaton, Daniel
 Mann, John
 Von Plinsky, Sparky

Faulkner, Barry
 Parshall, Lucius
 Welkowitz, Lawrence

Fox, Dru
 Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
 Egan, Timothy
 Muirhead, Russell
 Smith, Suzanne

Adjutant, Joshua
 Fellows, Sallie
 Nordgren, Sharon
 Sykes, George

Binford, David
 Hakken-Phillips, Mary
 Simon, Matthew
 Weston, Joyce

Depalma IV, Joseph
 Massimilla, Linda
 Stavits, Laurel

HILLSBOROUGH

Bouldin, Amanda
 Baroody, Benjamin
 Boehm, Ralph
 Connors, Erika
 DiSilvestro, Linda
 Goley, Jeffrey
 Hamer, Heidi
 Homola, Susan
 Jeudy, Jean
 Sanborn, Laurie
 Laughton, Stacie-Marie
 Mayville, Mary

Bouldin, Andrew
 Beaulieu, Jane
 Bouchard, Donald
 Cornell, Patricia
 Espitia, Manny
 Gorski, Ted
 Harriott-Gathright, Linda
 Hyland, Stephanie
 Kelsey, Niki
 Labranche, Tony
 King, Mark
 McGhee, Kat

Boyd, Bill
 Berry, Ross
 Bradley, Amy
 Cushman, Leah
 Freitas, Mary
 Gould, Linda
 Healey, Robert
 Schmidt, Janice
 Klee, Patricia
 Langley, Diane
 Murray, Megan
 Mooney, Maureen

Griffin, Barbara
 Blasek, Melissa
 Cohen, Bruce
 Smith, Denise
 Gagne, Larry
 Graham, John
 Heath, Mary
 Jack, Martin
 Klein-Knight, Nicole
 Lascelles, Richard
 Mangipudi, Latha
 Mullen, Sue

Notter, Jeanine
Pedersen, Michael
Porter, Marjorie
Rombeau, Catherine
Snow, Kendall
Telerski, Laura
Veilleux, Daniel

Nutter-Upham, Frances
Perez, Maria
Post, Lisa
Rung, Rosemarie
Stevens, Deb
Toomey, Dan
Warden, Mark

Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Newman, Sue
Smith, Timothy
Vail, Suzanne

O'Brien, Michael
Piedra, Israel
Newman, Ray
Sheehan, Vanessa
Tausch, Lindsay
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Gallager, Eric
Leavitt, John
Rogers, Katherine
Schultz, Kristina
Walsh, Thomas
White, Nick

Bartlett, Christy
Hall, Muriel
Luneau, David
Boyd, Stephen
Shurtleff, Steve
Walz, Mary Beth
Woods, Gary

Caplan, Tony
Klose, John
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wazir, Safiya

Ellison, Arthur
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Wells, Natalie

ROCKINGHAM

Abramson, Max
Belanger, Cody
Cali-Pitts, Jacqueline
Ford, Oliver
Grote, Jaci
Murray, Kate
Loughman, Tom
Malloy, Dennis
Meuse, David
Prudhomme-O'Brien, Katherine
Somssich, Peter
MacDonald, Wayne

Altschiller, Debra
Bershtein, Alan
DiLorenzo, Charlotte
Gilman, Julie
Hamblet, Joan
Katsakiores, Phyllis
Love, David
McKinney, Betsy
Paige, Mark
Read, Ellen
Thomas, Douglas
Wallace, Scott

Baldasaro, Al
Bunker, Lisa
Dodge, Dustin
Green, Dennis
Hobson, Deborah
Khan, Aboul
Pearson, Mark
McMahon, Charles
Potucek, John
Pearson, Stephen
Tripp, Richard
Ward, Gerald

Baxter, Tim
Cahill, Michael
Edgar, Michael
Grossman, Gaby
Nelson, Jodi
Layon, Erica
Maggiore, Jim
Melvin, Charles
Pratt, Kevin
Simpson, Alexis
Tudor, Paul

STRAFFORD

Ankarberg, Aidan
Conley, Casey
Grassie, Chuck
Levesque, Cassandra
Vincent, Kenneth

Bixby, Peter
Ellis, Donna
Groen, Fenton
Oxaal, Ariel

Cannon, Gerri
Frost, Sherry
Horriggan, Timothy
Schmidt, Peter

Chase, Wendy
Gourgue, Amanda
Kenney, Cam
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Merchant, Gary
Stapleton, Walter

O'Hearne, Andrew
Sullivan, Brian

and the majority committee report failed.

Rep. Notter moved the minority committee report of Ought to Pass.

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

HB 597-FN, relative to the expectation of privacy. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Kurt Wuelper for the Majority of Judiciary. This bill, as amended, broadly defines what kinds of "personal information" are protected under the recently enacted right of privacy provision in Part 1, Art. 2-b of the New Hampshire Constitution to include employment, credit, financial, biometric identifiers, images, location, etc. It says no government or government contractor "shall, acquire, collect, retain, or use any personal information of any individual residing in New Hampshire from any third-party provider," which is also broadly defined. It includes all data already subject to the typical privacy protections. The bill clearly exempts data "acquired, collected, retained, or used by any state regulatory or administrative agency when such acquisition, collection, retention, or use is within the agency's regulatory, investigative, adjudicatory, or administrative function." Additional exclusions for law enforcement with a warrant, emergency situations where the data is needed for the person's protection or safety, and anytime collection is specifically authorized by law, allow full functioning of government agencies, but limits use in such cases to the specifically authorized purpose. It also includes penalty for violation and authority for injured individuals to get monetary damages including attorney's fees. The committee believes it very important to start creating the statutes to implement Part 1, Art. 2-b and gave it strong bipartisan support. Vote 18-3.

Rep. Joe Alexander for the Minority of Judiciary. The minority believes that this bill needs a lot of work and is not ready for prime time. In 2018, New Hampshire voters passed a constitutional amendment guaranteeing themselves a certain expectation of privacy. This bill and its amendment would add "teeth" to the constitutional amendment by creating a cause of action for a violation of privacy. The minority believes there is merit to creating a new cause of action but also believes that this bill and its amendment opens

the proverbial “barn door” wide open with its many new definitions and broad language. First, the definition for “personal information” is incredibly broad and includes everything from telephone numbers, facial recognition, and genetic profiles to such things as social media profiles and Netflix show preferences. If a government agency or third-party provider shares this information, whether intentional or not, they are in violation and are subject to a lawsuit. The minimum damages to be awarded for a successful lawsuit is \$1,000 for each violation. The amendment would remove the word “intentional” from the original bill which would lower the standard of proof needed for the prosecution. This also means that if a government agency or third-party provider as defined in this bill is hacked and information is shared, that company or government agency would be subject to a violation of \$1,000 or more for each violation. The minority agrees with the majority that there needs to be “teeth” to the new constitutional amendment for privacy, however the majority believes the bite will be from a great white shark rather than from a dog.

Majority Amendment (2164h)

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

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

CHAPTER 507-H EXPECTATION OF PRIVACY

507-H:1 Definitions. In this chapter:

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

II. “Third party providers of information and services” means individuals or organizations which collect personal information about an individual in order to provide information or services to that individual, including but not limited to cellular and land-line telephone, electric, water, and other utility services; Internet service providers; cable television providers; streaming services; social media providers; email service providers; banks and financial institutions; insurance companies; and credit card companies.

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

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

II. No municipal, county, state, or federal department, agency, employee, elected official, or contractor shall, acquire, collect, retain, or use any personal information of any individual residing in New Hampshire from any third-party provider.

III. Paragraph II shall not apply to:

(a) Personal information acquired, collected, retained, or used by any state regulatory or administrative agency when such acquisition, collection, retention, or use is within the agency’s regulatory, investigative, adjudicatory, or administrative function.

(b) A warrant signed by a judge and based on probable cause has been issued or a judicially-recognized exception to the warrant requirement applies.

(c) In the case of the division of emergency services and communications when handling emergency 911 telecommunications.

(d) In an emergency where the immediate danger of death or serious physical injury to an individual requires the disclosure, without delay, of personal information concerning a specific individual and where a warrant cannot be obtained in time to prevent the identified danger.

(e) Where the acquisition, collection, retention or use of personal information is authorized or required by state or federal law, provided that such personal information is requested of and supplied by a third-party provider of information and services for named individuals only or, in the case of employees and/or contractors of a third-party provider of information and services, for all of its employees and/or contractors.

(f) Where the individual to whom personal information in the possession of third-party providers of information and services pertains:

(1) Provides it to a municipal, county, state, or federal department, agency, employee, elected official, or contractor, but only for the purpose for which it is provided, including but not limited to credit card transactions and affinity programs; or

(2) Authorizes access to it by a municipal, county, state, or federal department, agency, employee, elected official, or contractor, but only for the purpose for which such authorization is granted.

IV. Any person violating the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

V. A person who suffers injury as a result of a violation of this chapter shall be entitled to damages from the person who committed the violation of not less than \$1,000 for each such violation and an award of costs and reasonable attorney fees.

507-H:3 Action Against a Corporation. This chapter shall not be construed to create a cause of action against a corporation or its officers, employees, or agents for providing information to a municipal, state, or federal department, agency, employee, or contractor in accordance with the provisions of this chapter.

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

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

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

3 Effective Date. This act shall take effect on January 1, 2023.

AMENDED ANALYSIS

This bill regulates the collection, retention, and use of personal information and establishes a cause of action for violations of an individual's expectation of privacy in personal information.

Majority committee amendment adopted.

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

HB 622-FN, protecting nascent human life as a reasonable and valid state interest. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Smith for the Majority of Judiciary. This bill came before the Judiciary Committee last winter as one of a number of bills relating to abortion. The Judiciary Committee voted to send all the bills but this one to the floor. This bill was retained. Since then, the legislature has acted on a number of bills relating to this topic, including HB 2 which contained the Fetal Life Protection Act. In light of all the legislative actions taken since this bill was retained, the committee, after extensive discussion and procedural actions, voted to amend this bill as introduced, to remove one section of the Fetal Life Protection Act, the section requiring an ultrasound examination. The majority of the committee concluded that a decision as to whether or not an ultrasound examination should be conducted required a medical determination, made by the medical professionals and the patient, and not a legislative determination. Although the bill number remains, this amendment changes the original intent of the sponsors. Vote 11-10.

Rep. Kurt Wuelper for the Minority of Judiciary. The minority of the committee believes removing the ultrasound requirement prior to an abortion of a baby even close to the 24-week threshold of the law creates an immediate and substantial risk to the mother's health. The mother's risk increases with each passing week as the baby grows larger. Late term abortions have substantial risk of serious, even life-threatening, complications for the mother. Many are performed under ultrasound guidance for that reason. The minority takes the mother's health seriously and recommends the existing law be continued.

Majority Amendment (2121h)

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

AN ACT repealing certain provisions of the fetal life protection act requiring an ultrasound examination.

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

1 Repeal. RSA 329:44, I, relative to prohibitions under the fetal life protection act, is repealed.

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

AMENDED ANALYSIS

This bill repeals a prohibition on abortions under the provision of the fetal life protection act which requires an ultrasound examination.

MOTION TO LAY ON THE TABLE

Rep. Steven Smith moved that **HB 622-FN**, protecting nascent human life as a reasonable and valid state interest, be laid on the table.

On a division vote, with 325 members having voted in the affirmative, and 23 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 517-FN, relative to the state minimum hourly rate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the Majority of Labor, Industrial and Rehabilitative Services. This minimum wage legislation would initially mandate the hourly minimum wage to be the higher of the federal minimum wage or \$12.75. The minimum wage would increase, in annual steps, to \$15 an hour in 2024, and then continue to rise annually based on a consumer price index. New Hampshire is currently experiencing a considerable labor shortage. Examples abound of businesses offering starting wages (with the addition of sign-on bonuses and benefits) well above the hourly rates this bill seeks to mandate. As with other bills that have repeatedly come before this committee regarding minimum wage rate hikes, the majority finds that allowing the eco-

conomic principles of the free market, competition, and supply and demand to prevail is preferable to having politicians and bureaucrats setting arbitrary and artificial minimum wage rates. Vote 11-9.

Rep. Brian Sullivan for the Minority of Labor, Industrial and Rehabilitative Services. New Hampshire has no state minimum wage, but uses the federal minimum wage of \$7.25 per hour to set our minimum rate. New Hampshire's effective minimum wage is far behind all the other New England states. Rhode Island is currently \$11.50, Vermont is \$11.75, Connecticut is \$12.00, Maine is \$12.15 and Massachusetts is currently \$13.50. Several of these states have established a path to reach \$15.00 per hour in a few years. This bill would also put us on a path to \$15.00 in 2024. New Hampshire needs to send a message to workers looking to relocate that we care about paying workers decent wages. Our \$7.25 message does just the opposite. We are long past due to create a true New Hampshire minimum wage that competes with the minimum wages in neighboring states.

MOTION TO LAY ON THE TABLE

Rep. Seaworth moved that **HB 517-FN**, relative to the state minimum hourly rate, be laid on the table.

On a division vote, with 191 members having voted in the affirmative, and 158 in the negative, the motion was adopted.

(Representative Steven Smith in the Chair)

REGULAR CALENDAR CONT'D

HB 589-FN, requiring workers' compensation to cover prophylactic treatment for critical exposure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Cahill for Labor, Industrial and Rehabilitative Services. Workers' compensation is currently required to cover prophylactic treatment for first responders who suffer critical exposure. The bill deletes language from the definition of critical exposure that excludes exposure from "tears, saliva, or perspiration, unless these are visibly contaminated with blood, of a magnitude that can result in transmission of bloodborne disease." It may not be feasible for the person on the receiving end of saliva spit into their eyes or mouth to check for visible blood and the amount of blood that could transmit disease is not defined. Passage of the bill, as amended, will spare the municipality and its first responders from being billed for medical examination and treatment, which will be determined by the medical provider based on the physical exam and accounts of the incident, in the event such an exposure occurs. The bill had strong bipartisan support among its sponsors and in the committee vote. Vote 14-6.

Amendment (2131h)

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

1 Workers' Compensation; Definitions. RSA 281-A:2, I-e is repealed and reenacted to read as follows:

I-e. "Critical exposure" means contact of an employee's ruptured or broken skin or mucous membranes, including the eyes or mouth, with a person's blood or body fluids.

2 Workers' Compensation; Medical, Hospital and Remedial Care. Amend RSA 281-A:23, VI-a to read as follows:

VI-a. All expenses associated with the medical evaluation and recommended post-exposure prophylaxis treatment for emergency response/public safety workers shall be paid by the employer's insurance carrier or third-party administrator. ***Testing and treatment shall be determined by the medical provider taking into account the physical examination and incident details.*** Such medical evaluation and prophylaxis treatment shall be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed bloodborne disease or airborne disease to the emergency response/public safety worker's work and without prejudice to the compensability of the bloodborne disease or airborne disease as an occupational disease or an accidental injury for the purposes of this chapter.

3 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill amends the definition of "critical exposure" for the purpose of the workers' compensation law and provides for payment of testing and treatment by a medical provider.

Committee amendment adopted.

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

On a division vote, with 211 members having voted in the affirmative, and 133 in the negative, the committee report was adopted and the bill was ordered to third reading.

HB 558, establishing a committee to study the use of information technology in the legislative process. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Simon for the Majority of Legislative Administration. This bill seeks to establish a committee to study the use of information technology in the legislative process. After hearing testimony from the Chief Operating Officer and Lead Engineer for the General Court Technology Services, those most directly involved

in the implementation of technology at the State House, it is the opinion of the majority that adding a study committee would unnecessarily duplicate current work and overly complicate the research process. We were informed that the Joint Committee on Legislative Facilities is already in charge of overseeing these issues. Under their supervision, technology is being updated and implemented in keeping with House Rules. Also, the staff of the General Court Technology Services, have already done most of the research and networking which this bill seeks to address. After a year and a half of hands-on experience they feel they have the knowledge and skills necessary to address the potential needs of the General Court in the future. They informed our committee that although they do not think an official study committee is the right mechanism to further the conversation on the use of technology, any member of the General Court, individually or as an *ad hoc* committee, is welcome to the information they have gathered upon request. To date, no one has pursued this information. Vote 9-7.

Rep. Timothy Smith for the Minority of Legislative Administration. This bill would provide an official framework to examine what rule or statutory changes might be needed, if any, as we add more technology into the legislative process moving forward. The existence of a study committee would not impede any existing or ongoing work, and if anything could complement that work by helping come to funding requirement estimates, rule changes, or policy changes that might be needed to accommodate recent developments over the last several years. Having a proper study committee would make the work official, rather than an *ad hoc* committee which would have no official standing at all.

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

On a division vote, with 183 members having voted in the affirmative, and 162 in the negative, the majority committee report was adopted.

HB 122-A, making an appropriation to the Carroll and Strafford counties freight rail improvements project and making an appropriation for the Coos county freight rail improvement project. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Boyd for Public Works and Highways. The committee amendment replaces the entire bill including the title. Within the recently passed Capital Budget (HB 25), there is a project for the construction of a new aviation hangar. Originally, this was supposed to be a joint endeavor between the Department of Military Affairs and Veterans Services (DMAVS) and the Department of Safety (DOS), with DMAVS to be the lead agency. The new hangar facility would be a shared facility between DMAVS and DOS with the new facility for national guard helicopters and the smaller portion for the state police helicopters. The national guard's portion was to be fully funded with federal funds while general fund bonds would pay for the state police portion. After the completion of the Capital Budget, the Adjutant General was informed by the Department of Defense about changes to regulations concerning the use of fire-fighting foam containing PFAS/PFOAS. The new regulations require that any new construction, such as the national guard aviation hangar contained in HB 25, be done with an alternative and more costly fire suppression system. However, no additional federal funds were made available to cover the increased cost; therefore, the national guard hangar expansion is on hold until additional federal funds become available. DOS has adequate funding to complete their aviation hangar, and needs to move forward in order to get out of the leased hangar space they are currently using. The amendment simply separates the project into two distinct projects under the appropriate agency. It does not change the money allocated in HB 25 to the hangar, but simply clarifies who is responsible for the projects going forward. Vote 18-0.

Amendment (2128h)

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

AN ACT amending the capital appropriation for an aviation hangar bay in the department of military affairs and veterans services.

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

1 Capital Appropriation Amended; 2019; Adjutant General; Aviation Hangar Bay. Amend 2019, 146:1, I, paragraphs F and G and the total state appropriation paragraph I to read as follows:

F. Aviation Hangar Bay	[4,160,000] 2,080,000
Less Federal Funds	(2,080,000)
Net State	[2,080,000] 0
G. Veteran's Cemetery - Replace Backhoe*	115,000

Total state appropriation paragraph I	[\$3,195,000] \$1,115,000
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2 Capital Appropriation Transferred; 2019; General Funds; Aviation Hangar Bay. Amend 2019, 146:1, XV to read as follows:

XV. Department of Safety, General Funds

A. Fire Academy HVAC Upgrade*	426,000
Less Other Funds	(426,000)
Net State	0

B. Fire Academy, New Truck and HVAC Upgrades*	1,200,000
Less Federal Funds	(504,000)
Less Other Funds	(696,000)
Net State	0
C. Criminal Records Customer Portal**	600,000
Less Other Funds	(600,000)
Net State	0
D. Troop C Renovation- General Fund Portion	959,850
E. Aviation Hangar Bay	2,080,000

Total state appropriation paragraph XV

[\$959,850] **\$3,039,850**

*To provide funds for the appropriation made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,122,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

**To provide funds for the appropriation made in subparagraph C, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the special nonlapsing account for the expenses of the criminal records section, established in RSA 106-B:7, II.

3 Lapse Extension Amended; 2021. Amend 2021, 107:16, 117 to read

117. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:1, I, F, **as amended**, for Aviation Hangar Bay.

4 New Subparagraph; Lapse Extension; Department of Safety; Aviation Hangar Bay. Amend 2021, 107:16 by inserting after subparagraph 185 the following new subparagraph:

186. The appropriation made to the Department of Safety in 2019, 146:1, XV, E for Aviation Hangar Bay.

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

AMENDED ANALYSIS

This bill transfers a capital appropriation for an aviation hangar bay to be split between the department of safety and the department of military affairs and veterans services.

Committee amendment adopted.

Committee report adopted and the bill was ordered to third reading.

HB 571, repealing the prohibition against OHRV travel on Hoyt Road Marsh. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andrew Renzullo for the Majority of Resources, Recreation and Development. This bill repeals the prohibition against OHRV travel on Hoyt Road Marsh in the city of Concord. The hearing was quite intense. The local residents complained of the noise and environmental effect. The riders testified they were on a large pond surrounded by trees and were recreating legally on the public waters (frozen). They testified that they were respectful of the residents and took care to avoid conflicts. The residents disagreed. With all that conflicting testimony you would think that, prior to enacting the ban in 2019, a site visit would have been done by some committee, before the bill that enacted said ban was passed. That's the best way to verify the veracity of the testimony before the ban became law, part of the statutes. However, there was no committee hearing, nor was there a bill. It was added in the 2019 HB2 "trailer bill," item #291 - "OHRV's shall be prohibited from traveling on Hoyt Road Marsh in the city of Concord." The legislative process was nonexistent on this language. Even with the political sleight of hand that occurred 2019, the current House Resources, Recreation and Development committee still had sufficient credible evidence, from a reputable source, to reach a decision. The pond, and much of its environs, is under the control of the New Hampshire Fish and Game Department. The department testimony favored the position of the riders. They testified that no outright bans like this exist in the state. They had processed some complaints prior to the ban and came down on the side of the riders. Whereas, Hoyt Road Marsh, being greater than 10 acres, belongs to the people of New Hampshire. Thus every person in New Hampshire has an equal right to recreate on the Hoyt Road Marsh, be they rider or landowner. A OHRV rider in winter has the same rights as a boater in summer. The majority of the committee is concerned more shoreline landowners may pressure their legislators to work outside the accepted legislative process to limit recreational access to state waters. Therefore, the majority of the committee voted to repeal the prohibition against OHRV travel on Hoyt Road Marsh in the city of Concord and return everyone to their prior positions. Vote 11-10.

Rep. Suzanne Smith for the Minority of Resources, Recreation and Development. This bill will reopen Hoyt Road Marsh in Concord to OHRVs during the winter months for ice riding on motorcycles and other wheeled vehicles. Hoyt Road Marsh has been closed to OHRV use since the winter of 2019-2020. During the public hearing, 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 a frozen Hoyt Road Marsh.

The committee heard from ice riders--many of them children and teens -- who race around a cleared track on the frozen Marsh on their modified dirt bikes, sometimes traveling at 50 mph. Another important consideration the committee heard about was congestion on Hoyt Road due to lack of parking and lack of sanitation facilities for the crowds that gather to participate in ice riding. During the winter of 2018-2019, Concord residents complained to the city council about the noise and disruption on and around Hoyt Road Marsh. The city pursued passing an ordinance to prohibit OHRVs on the ice but soon found out that since Hoyt Road Marsh is over 10 acres, it is under the jurisdiction of the state, not the city of Concord. Because it was too late to file legislation in 2019, the prohibition was included in HB2, the trailer bill which was signed by the governor. The minority believes that since there are other opportunities for ice riding within a 30-minute drive and those ponds and lakes are being utilized by riders presently, and because of concerns related to the lack of portable toilets and parking which are the city's responsibility, the prohibition should remain in place.

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

Rep. Suzanne Smith spoke against.

Rep. Renzullo spoke in favor.

On a division vote, with 189 members having voted in the affirmative, and 158 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 611-FN, abolishing fluoridation in water. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Lisa Post for the Majority of Resources, Recreation and Development. Fluoridation of public water systems currently exists in 10 New Hampshire municipalities. However, there is extensive evidence of health risks associated with fluoride ingestion via the mass distribution of fluoride in the public water system. Conversely, topical fluoride treatment is considered a best practice for the prevention of tooth decay for children ages 0-12 years and administration of fluoride during this age range helps prevent dental problems later in life. Topical fluoride is inexpensive and widely available in fluoridated tooth pastes and mouth rinses, oral supplements and direct-contact professional treatments typically provided with dental cleanings. These methods allow for parents to have control of their children's fluoride intake and dosage. Unlike the uncontrolled fluoride ingestion inherent in water system administration, controlled topical intake can help prevent fluorosis which can lead to negative impacts. In addition to potential adverse health effects, municipal water consumers are prevented from opting out of fluoride-treated water unless they assume costly home filtration systems or purchase non-fluoridated water. Because of the risks of fluoride ingestion along with the widespread availability of topical fluoride, and the lack of individual-informed consent for this medical treatment for municipal water consumers, the majority of the committee believes that fluoridation should not be a decision of a government body, but a decision of the individual, and therefore recommends this bill Ought to Pass as Amended. The amendment (adopted unanimously) simplified the text of the bill and focused the intent by removing superfluous language. Vote 12-9.

Rep. Chuck Grassie for the Minority of Resources, Recreation and Development. The use of fluoride to prevent dental caries is extremely well studied intervention. Numerous policy statements from several health organizations support this practice, including the American Academy of Pediatrics (AAP), the American Dental Association (ADA), and the Centers for Disease Control and Prevention (CDC). Dental caries in the United States is responsible for many of the 51 million school hours lost per year because of dental-related illness, which translates into lost work hours for the adult caregiver. Early childhood caries is the single greatest risk factor for caries in the permanent dentition. Good oral health is a necessary part of overall health, and studies have demonstrated adverse effects of poor oral health on multiple chronic conditions, including diabetes control. Failure to prevent caries has health, educational, and financial consequences at both the individual and societal levels. Community water fluoridation is the practice of adding a small amount of fluoride to the water supply to achieve a fluoride concentration of 0.7 ppm. Community water fluoridation is a safe, efficient, and cost-effective way to prevent tooth decay and has been shown to reduce tooth decay by 25%. It prevents tooth decay by providing both topical and systemic exposure of low levels of fluoride to the teeth over time. More than 210 million Americans live in communities with optimally fluoridated water. Fluoride is an extremely well-studied intervention to prevent dental caries in children. Mechanisms of giving fluoride to children include fluoride varnish, fluoridated toothpaste, and community water fluoridation. There are fluoride supplements available for children in communities without water fluoridation, but this puts a burden on families and many children would likely miss out on this important aspect of preventative health care. Children who suffer from dental caries experience risks of pain and infection, and repair of dental caries often necessitates the use of general anesthesia. Successful efforts to remove fluoride from public drinking water have seen a recent reversal, with communities in both the United State and Canada reintroducing fluoride back into their drinking water. As recently as October 2021 Calgary, Alberta, Canada reintroduced fluoride into their drinking water when they found that decay in children's teeth had risen by 65 percent compared to 2005 when fluoride was removed. It was also noted that decay was so large that children's teeth were in many cases totally destroyed. Juneau, Alaska is another community that has recently reintroduced fluoride back into their drinking water after seeing similar results. During committee we heard testimony that contrary

to statements made by the opposition, the fluoride which is added to our drinking water is not an industrial waste product, and that studies showing that fluoride in our drinking water at the current concentrations are not dangerous, and that studies questioning such are inconclusive or simply bad science. Community water fluoridation is recommended by nearly all public health, medical, and dental organizations. It is recommended by the American Dental Association, American Academy of Pediatrics, US Public Health Service, and World Health Organization. Because of its contribution to the large decline in cavities in the United States since the 1960s, CDC named community water fluoridation one of 10 great public health achievements of the 20th century. The minority believes that to eliminate fluoride at the state level will take away local control and lead to greater health problem for the most vulnerable member of our state, our children.

Majority Amendment (1392h)

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

1 Fluoride Introduction Prohibited. RSA 485:14 is repealed and reenacted to read as follows:

485:14 Fluoride Introduction Prohibited. No fluoride, or any chemical containing fluoride, shall be introduced into a public water system.

2 Repeal. The following are repealed:

I. RSA 31:17-a, relative to referendum on public water supply.

II. RSA 44:16, relative to public water supplies.

III. RSA 52:23, relative to public water in village districts.

IV. RSA 485:14-a, relative to referendum for public water systems serving more than one political subdivision.

V. RSA 485:14-b, relative to a fluoride statement.

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

AMENDED ANALYSIS

This bill prohibits the introduction of fluoride into the drinking water of the state.

MOTION TO LAY ON THE TABLE

Rep. Grassie moved that **HB 611-FN**, abolishing fluoridation in water, be laid on the table.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 187 - NAYS 162

YEAS - 187

BELKNAP

Bordes, Mike

CARROLL

Buco, Thomas
Deshaies, Brodie
McAleer, Chris

Burroughs, Anita
MacDonald, John
Woodcock, Stephen

Cordelli, Glenn
Knirk, Jerry

Crawford, Karel
Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Toll, Amanda Elizabeth

Ames, Richard
Fox, Dru
Mann, John
Von Plinsky, Sparky

Bordenet, John
Harvey, Cathryn
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Hunt, John
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon
Theberge, Robert

Hatch, William
Tucker, Edith

Laflamme, Larry

Merner, Troy

GRAFTON

Abel, Richard
Egan, Timothy
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

Adjutant, Joshua
Fellows, Sallie
Massimilla, Linda
Stavis, Laurel

Almy, Susan
Gordon, Edward
Muirhead, Russell
Smith, Suzanne

Depalma IV, Joseph
Hakken-Phillips, Mary
Murphy, James
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bradley, Amy
Cornell, Patricia
Espitia, Manny
Gorski, Ted
Heath, Mary
Jeudy, Jean

Bouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
Creighton, Jim
Freitas, Mary
Graham, John
Hyland, Stephanie
Klee, Patricia

Griffin, Barbara
Booras, Efstathia
Cohen, Bruce
DiSilvestro, Linda
Griffin, Gerald
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Sanborn, Laurie

Labranche, Tony
Long, Patrick
McGhee, Kat
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Lane, Connie
McWilliams, Rebecca
Schultz, Kristina
Walz, Mary Beth

Allard, James
Gallager, Eric
Luneau, David
Pimentel, Roderick
Soucy, Timothy
Wazir, Safiya

Bartlett, Christy
Hall, Muriel
MacKay, James
Rogers, Katherine
Testerman, Dave
Woods, Gary

Caplan, Tony
Klose, John
Mason, James
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Grote, Jaci
Katsakiores, Phyllis
Malloy, Dennis
Paige, Mark
Somssich, Peter
Ward, Gerald

Bunker, Lisa
Ford, Oliver
Guthrie, Joseph
Loughman, Tom
Melvin, Charles
Potucek, John
Sytek, John
Welch, David

Cahill, Michael
Gilman, Julie
Hamblet, Joan
Lynn, Bob
Meuse, David
Read, Ellen
Tripp, Richard

DiLorenzo, Charlotte
Grossman, Gaby
Murray, Kate
Major, Norman
Milz, David
Simpson, Alexis
Vandecasteele, Susan

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Oxaal, Ariel

Cannon, Gerri
Frost, Sherry
Kenney, Cam
Treleaven, Susan

Chase, Wendy
Gourgue, Amanda
Levesque, Cassandra
Wall, Janet

Conley, Casey
Grassie, Chuck
Smith, Marjorie

SULLIVAN

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew

Oxenham, Lee

NAYS - 162

BELKNAP

Bean, Harry
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trotter, Douglas

Hough, Gregg
Littlefield, Richard
Silber, Norman

CARROLL

Avellani, Lino
Umberger, Karen

Nelson, Bill

Smith, Jonathan

McConkey, Mark

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail

Berezhny, Lex
Greeson, Jeffrey

Binford, David
Ladd, Rick

Folsom, Beth
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Erf, Keith
Gould, Linda
Homola, Susan
Lascelles, Richard
McLean, Mark
Pauer, Diane
Prout, Andrew
Somero, Paul
Warden, Mark

Alexander, Joe
Berry, Ross
Cushman, Leah
Fedolli, Jim
Greene, Bob
Kelsey, Niki
Lewicke, John
Mooney, Maureen
Petrigno, Peter
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Blasek, Melissa
Kelley, Diane
Foster, William
Healey, Robert
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Plett, Fred
Rice, Kimberly
Tausch, Lindsay

Boyd, Bill
Boehm, Ralph
Smith, Denise
Gagne, Larry
Herbert, Christopher
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Post, Lisa
Sheehan, Vanessa
Ulery, Jordan

MERRIMACK

Andrus, Louise
McGuire, Carol
Boyd, Stephen
Walsh, Thomas
Yakubovich, Michael

Cambrils, Jose
Moffett, Michael
Schamberg, Thomas
Wells, Natalie

Kennedy, Margaret
Pearl, Howard
Seaworth, Brian
White, Nick

Leavitt, John
Pitaro, Matthew
Shurtleff, Steve
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Cali-Pitts, Jacqueline
Emerick, Tracy
Hobson, Deborah
Layon, Erica
Maggiore, Jim
Piemonte, Tony
Pearson, Stephen
Thomas, Douglas
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Gay, Betty
Nelson, Jodi
Love, David
McBride, Everett
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Yokela, Josh

Abramson, Max
Belanger, Cody
Doucette, Fred
Green, Dennis
Janigian, John
Lundgren, David
McMahon, Charles
Prudhomme-O'Brien, Katherine
Spillane, James
True, Chris
MacDonald, Wayne

Acton, Dennis
Bershtein, Alan
Edwards, Jess
Harb, Robert
Khan, Aboul
Pearson, Mark
Osborne, Jason
Roy, Terry
Sweeney, Joe
Tudor, Paul
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Turcotte, Leonard

Bailey, Glenn
Hayward, Peter
Newton, Clifford
Vincent, Kenneth

DeLemus, Susan
Horgan, James
Schmidt, Peter
Wuelper, Kurt

Groen, Fenton
Kaczynski, Thomas
Pitre, Joseph

SULLIVAN

Aron, Judy
Spilsbury, Walter

Callum, John

Cloutier, John

Rollins, Skip

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 153, establishing a committee to study universal Internet access for New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Vose for the Majority of Science, Technology and Energy. Since 2005, the General Court has convened several committees/commissions to study the expansion of broadband in our state. This issue has become well understood. Past study committees have produced a wealth of information as well as numerous recommendations to ensure that citizens obtain access no matter where they live. Implementing those measures remains an elusive goal, but progress in recent years left the majority with a reasonable assurance that the end of this struggle is in sight, and that further study would be pointless. Vote 18-3.

Rep. Lee Oxenham for the Minority of Science, Technology and Energy. Universal access to high speed, reliable internet communications is essential for New Hampshire to remain competitive with neighbor states in attracting a young, highly educated workforce and innovative, high wage industries. Universal access is also required for residents to access telemedicine, workplaces, and educational institutions, as well as government and emergency services. Communities without such access will suffer harm and be economically and socially disadvantaged. Unfortunately, too many New Hampshire households, municipal governments and business establishments lack the infrastructure or the means to acquire connectivity of sufficient quality to achieve equitable participation for all, in both rural and urban contexts. What can a study committee accomplish? It can provide a comprehensive examination of the issue, propose timely solutions and bring together stakeholders to avoid duplication of efforts, failures of interconnectivity, or the waste of scarce investment funds.

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 153**, establishing a committee to study universal Internet access for New Hampshire, be laid on the table.

On a division vote, with 194 members having voted in the affirmative, and 151 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 167-FN, relative to net energy metering limits for customer generators and the purchase of output of limited electrical energy producers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Nick White for the Majority of Science, Technology and Energy. This bill duplicates the content and intent of HB 1218 and SB 159 from last session. Both were passed and subsequently vetoed by the Governor, and those vetoes were sustained. This bill expands net-metering in ways that would result in higher costs for

utility ratepayers, and unfairly favors certain energy generators. HB 167 also contains changes to the limited electrical energy producer statute that were rejected earlier this year, along with provisions to implement group net metering for municipal hosts, which became law with the passage of HB 315. Vote 11-10.

Rep. Kat McGhee for the Minority of Science, Technology and Energy. The House Science, Technology and Energy Committee has made several attempts to move New Hampshire's renewable energy market forward by adopting a net metering policy that properly credits small electric generators for the value of their local, sustainable energy. Past vetoes of similar bills cited a concern for cost-shifting from those investing in, and benefiting from, renewables, to those who do not. However, the evidence presented to our committee by state agencies indicated that no such cost-shifting had been uncovered in their most recent review of increasing net-metering caps. Although a carve-out for municipalities was passed this term, there still remains a need for pricing signals from the Public Utilities Commission on the remaining small generators who are not compensated for net-metering from 1 MW to 5 MW. This bill would raise the net metering cap for all those who produce energy locally, not simply municipalities. It would also direct regulators to define the rules more clearly for how limited electric energy producers will be handled, an area of the law that still needs definition.

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 167-FN**, relative to net energy metering limits for customer generators and the purchase of output of limited electrical energy producers, be laid on the table.

On a division vote, with 185 members having voted in the affirmative, and 153 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 172, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tom Ploszaj for the Majority of Science, Technology and Energy. This bill addresses the goal to mitigate the warming of the world climate by reducing New Hampshire's greenhouse gas emissions with three, thirteen, and twenty-eight-year plans seeking to reduce the use of fossil fuels in New Hampshire. The majority believes the climate action plan will have a significant negative impact on the state's economy, will increase energy costs, and is unattainable without major disruption of our existing economy. The state's greenhouse gas emissions are below per capita emissions of other states and will, at great expense, have minimal influence on the world's greenhouse gas emissions or climate. Vote 11-10.

Rep. Lee Oxenham for the Minority of Science, Technology and Energy. The changing climate provides both opportunities and hazards for New Hampshire residents and businesses, and this bill enables us to better prepare and protect our residents, businesses, and natural resources to meet these challenges. Adopting a climate action plan provides an opportunity for goal setting, strategic planning, and proactively addressing the impacts of a rapidly changing climate. This bill proposes that the legislature adopt a set of interim targets for greenhouse gas emission reductions in 2025 and 2035 and a goal of net zero emissions in 2050. It also authorizes our state agencies to formulate an action plan to achieve these goals, and for the plan to be reviewed and updated every 5 years. It should be noted that prior to any program or statute resulting from this planning process to come into being it must first come before the legislature for scrutiny and approval. A housekeeping floor amendment will be introduced to adjust reporting dates and include the Department of Energy among the lead agencies.

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 172**, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan, be laid on the table.

On a division vote, with 180 members having voted in the affirmative, and 159 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 308, relative to broadband access to pole attachments. **INEXPEDIENT TO LEGISLATE.**

Rep. JD Bernardy for Science, Technology and Energy. This bill provides payment for pole replacement costs when necessary to accommodate the provisioning of broadband Internet services. The committee recommends this legislation be found Inexpedient to Legislate due to the recent approval of HB 2 (Chapter 91:455, Laws of 2021) creating a Broadband Matching Grant Initiative where grants would be available in unserved areas. Eligible costs include access to utility poles and construction of broadband infrastructure. Additionally, the recent passage of SB 88 authorizes municipalities, counties, and communications districts to issue bonds to deploy, manage and maintain broadband networks. Vote 14-7.

Committee report adopted.

HB 376, establishing a committee to study applications of microgrids in electricity supply. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. JD Bernardy for the Majority of Science, Technology and Energy. The proposed committee was found unnecessary because the Public Utilities Commission already has an active docket on the same subject.

Additionally, the University of New Hampshire (UNH) is currently building a microgrid for emergency services. A subcommittee agreed that information concerning the building of the UNH microgrid could be provided to the full committee by request via a letter from the committee for such data. Vote 12-9.

Rep. Peter Somssich for the Minority of Science, Technology and Energy. This bill would establish a committee to study application of microgrids in our electrical supply in New Hampshire. After the recent passage of HB 315 enabling community power projects in New Hampshire, and the current work on the first-ever microgrid being created at the University of New Hampshire (UNH) with the assistance of both the electrical and gas utilities, it is worthwhile looking at all of the options available to all communities large and small. A primary function for microgrids is to provide energy islands that can function off the grid in case of emergencies. However, other options include connecting small neighborhoods that generate and share their own energy, all the way to connecting multiple communities to create a network that supports all essential services. Such microgrids could contain both renewable energy as well as conventional sources, however, they would be administered locally off the grid without needing permission from utilities that utilize the grid. A study committee could identify the most feasible options with the best return on investment as well as options that create more energy independence for New Hampshire cities and towns.

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 376**, establishing a committee to study applications of microgrids in electricity supply, be laid on the table.

On a division vote, with 184 members having voted in the affirmative, and 152 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 382, establishing a commission to study the utility rate structure of demand charges. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Fred Plett for the Majority of Science, Technology and Energy. This bill would have established a commission to study the utility rate structure of demand charges. Demand charges are well understood by the electric utilities and by the New Hampshire Public Utilities Commission (NHPUC) and are designed to follow cost of service as closely as possible for commercial and industrial consumers. Utility costs are generally customer-related (those costs existing simply because a customer must be served, such as meters and meter reading), energy-related (for example, wires larger than the minimum needed to provide load, so that energy losses are reduced), or demand-related. Some demand-related costs can be included in energy charges when it can be shown that increased energy has a relationship with demand-related contributions to peak conditions, but the remaining demand-related costs must be passed through a demand charge. For small commercial customers of widely different characteristics (gas stations, convenience stores, commercial buildings, etc.) with only an indicating demand meter (measuring the peak consumption for 15 minutes or a half hour each month), this is imperfect but better than not including a demand component in rates, and for large commercial and industrial customers, it works very well. The NHPUC is already empowered to make changes in utility tariffs and has the expertise that a commission would not have. Vote 11-10.

Rep. Lucius Parshall for the Minority of Science, Technology and Energy. Demand charges are calculated based not on kWh, but a call for instantaneous kW usage. kWh is a measure of consumption over a period of time - a month for most of us. kW demand differs as it is based on peak usage at any point over that month. A church that is open on Sundays has a very high demand for three hours, even if the church is empty the rest of the week. A home has peak demand from 5 to 11 PM, give or take. The electric utilities base their rates on these peak demands, and extend the rate throughout the billing cycle, the logic being that the utility has to be prepared for maximum demand. However, this creates a situation where some consumers pay more than their fair share in the cost of keeping our utilities at peak performance. This report advocates for a commission to examine the demand charge policy to measure and level the playing field for all consumers, particularly those that have high peak demands at identified low usage hours. A study group is vital in assessing the magnitude of potential inequalities inherent in current demand charge policy and flatten our demand curve. If we ever hope to adopt the usage of better technology such as smart meters, we all need to ensure that the most informed and current facts guide our legislation. This bill is a step in that direction.

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 382**, establishing a commission to study the utility rate structure of demand charges, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 394, establishing a commission to study the short and long term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's residents, agriculture, wildlife and natural resources-based tourism sector, and commercial enterprises. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the Majority of Science, Technology and Energy. This bill would establish a commission to study the short- and long-term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's residents, agriculture, wildlife, and natural resources-based tourism sector, as well as commercial enterprises. Committee discussion focused on the changing environment and the need for more study. However, the majority felt carbon pricing has been around for a long time in other countries without much to show for it, and at exceedingly increased costs to local economies. Additionally, until it is known when a national policy will be established, the majority felt it premature to form a commission. A subcommittee was formed to discuss the bill and found that the newly established Department of Energy would likely be watching national carbon pricing issues and react accordingly. Following the subcommittee's lead, the majority felt Inexpedient to Legislate was the proper recommendation. Vote 11-10.

Rep. Lee Oxenham for the Minority of Science, Technology and Energy. Why establish a commission to investigate the possible impacts on New Hampshire of carbon pricing mechanisms that may be introduced at the national or regional level? In order to ensure that our residents, businesses and commercial establishments are prepared to take maximum advantage of the benefits of any such programs and that we are able to establish safeguards against any unintended consequences or unnecessary costs. We know that the burden on human health, longevity, natural resources and our environment are not currently included in the prices we pay for carbon-based fuels, and that these costs are not shared equitably across our state. Measures to address this market failure are being proposed and New Hampshire needs to be prepared. We simply cannot afford to hide our heads in the ground and leave the impacts of measures adopted elsewhere to work their way through our economy without any provision for guardrails or positive steps to maximize the benefits for New Hampshire.

MOTION TO LAY ON THE TABLE

Rep. Vose moved that **HB 394**, establishing a commission to study the short and long term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's residents, agriculture, wildlife and natural resources-based tourism sector, and commercial enterprises, be laid on the table.

On a division vote, with 191 members having voted in the affirmative, and 151 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 410, establishing a committee to study the requirements of reporting by utility companies of information required for valuation of certain utility property for purposes of RSA 72. **OUGHT TO PASS WITH AMENDMENT.** Rep. Troy Merner for Science, Technology and Energy. The purpose of this commission is to look at the 59 generating facilities in the state of New Hampshire that may not be reporting their inventory or paying their taxes. The commission will work with the municipalities and the power generation association and come up with a recommended unified approach to be utilized by both the Department of Revenue Administration and municipalities. Vote 19-2.

Amendment (2216h)

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

AN ACT establishing a commission to study the assessing of power generation and utility transmission

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

1 New Section; Study Commission; Assessing of Power Generation and Utility Transmission. Amend RSA 72 by inserting after section 8-e the following new section:

72:8-f Study Commission on the Assessing of Power Generation and Utility Transmission. There is established a commission to study the assessing of power generation and utility transmission.

I. The commission shall:

(a) Determine the most accurate methodology for assessing power generation assets and utility transmission.

(b) Compare the efficacy of the department of revenue administration approach to assessing the assets of the 59 power generation facilities with the approaches utilized by the municipalities.

(c) Understand how other states handle the assessing of power generation facilities and utility transmission for property tax purposes.

(d) Recommend a unified approach to be utilized by both the department of revenue administration and municipalities, which should include confidential data reporting requirements by the power generation companies for the methodology chosen.

II. The commission shall consist of the following members:

(a) Three members of the house of representatives, one of whom shall be from the science, technology and energy committee, one from the ways and means committee, and one member from the minority party who shall be from either of the committees, to be appointed by the speaker of the house of representatives.

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

(c) The chairperson of the assessing standards board, or designee.

(d) The commissioner of the department of revenue administration, or designee.

- (e) One member appointed by the New Hampshire Municipal Association.
- (f) One member appointed by the New England Power Generators Association (NEPGA).
- (g) One member appointed by the New Hampshire Association of Assessing Officials (NHAAO).
- (h) One member appointed by the Granite State Hydropower Association (GSHA).

III. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A majority of the appointed members of the commission shall constitute a quorum.

IV. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

2 Prospective Repeal. RSA 72:8-f, relative to the commission to study the assessing of power generation and utility transmission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2022.

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

AMENDED ANALYSIS

This bill establishes a commission to study the assessing of power generation and utility transmission. Committee amendment adopted.

Committee report adopted and the bill was ordered to third reading.

HB 543, establishing a commission to study nuclear power and nuclear reactor technology in New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. JD Bernardy for the Majority of Science, Technology and Energy. The proposed commission will be charged with investigating advances in advanced fast neutron nuclear power technologies, large, small, and micro scale designs, and the potential to eliminate spent fuel rod waste from current thermal neutron technology, as well as investigating partnerships with industry, the Nuclear Regulatory Commission and development incentives that may be available. Because these technologies offer the possibility of eliminating long lived nuclear waste from the Seabrook facility, diversifying electricity production options and providing dispatchable carbon free power, approval is recommended. Vote 15-6.

Rep. Peter Somssich for the Minority of Science, Technology and Energy. This bill would establish a commission to study nuclear power and nuclear reactor technology in New Hampshire. While the minority agrees that this type of commission could be very useful to gather information about the newest nuclear technology and issues surrounding nuclear waste and nuclear waste disposal, the bill as written is far too broad in scope and jurisdiction. Most nuclear issues are not regulated by the state, but fall under federal and regional jurisdiction leaving very little that New Hampshire could actually regulate or control. Additionally, this bill mentions a laundry list of highly technical and complicated issues which would require such a commission to work for multiple years (provided that they have access to the relevant experts), before they could issue any type of report. Many of the technologies mentioned are still experimental and not yet commercially available, in fact, may never be commercialized. As a science project to gain some new incite it could be useful if it is significantly narrowed down to only viable options that are under the jurisdiction of New Hampshire agencies.

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

Reps. Horrigan and Somssich spoke against.

Rep. Bernardy spoke in favor.

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

HB 549, relative to the energy efficiency resource standard and the system benefits charge. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for the Majority of Science, Technology and Energy. The bill, as amended, sets the energy efficiency electricity surcharge, known as the system benefits charge (SBC), to the level it attained in 2020 – a historic high. It furthers allows the SBC to grow yearly by a three-year average of the consumer price index plus 0.25%. Such a growth path will allow the SBC to grow by \$5-\$10 million a year, which contrasts sharply with the \$30-\$70 million increases requested by a plan currently pending before the Public Utilities Commission (PUC). Currently, the SBC costs the average ratepayer \$2-\$8 per month (depending on usage) and would easily double in three years under the pending plan. The bill maintains low-income energy efficiency programs as currently funded. It further delegates authority and funding to the Energy Efficiency and Sustainable Energy (EESE) Board to develop programs to educate the ratepaying public about the benefits of energy efficiency. The EESE Board will no longer develop plans to implement energy efficiency programs under this bill. The bill also subjects the natural gas surcharge called the local distribution adjustment charge (LDAC) to the same growth formula as the SBC. Importantly, this bill restores to the legislature its constitutionally mandated authority over the setting of taxes like the SBC and LDAC, which are de facto taxes on energy. Vote 11-10.

Rep. Peter Somssich for the Minority of Science, Technology and Energy. This bill would dramatically change the energy efficiency resource standard and the way that the systems benefit charge (SBC) would be established and applied. During the initial hearing an overwhelming number (50 to one ratio) of the input regarding this bill was to reject it. This is not a surprise since this bill radically changes how the energy efficiency program is applied and who gets to evaluate and determine the SBC, which helps to fund desperately needed and numerous programs regarding energy efficiency including energy audits for low-income New Hampshire residents. During the retained bill process, three new amendments were proposed, which did make some improvements. However, most of these still faced much opposition. Such radical changes to the energy efficiency program and the jurisdiction over the SBC should have a complete and thorough hearing and vetting process before being considered for a final vote. The minority does not oppose possible changes to these programs, however, when they are so substantive, a more thoughtful and extensive process should be followed.

Majority Amendment (2205h)

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

AN ACT relative to the system benefits charge and the energy efficiency and sustainable energy board.

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

1 Restructuring Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers.

VI-a. System Benefits Charge.

(a) A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. [Such benefits] ***This charge***, as approved by regulators, may [include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission and department expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the general court; provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy efficiency measures to leverage available funds to the maximum extent, and shall also include funding for workforce development to minimize waiting periods for low-income energy audits and weatherization.] ***fund:***

(1) ***Energy efficiency programs.***

(2) ***Programs that promote and describe the consumer advantages of energy efficiency across all ratepayer classes.***

(3) ***The electric utility industry's share of commission and department expenses pursuant to RSA 363-A.***

(4) ***Support for research and development.***

(5) ***Investments in commercialization strategies for new and beneficial technologies.***

(b) ***The energy efficiency portion of the systems benefits charge shall be set at the level adopted at the end of the 3-year planning period ending in 2020 as authorized by the commission in Order No. 25,932 dated August 2, 2016.***

(c) ***The department shall thereafter authorize adjustments to the system benefits charge on a yearly basis in the amount of the 3-year average of the consumer price index (CPI-W) plus 0.25 percent.***

(d) ***One percent of system benefits charge funds collected annually shall be used to promulgate the benefits of energy efficiency according to guidelines developed as specified in RSA 125-O:5-a, I(c).***

(e) ***No less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs.***

2 New Section; Ratepayer-Funded Energy Efficiency Programs for Gas Utilities. Amend RSA 374 by inserting after section 62 the following new section:

374:63 Ratepayer-Funded Energy Efficiency Programs for Gas Utilities. The commission may authorize a public utility providing natural gas service to participate in and recover costs associated with statewide

energy efficiency programs, including any utility-specific aspects of such programs, provided that when the costs of such programs are recovered via the public utility's local distribution adjustment charge or a similar rate mechanism, any such charges be made subject to the requirements of RSA 374-F:3, VI-a for the energy efficiency portion of electric utility system benefits charges.

3 Energy Efficiency and Sustainable Energy Board; Duties. Amend RSA 125-O:5-a, I to read as follows:

I. An energy efficiency and sustainable energy board is hereby created to promote ~~[and coordinate]~~ energy efficiency, demand response, and sustainable energy programs in the state. The board's duties shall include but not be limited to:

(a) Review available energy efficiency, conservation, demand response, and sustainable energy programs and incentives and compile a report of such resources in New Hampshire.

(b) ~~[Develop a plan to achieve the state's energy efficiency potential for all fuels, including setting goals and targets for energy efficiency that are meaningful and achievable.]~~

(c) ~~[Develop a plan for economic and environmental sustainability of the state's energy system including the development of high efficiency clean energy resources that are either renewable or have low net greenhouse gas emissions.]~~

(d) ~~[Repealed.]~~

(e) Explore opportunities to coordinate programs targeted at saving more than one fuel resource, including conversion to renewable resources and coordination between natural gas and other programs which seek to reduce the overall use of nonrenewable fuels.

~~[(f)]~~ (c) Develop **strategies, concepts, and** tools to enhance outreach and education programs to increase knowledge **and awareness** about energy efficiency and sustainable energy among New Hampshire residents and businesses.

~~[(g)]~~ (d) Expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.

~~[(h)]~~ (e) Encourage municipalities and counties to increase investments in energy efficiency and sustainable energy through financing tools, and to create local energy committees.

~~[(i)]~~ (f) Work with community action agencies and the office of strategic initiatives to explore ways to ensure that all customers participating in programs for low-income customers and the Low Income Home Energy Assistance Program (LIHEAP) have access to energy efficiency improvements, and where appropriate, renewable energy resources, in order to reduce their energy bills.

~~[(j)]~~ (g) Investigate potential sources of funding for energy efficiency and sustainable energy development and delivery mechanisms for such programs, coordinate efforts between funding sources to reduce duplication and enhance collaboration, and review investment strategies to increase access to energy efficiency and renewable energy resources.

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

AMENDED ANALYSIS

This bill changes the programs and expenses that system benefits charges may fund, and adjusts the procedure for setting and increasing the rate of the system benefits charge. The bill also modifies the duties of the energy efficiency and sustainable energy board.

Rep. McWilliams spoke against.

Rep. Vose spoke in favor.

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 187 - NAYS 156

YEAS - 187 BELKNAP

Bean, Harry
Hough, Gregg
Littlefield, Richard
Silber, Norman

Bordes, Mike
Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
Deshaies, Brodie
Umberger, Karen

Nelson, Bill
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McConkey, Mark

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Egan, Timothy
Greeson, Jeffrey

Berezhny, Lex
Folsom, Beth
Ham, Bonnie

Binford, David
Sanborn, Gail
Ladd, Rick

Depalma IV, Joseph
Gordon, Edward
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Ulery, Jordan

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul
Warden, Mark

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
McLean, Mark
Pauer, Diane
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Lekas, Tony

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Long, Patrick
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Tausch, Lindsay

MERRIMACK

Allard, James
Klose, John
Moffett, Michael
Seaworth, Brian
White, Nick

Andrus, Louise
Leavitt, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Cambrils, Jose
Mason, James
Pitaro, Matthew
Walsh, Thomas

Kennedy, Margaret
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baxter, Tim
Doucette, Fred
Green, Dennis
Nelson, Jodi
Layon, Erica
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Welch, David

Abrami, Patrick
Belanger, Cody
Edwards, Jess
Guthrie, Joseph
Janigian, John
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bershtein, Alan
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Osborne, Jason
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Yokela, Josh

Baldasaro, Al
Dodge, Dustin
Gay, Betty
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 156**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Mann, John
Von Plinsky, Sparky

Ames, Richard
Fox, Dru
Parshall, Lucius
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Eaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Adjutant, Joshua
Massimilla, Linda
Stavis, Laurel

Almy, Susan
Muirhead, Russell
Smith, Suzanne

Fellows, Sallie
Murphy, James
Sykes, George

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Paul	Booras, Efsthathia	Bouchard, Donald	Bradley, Amy
Chretien, Jacqueline	Cohen, Bruce	Connors, Erika	Cornell, Patricia
DiSilvestro, Linda	Dutzy, Sherry	Espitia, Manny	Freitas, Mary
Goley, Jeffrey	Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary
Herbert, Christopher	Hyland, Stephanie	Schmidt, Janice	Jack, Martin
Klee, Patricia	Klein-Knight, Nicole	Labranche, Tony	Langley, Diane
Laughton, Stacie-Marie	Leishman, Peter	King, Mark	Murray, Megan
Mangipudi, Latha	McGhee, Kat	Mullen, Sue	Nutter-Upham, Frances
Nutting-Wong, Allison	O'Brien, Michael	Pedersen, Michael	Perez, Maria
Petrigno, Peter	Piedra, Israel	Porter, Marjorie	Query, Joshua
Newman, Ray	Rombeau, Catherine	Rung, Rosemarie	Newman, Sue
Snow, Kendall	Stevens, Deb	Smith, Timothy	Telerski, Laura
Toomey, Dan	Vail, Suzanne	Vann, Ivy	Veilleux, Daniel
Wilhelm, Matthew			

MERRIMACK

Alicea, Caroletta	Bartlett, Christy	Caplan, Tony	Ellison, Arthur
Gallager, Eric	Hall, Muriel	Lane, Connie	Luneau, David
McWilliams, Rebecca	Pimentel, Roderick	Rogers, Katherine	Schamberg, Thomas
Schuett, Dianne	Schultz, Kristina	Shurtleff, Steve	Soucy, Timothy
Wallner, Mary Jane	Walz, Mary Beth	Wazir, Safiya	Wolf, Dan
Woods, Gary			

ROCKINGHAM

Altschiller, Debra	Bunker, Lisa	Cahill, Michael	Cali-Pitts, Jacqueline
DiLorenzo, Charlotte	Edgar, Michael	Gilman, Julie	Grossman, Gaby
Hamblet, Joan	Murray, Kate	Maggiore, Jim	Malloy, Dennis
Meuse, David	Paige, Mark	Read, Ellen	Simpson, Alexis
Somssich, Peter	Ward, Gerald		

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Ellis, Donna	Frost, Sherry	Gourgue, Amanda	Grassie, Chuck
Horrigan, Timothy	Kenney, Cam	Levesque, Cassandra	Oxaal, Ariel
Schmidt, Peter	Treleaven, Susan	Vincent, Kenneth	Wall, Janet

SULLIVAN

Cloutier, John	Gottling, Suzanne	Merchant, Gary	O'Hearne, Andrew
Oxenham, Lee	Sullivan, Brian		

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Somssich offered floor amendment (2299h).

Floor Amendment (2299h)

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

1 Restructuring Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers.

VI-a. System Benefits Charge. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission and department expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. ~~[Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the general court; provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy efficiency measures to leverage available funds to the maximum extent, and shall also include funding for workforce development to minimize waiting periods for low-income energy audits and weatherization.]~~ **No less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs.**

2 New Section; Ratepayer-Funded Energy Efficiency Programs for Gas Utilities. Amend RSA 374 by inserting after section 62 the following new section:

374:63 Ratepayer-Funded Energy Efficiency Programs for Gas Utilities. The commission may authorize a public utility providing natural gas service to participate in and recover costs associated with statewide energy efficiency programs, including any utility-specific aspects of such programs, provided that when the costs of such programs are recovered via the public utility's local distribution adjustment charge or a similar rate mechanism, any such charges be made subject to the requirements of RSA 374-F:3, VI-a for the energy efficiency portion of electric utility system benefits charges.

3 Energy Efficiency and Sustainable Energy Board; Duties. Amend RSA 125-O:5-a, I to read as follows:

I. An energy efficiency and sustainable energy board is hereby created to promote and coordinate energy efficiency, demand response, and sustainable energy programs in the state. The board's duties shall include but not be limited to:

(a) Review available energy efficiency, conservation, demand response, and sustainable energy programs and incentives and compile a report of such resources in New Hampshire.

(b) Develop a plan to achieve the state's energy efficiency potential for all fuels, including setting goals and targets for energy efficiency that are meaningful and achievable.

~~[(c) Develop a plan for economic and environmental sustainability of the state's energy system including the development of high efficiency clean energy resources that are either renewable or have low net greenhouse gas emissions:~~

~~(d) [Repealed.]~~

~~(e) Explore opportunities to coordinate programs targeted at saving more than one fuel resource, including conversion to renewable resources and coordination between natural gas and other programs which seek to reduce the overall use of nonrenewable fuels.~~

~~—~~ (f) (c) Develop **strategies, concepts, and** tools to enhance outreach and education programs to increase knowledge **and awareness** about energy efficiency and sustainable energy among New Hampshire residents and businesses.

~~[(g)]~~ (d) Expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.

~~[(h)]~~ (e) Encourage municipalities and counties to increase investments in energy efficiency and sustainable energy through financing tools, and to create local energy committees.

~~[(i)]~~ (f) Work with community action agencies and the office of strategic initiatives to explore ways to ensure that all customers participating in programs for low-income customers and the Low Income Home Energy Assistance Program (LIHEAP) have access to energy efficiency improvements, and where appropriate, renewable energy resources, in order to reduce their energy bills.

~~[(j)]~~ (g) Investigate potential sources of funding for energy efficiency and sustainable energy development and delivery mechanisms for such programs, coordinate efforts between funding sources to reduce duplication and enhance collaboration, and review investment strategies to increase access to energy efficiency and renewable energy resources.

4 New Section; Energy Efficiency Resource Standard. Amend RSA 125-O by inserting after section 5-a the following new section:

125-O:5-b Energy Efficiency Resource Standard (EERS).

I. The general court finds that greenhouse gases are emitted by not only from fossil-fuel based electric power generation but also by residential and commercial heating and operational systems, and therefore a reduction in demand for energy by these systems, achieved via energy efficiency, is necessary to further reduce greenhouse gas emissions.

II. Consequently, the general court finds that it is in the interest of the people of New Hampshire as well as future generations to achieve feasible reductions in energy demand by means of proactive continuous statewide deployment of energy efficiency measures. Accordingly, an energy efficiency resource standard (EERS) is hereby established, under which utilities shall promote and manage energy efficiency programs in willing customers' premises in order to further reduce CO2 emissions.

III. The department of energy, the public utilities commission, and the electric and gas utilities, with review and guidance from the energy efficiency and sustainable energy board, shall develop principles and rules to establish, develop, and grow a productive EERS for New Hampshire. Since most implementation will be performed by independent contractors the department shall be responsible for ongoing supervision, evaluation, quality control, and development of New Hampshire-based skilled contractors.

IV. The principles and rules shall:

(a) Require establishing savings targets with a long-term goal of all achievable and provable cost-effective energy efficiency within the context of available, sustainable funding.

(b) Use 3-year planning periods within a decades-long strategic initiative.

(c) Continue joint coordination of programs by the electric and gas utilities.

(d) Drive innovation in outreach, regulation, workforce development, and innovation in technology to accelerate energy efficiency gains.

(e) Provide robust evaluation, measurement, and verification, comprised of data collection, monitoring, and analysis associated with the calculation of savings from individual projects to ensure that the program meets its savings targets and spends ratepayer funds in a just and reasonable manner.

(f) Leverage the private financing market to help building owners repay energy efficiency retrofit costs over time.

(g) Increase public awareness of the benefits of energy efficiency.

(h) Fund the EERS with the systems benefits charge and the local distribution adjustment charge.

(i) Provide a performance incentive for utilities.

(j) Allow utilities to recover just, reasonable, and prudent costs incurred in developing, promoting, and delivering the EERS programs.

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

AMENDED ANALYSIS

This bill changes the programs and expenses that system benefits charges may fund, and removes the legislative approval for increasing the rate of the system benefits charge. The bill also modifies the duties of the energy efficiency and sustainable energy board and establishes principles and rules for implementing an energy efficiency resource standard.

Rep. Somssich spoke in favor.

Rep. Harrington spoke against.

On a division vote, with 155 members having voted in the affirmative, and 189 in the negative, the floor amendment failed.

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

Rep. McGhee spoke against.

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

YEAS 343 - NAYS 0

YEAS - 343

BELKNAP

Bean, Harry
Hough, Gregg
Littlefield, Richard
Sylvia, Michael

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

CARROLL

Avellani, Lino
Cordelli, Glenn
Smith, Jonathan
McConkey, Mark

Nelson, Bill
Crawford, Karel
Knirk, Jerry
Umberger, Karen

Buco, Thomas
Deshaies, Brodie
Marsh, William
Woodcock, Stephen

Burroughs, Anita
MacDonald, John
McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Rhodes, Jennifer
Von Plinsky, Sparky

Ames, Richard
Fox, Dru
Mann, John
Santonastaso, Matthew
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Parshall, Lucius
Schapiro, Joe
Welkowitz, Lawrence

Eaton, Daniel
Hunt, John
Qualey, James
Toll, Amanda Elizabeth

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Craig, Kevin
Laflamme, Larry
Tucker, Edith

Davis, Arnold
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William
Thompson, Dennis

GRAFTON

Abel, Richard
Berezhny, Lex
Fellows, Sallie
Greeson, Jeffrey
Massimilla, Linda
Simon, Matthew
Weston, Joyce

Adjutant, Joshua
Binford, David
Folsom, Beth
Hakken-Phillips, Mary
Muirhead, Russell
Stavis, Laurel

Alliegro, Mark
Depalma IV, Joseph
Sanborn, Gail
Ham, Bonnie
Murphy, James
Smith, Suzanne

Almy, Susan
Egan, Timothy
Gordon, Edward
Ladd, Rick
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Lekas, Alicia
Bouldin, Andrew
Baroody, Benjamin
Blasek, Melissa

Alexander, Joe
Boyd, Bill
Beaulieu, Jane
Boehm, Ralph

Bouldin, Amanda
Griffin, Barbara
Bergeron, Paul
Booras, Efstathia

Ammon, Keith
King, Bill
Berry, Ross
Bouchard, Donald

Bradley, Amy
Connors, Erika
Kelley, Diane
Erf, Keith
Freitas, Mary
Gorski, Ted
Hamer, Heidi
Herbert, Christopher
Jack, Martin
Kofalt, Jim
Lanzara, Tom
Lewicke, John
Mangipudi, Latha
McLean, Mark
Nunez, Hershel
Pauer, Diane
Piedra, Israel
Prout, Andrew
Rice, Kimberly
Sheehan, Vanessa
Lekas, Tony
Toomey, Dan
Veilleux, Daniel

Burt, John
Cornell, Patricia
Smith, Denise
Espitia, Manny
Griffin, Gerald
Gould, Linda
Harriott-Gathright, Linda
Homola, Susan
Kelsey, Niki
Sanborn, Laurie
Lascelles, Richard
Long, Patrick
Marston, Dick
Mooney, Maureen
Nutter-Upham, Frances
Pedersen, Michael
Plett, Fred
Query, Joshua
Rombeau, Catherine
Snow, Kendall
Smith, Timothy
Ulery, Jordan
Warden, Mark

Chretien, Jacqueline
Creighton, Jim
DiSilvestro, Linda
Fedolfi, Jim
Gagne, Larry
Graham, John
Healey, Robert
Hyland, Stephanie
Klee, Patricia
Labranche, Tony
Laughton, Stacie-Marie
King, Mark
Mayville, Mary
Mullen, Sue
Nutting-Wong, Allison
Perez, Maria
Porter, Marjorie
Newman, Ray
Rung, Rosemarie
Somero, Paul
Tausch, Lindsay
Vail, Suzanne
Wilhelm, Matthew

Cohen, Bruce
Cushman, Leah
Dutzy, Sherry
Foster, William
Goley, Jeffrey
Greene, Bob
Heath, Mary
Schmidt, Janice
Klein-Knight, Nicole
Langley, Diane
Leishman, Peter
Murray, Megan
McGhee, Kat
Notter, Jeanine
O'Brien, Michael
Petrigno, Peter
Post, Lisa
Renzullo, Andrew
Newman, Sue
Stevens, Deb
Telerski, Laura
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Cambrils, Jose
Hall, Muriel
Leavitt, John
McWilliams, Rebecca
Pitaro, Matthew
Schuett, Dianne
Soucy, Timothy
Walz, Mary Beth
Wolf, Dan

Allard, James
Caplan, Tony
Kennedy, Margaret
Luneau, David
Moffett, Michael
Rogers, Katherine
Schultz, Kristina
Testerman, Dave
Wazir, Safiya
Woods, Gary

Andrus, Louise
Ellison, Arthur
Klose, John
Mason, James
Pearl, Howard
Boyd, Stephen
Seaworth, Brian
Wallner, Mary Jane
Wells, Natalie
Yakubovich, Michael

Bartlett, Christy
Gallager, Eric
Lane, Connie
McGuire, Carol
Pimentel, Roderick
Schamberg, Thomas
Shurtleff, Steve
Walsh, Thomas
White, Nick

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bunker, Lisa
Dodge, Dustin
Ford, Oliver
Grossman, Gaby
Harb, Robert
Murray, Kate
Love, David
Maggiore, Jim
McMahon, Charles
Osborne, Jason
Potucek, John
Roy, Terry
Soti, Julius
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
Cahill, Michael
Doucette, Fred
Gay, Betty
Grote, Jaci
Hobson, Deborah
Katsakiores, Phyllis
Lundgren, David
Major, Norman
Melvin, Charles
Packard, Sherman
Pratt, Kevin
Pearson, Stephen
Spillane, James
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott
Yokela, Josh

Acton, Dennis
Belanger, Cody
Cali-Pitts, Jacqueline
Edgar, Michael
Gilman, Julie
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Lynn, Bob
Malloy, Dennis
Meuse, David
Paige, Mark
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Ward, Gerald

Altschiller, Debra
Bershtein, Alan
DiLorenzo, Charlotte
Edwards, Jess
Green, Dennis
Hamblet, Joan
Janigian, John
Layon, Erica
Pearson, Mark
McBride, Everett
Milz, David
Piemonte, Tony
Read, Ellen
Somssich, Peter
Sytek, John
True, Chris
Vose, Michael
Welch, David

STRAFFORD

Ankarberg, Aidan
Chase, Wendy
Frost, Sherry
Harrington, Michael
Kaczynski, Thomas
Smith, Marjorie
Pitre, Joseph
Wall, Janet

Bailey, Glenn
Conley, Casey
Gourgue, Amanda
Hayward, Peter
Kenney, Cam
Newton, Clifford
Treleaven, Susan
Wuelper, Kurt

Bixby, Peter
DeLemus, Susan
Grassie, Chuck
Horgan, James
Kittredge, Mac
Oxaal, Ariel
Turcotte, Leonard

Cannon, Gerri
Ellis, Donna
Groen, Fenton
Horrigan, Timothy
Levesque, Cassandra
Schmidt, Peter
Vincent, Kenneth

SULLIVAN

Aron, Judy
Merchant, Gary
Stapleton, Walter

Callum, John
Oxenham, Lee
Sullivan, Brian

Cloutier, John
Rollins, Skip

Gottling, Suzanne
Spilsbury, Walter

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

(Speaker Packard in the Chair)**MOTION TO PRINT DEBATE**

Rep. Mangipudi moved that the debate on **HB 549**, relative to the system benefits charge and the energy efficiency and sustainable energy board, be printed in the Permanent Journal. Without objection, the Speaker ordered.

DEBATE ON HB 549

Representative McWilliams: Thank you, Mister Speaker. New Hampshire's latest 3-year energy efficiency plan would have produced significant cost savings for all of New Hampshire ratepayers, in the hundreds of millions of dollars. Why? Because energy efficiency is the cheapest form of energy. It's the energy you don't have to buy because you don't need to use it. The 2020 plan would have increased funding for the New Hampshire Saves Program, which is a proven cost-cutting program with roughly \$150 million to \$350 million returns to New Hampshire citizens for energy efficiency projects. This would have insulated town halls, installed money saving heat pumps in businesses and residences across the state, allowed our own small business owners to perform energy efficiency programs and increased our small businesses who do energy efficiency work in this growing industry. This would have produced electricity bills across the board for all New Hampshire residents, not just for the owners of the buildings who receive an energy efficiency audit and insulation or blower door program because the prices we pay for energy reflect our combined total use. These prices go up with increased use, especially in the highest cost peak periods. The authors of this amendment do not recognize that energy efficiency investments pay off year after year and provide accelerating value over time. The focus is on the short-term outlay when we need to look at the overall long-term results. If you switch out lightbulbs that use 1/6th of the energy or install appliances that are 250% more energy efficient, or you add insulation that keeps heat inside your building, you cut your energy use and that cuts not only energy bills, but also the amount of energy needed across the grid. Energy efficiency cuts energy costs and prices. Let's be clear, this amendment does one thing. It cuts energy efficiency funding, putting cost effective upfront investments out of reach for towns, businesses and families. The New Hampshire Saves Programs are subjected to a rigorous cost benefit analysis, which ensures that this program provides benefits that exceed their costs. On average the return is 2 to 1 for New Hampshire Saves, but frequently it's 3 and 4 to 1. It's estimated that under the 2020 plan, the systems benefit charge, which funds New Hampshire Saves, would save New Hampshire electric customers \$525 million over the first 3 years and \$1.3 billion over 10 years. We are currently experiencing peak utility costs in the winter in New Hampshire. All of our constituents can benefit from reduced utility costs. Yes, this is called the systems benefit charge because it benefits all users across the entire system. Passing this amendment would mean not making these cost saving investments and that means you are being asked to vote to increase rate and bills by hundreds of millions of dollars, over ten years by over a billion dollars, unnecessarily at the expense of New Hampshire businesses, residents and economy. Please fund New Hampshire Saves. Invest that money in New Hampshire and don't waste it. Build a thriving New Hampshire economy built on local businesses, local jobs and Yankee thrift. Defeat this amendment. Thank you.

Speaker Steven Smith: Thank you. The member from Epping, Rep. Vose is recognized to speak in support of the majority amendment.

Representative Vose: Thank you, Mister Speaker. The majority amendment (2205h) sets the funding mechanism for energy efficiency in our state, the system benefits charge, into statute and it sets it at the highest level that it's ever been in its history. In addition to that, it provides a mechanism to increase the system benefits charge year over year by a stable and predictable amount. The 3-year average of the consumer price index plus .25%. This will allow energy efficiency programs to grow in a stable and affordable manner and provides predictability to those programs going forward. More importantly than that, the majority amendment will save ratepayers money. It will keep increases in the system benefits charge in an affordable range of some \$5 to \$10 million a year. That contrasts sharply with the energy efficiency plan that was proposed to the Public Utilities Commission about a year ago. That would have raised ratepayer charges by \$30 to \$70 million year over year. So what that means to you and I as average ratepayers is the difference between a \$2 to \$8 per month charge for energy efficiency as opposed to a \$8 to \$16 a month charge. But ultimately, the most important thing that the majority amendment does is it puts the legislature back in control of the funding mechanism for energy efficiency. Since this funding mechanism is essentially a tax on electricity, only the legislature should have the authority or has the authority, the constitutional authority to set that rate. Therefore, I ask the members to accept the committee amendment. It is the essence of the bill. Thank you, Mister Speaker.

Speaker Steven Smith: Thank you. The question is on the majority committee amendment (2205h). For what reason does the member rise? This will be a division vote. Members please take your seats. Who requested the roll call? Rep. Edwards has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members please take your seats. The House will come to order. Rep. Oxenham is recognized for a parliamentary inquiry.

Representative Oxenham: Thank you, Mister Speaker. If I know this amendment cuts funding for cost effective New Hampshire Saves Programs from the projected levels of the 2020 triannual plan. And if I know that losing these investment dollars results in raising electricity prices for ratepayers across the system by hundreds of millions of dollars. And if I also know that this amendment does nothing to cut into the billions of New Hampshire energy dollars that are being sent out of state annually or to cut our fossil fuel use, would I then vote against this amendment and push the red button?

Speaker Steven Smith: It's really loud in here again. Rep. Vose is recognized for a parliamentary inquiry.

Representative Vose: Thank you, Mister Speaker. Mister Speaker, if I know that amendment (2205h) sets the system benefits charge at 2020 levels, which is the highest level it's ever been in the history of the state and also allows for that system benefit charge to grow year over year by a formula that is both affordable and sustainable. And if I know that amendment (2205h) puts the legislature back in control of essentially on a tax on electricity, would I now press the green button to support the committee amendment?

Speaker Steven Smith: This is a division vote. Sorry, it's a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 187 having voted in the affirmative, 156 in the negative, the amendment is adopted. The bill is on second reading and open to further amendment. Rep. Mann moves amendment (2299h) which would have been distributed with your packets. Rep. Somssich is recognized to speak in favor of the floor amendment.

Representative Somssich: Thank you, Mister Speaker. While the minority is of the opinion that HB 549, even with the majority amendment, is still seriously flawed, we offer amendment (2299h) as an important improvement. Ideas for it have been borrowed from suggestions made by one of our majority committee colleagues. This amendment addressed two critical issues. It addresses the request by the Public Utilities Commissioners, Office of Consumer Advocate to explicitly put into the legislation the existence and role of the energy efficiency resource standard, the EERS. Additionally, it includes a badly needed simplification of the rules around the systems benefits charge, but it firmly opposes the notion of setting low ceilings on that charge, which is the primary funding mechanism for New Hampshire Saves. This is the program that funds energy efficiency and renewable energy and is currently critically underfunded, often running out of funds by July 1st of each year. Therefore, this amendment does not include specific funding levels or specific mechanism for annual increasing those funding levels. That is because we believe that funding levels should be increased significantly and also because we have been assured by a senior member of the other body that the final version of HB 549 will undergo a complete replacement at which time needed fixes will be made. That is why this amendment is only a small down payment on that improvement we hope will be made and which is why I ask you to give it your support so please the green button to support amendment (2299h). Thank you, Mister Speaker and I request a division vote.

Speaker Steven Smith: Thank you. The member from Strafford, Rep. Harrington, is recognized to speak against the floor amendment.

Representative Harrington: Thank you, Mister Speaker. A couple of things I think we ought to get straight here because we are dealing with myths here instead of reality. We keep getting told over and over again that no matter how much money you spend on energy efficiency, it's never enough. If you spend \$1 million, people want \$10 million. If you spend \$10 million, they want \$100 million. The simple fact is that just throwing money at energy efficiency projects is not economically efficient. If you have to spend \$1,000 to save a megawatt hour that you can buy for \$50, that's not a good plan for anybody. What backs this up? All we have to do is look to our friends to the South in Massachusetts. They've spent money many, many times on energy efficiency what we have. I believe it's in the billions of dollars now and yet the last time I checked the Eversource rates for Eastern Massachusetts, this is the total rate, was slightly higher than the Eversource rates in New Hampshire. If throwing huge amounts of money at energy efficiency was the solution to lower electric rates, there's would be much lower than ours, not slightly higher. So, what does this amendment do? It was just stated the approved amendment, the majority amendment, takes the authority for raising the system benefit charge and puts it where it belongs with the legislature. It is in fact a tax and the system benefit charge is supposed to benefit the system, but a lot of the money has little to no benefit to the system because when your neighbor's house gets insulated, his oil bill goes down, but his electric bill hardly changes at all. It doesn't have any effect on the electric system one way or the other. So, this amendment would take that out and we turn it to the, what I would assume is the program that was rejected by the Public Utilities Commission is being not efficient and way too costly. So they want to put this thing in the energy efficiency resource standard into law. That's the standard that resulted, that was rejected by the PUC because it was way, way over price. So, in closing, just remember throwing money at energy efficiency does not necessarily save you money. Massachusetts is proof of that. The systems benefit charge is effectively a tax and the setting of that charge belongs in the legislature. Thank you.

Speaker Steven Smith: Thank you. Before we move on, we've got a bipartisan problem here. Both sides are making a lot of noise and it's really hard to hear the speaker. I'm actually at the point where I'm trying

to calculate the noise level because I'm worried that if I stop and say everyone should quiet down while one is speaking will it look evenhanded. It shouldn't be that way. We should care that they put work into their speech, that it's hard to go up there and speak in front of hundreds of people and we should respect the work that they put into this and just be quiet and listen to them. I'm learning things listening to them. Let's just give them the respect that they deserve, all of us, please. The House will be in order. Rep. Somssich had asked for a division vote. This will be a division vote. Members will take their seats. The question is on floor amendment (2299h). Rep. Mann is recognized for a parliamentary inquiry.

Representative Mann: Thank you, Mister Speaker. If I know that there is no constitutional problem with raising the systems benefit charge in that the constitution gives explicit permission for the Public Utilities Commission or any other agency to raise the rates. And, if I also know that the purpose of these energy efficiency projects are not just to save money, they also include reduction of CO2 emissions, which has effects that may concern our children and our grandchildren. If I further know that our economy, the New Hampshire economy, dumps \$85 to \$90 million per year to import heating oil with the effects cascading down the economy. And, if I further know that a program of competent energy efficiency work on the willing owners of homes and other buildings would begin to stem this outflow of money and over the long run would produce an accelerating and you have to do the math to see this, an accelerating growth of savings that outstrips the costs and that the costs in any event is comparable to one or two or three LED bulbs. We are talking about kilowatt hours saved by the LED bulbs beating the systems benefit charge. If you can't afford three bulbs, I'll show you how you can afford 20.

Speaker Steven Smith: Will the member suspend? This is supposed to be.

Representative Mann: Would I now press the green button to pass or the red button to defeat. The green button to pass HB 549 with my amendment (2299h) so that we can get control of our energy expenses and CO2 emissions and so on? Thank you.

Speaker Steven Smith: The House will come to order. Rep. Vose is recognized. Rep. Harrington is recognized for a parliamentary inquiry.

Representative Harrington: Thank you, Mister Speaker. Mister Speaker, if I know that this amendment would try to restore the flawed program that was rejected by the Public Utilities Commission as being way too expensive and I know it would remove the authority for raising what is effectively a tax, the system benefit charge, from the legislature and give it to an agency, would I now push the red button and defeat this amendment?

Speaker Steven Smith: The question is on floor amendment (2299h). This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 155 having voted in the affirmative, 189 in the negative, the amendment fails. We are back to the majority committee report of Ought to Pass with majority amendment. The member from Hollis, Rep. McGhee is recognized to speak against the committee report.

Representative McGhee: Thank you, Mister Speaker. Nice to see you again. HB 549, as amended, does several things the minority disagrees with. It lowers investment for energy efficiency at a time when the value of those investments is rising along with the rising fuel prices. It halts essential forward progress as though the benefit of the New Hampshire Saves Program have not been proven. It calls for changes to the EESE board's involvement and role in state energy planning and that's a board that myself and my colleague from Epping are both appointed House representatives to. Those of us who have been in the legislature for a while know that stakeholder boards are a great deal for New Hampshire, and they are how we get incredible work done out of talented people for no money. In that way, the EESE board truly is an extension of our citizen legislature, except in the case of the EESE board, the members do often bring high levels of expertise to bear on the problems that we ask them to solve. So we think that the EESE board should have that role in planning energy efficiency. They are not politicians by design. We see no reason to fix something that was not broken. The minority also takes exception to the redefining of rate setting as being the role of the legislative or executive branches of government, rather than the energy regulators who were supposed to remain separated by a bright red line when the new Department of Energy was sold to us as part of the budget trailer bill. So the minority does not agree with the thrust of the bill, as amended, however, HB 549 does provide a vehicle to fix the drastic upheaval of the Public Utility Commission's November decision on the weatherization companies and utilities who administer the New Hampshire Saves Program. Although this bill does not leverage the return on investment of energy efficiency to the degree we believe the New Hampshire Saves Program has earned, tossing HB 549 today, although against our instincts, will allow the legislative process to proceed toward fixing what was broken by that PUC order. It will help restore the faith of New Hampshire small businesses who are counting on us to reinstate essential New Hampshire Saves funding. We ask you to pass this far from perfect bill so that it has a chance to become a rescue vehicle for all the uncertainty imposed on the dedicated men and women who weatherize our homes and love their purposeful New Hampshire based jobs because they know, and we know, their work has never been more needed. I ask for a division vote.

Speaker Steven Smith: Thank you. The member from Epping, Rep. Vose, is recognized to speak in support of the committee report.

Representative Vose: Thank you, Mister Speaker. As my distinguished colleague from Hollis just pointed out, HB 549 will address a current problem with our energy efficiency programs. The Public Utilities Commission reset the systems benefit charge funding mechanism back to 2019 levels as of January 1, 2022. By passing this bill, those levels would be reset back up to the 2020 level, which I mentioned earlier is a historic high for the State of New Hampshire. But more importantly, HB 549 addresses a significant problem for the lowest income ratepayers in New Hampshire. They suffer the most when electricity prices go sky-high. That's because they pay proportionally more of their income for energy. So taxes like the system benefits charge are regressive by nature. That makes it imperative that increases to the systems benefit charge should be modest and they should be predictable and that's what HB 549 does to the systems benefit charge. Now we all know that energy efficiency makes sense. Everybody should understand how it benefits their personal and professional lives and therefore some portion of SBC funds should be used to raise public awareness of the need for energy efficiency and HB 549 does that by allocating to the energy efficiency and sustainable energy board, the EESE board, 1% of SBC funds for the purpose of promulgating information about the benefits of energy efficiency. We have to remember that people are somewhat reluctant to spend money on energy efficiency because the costs are upfront. You have to pay them first, but the benefits accrue over time. So you don't really get what you pay for the day you hand over the check and that's one reason why people don't rush out to do energy efficiency projects. Lastly, I want to close here by reminding people that if you look it up in the dictionary, a tax is defined as, "A sum of money demanded by a government for its support or for a specific facilities or services levied upon income, property, sales, etc." or, "A burdensome charge obligation, duty or demand." By this definition, the systems benefit charge qualifies as a tax because it is demanded by government, and it's levied upon electricity sales. I would remind you all, that the New Hampshire Constitution authorizes only the General Court to impose taxes. Thank you, Mister Speaker.

Speaker Steven Smith: Rep. Somssich requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members please take your seats. Rep. Pimentel is recognized for a parliamentary inquiry.

Representative Pimentel: Thank you, Mister Speaker. Mister Speaker, if I know that funds raised through the systems benefit charge pay for energy efficiency programs for the very popular New Hampshire Saves. And, if I know that all our surrounding New England states are outperforming us in reducing energy demand through energy efficiency. And, if I know that because we are falling behind, New Hampshire will continue to pay a larger and larger part of New England's energy transmission costs, but if I also know that failing to pass this legislation will.....If I also know that because of decisions at the PUC, that failing to pass this legislation will totally eviscerate the progress we have made toward reducing our energy demand, would I hold my nose and press the green button and vote for this bill?

Speaker Steven Smith: Rep. Harrington?

Representative Harrington: Thank you, Mister Speaker. Without holding my nose, I'll just say push the green button.

Speaker Steven Smith: The question is on the majority committee report on HB 549 of Ought to Pass with Amendment. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. The House will come to order. 343 for everybody voting in the affirmative and no one disagreeing, the committee report is adopted.

MOTION TO PRINT REMARKS

Rep. Shurtleff moved that the remarks made by Representative Marjorie Smith and Speaker Packard be printed in the Permanent Journal.

Without objection, the Speaker ordered.

Objection was made.

Rep. Read requested a roll call; sufficiently seconded.

YEAS 178 - NAYS 158

YEAS - 178

BELKNAP

Ploszaj, Tom

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Von Plinsky, Sparky

Ames, Richard
Fox, Dru
Parshall, Lucius
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Eaton, Daniel
Hunt, John
Toll, Amanda Elizabeth

COOS

Kelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

Thompson, Dennis

GRAFTON

Abel, Richard
Fellows, Sallie
Muirhead, Russell
Stavis, Laurel

Adjutant, Joshua
Sanborn, Gail
Murphy, James
Smith, Suzanne

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Sykes, George

Egan, Timothy
Massimilla, Linda
Simon, Matthew
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Bradley, Amy
Cornell, Patricia
Espitia, Manny
Hamer, Heidi
Homola, Susan
Klee, Patricia
Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Bouldin, Andrew
Blasek, Melissa
Chretien, Jacqueline
Cushman, Leah
Freitas, Mary
Harriott-Gathright, Linda
Hyland, Stephanie
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Baroody, Benjamin
Booras, Efsthathia
Cohen, Bruce
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Schmidt, Janice
Labranche, Tony
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne

Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Graham, John
Herbert, Christopher
Jack, Martin
Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Caplan, Tony
Lane, Connie
Rogers, Katherine
Seaworth, Brian
Walz, Mary Beth
Woods, Gary

Allard, James
Ellison, Arthur
Luneau, David
Schamberg, Thomas
Shurtleff, Steve
Wazir, Safiya

Andrus, Louise
Gallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Soucy, Timothy
White, Nick

Bartlett, Christy
Hall, Muriel
Pimentel, Roderick
Schultz, Kristina
Wallner, Mary Jane
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cali-Pitts, Jacqueline
Grossman, Gaby
Lynn, Bob
McMahon, Charles
Simpson, Alexis
Yokela, Josh

Baldasaro, Al
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Meuse, David
Somssich, Peter

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Paige, Mark
Sytek, John

Cahill, Michael
Gilman, Julie
Murray, Kate
McBride, Everett
Read, Ellen
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

Cannon, Gerri
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Wuelper, Kurt

Chase, Wendy
Gourgue, Amanda
Levesque, Cassandra
Treleaven, Susan

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Vincent, Kenneth

SULLIVAN

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary

Oxenham, Lee

Spilsbury, Walter

NAYS - 158**BELKNAP**

Bean, Harry
Hough, Gregg
Littlefield, Richard
Terry, Paul

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Trottier, Douglas

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Deshaies, Brodie
Umberger, Karen

Nelson, Bill
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McConkey, Mark

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Gordon, Edward

Binford, David
Greeson, Jeffrey

Depalma IV, Joseph
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Burt, John
Erf, Keith
Gorski, Ted
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Alexander, Joe
King, Bill
Creighton, Jim
Foster, William
Gould, Linda
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Tausch, Lindsay

Ammon, Keith
Berry, Ross
Kelley, Diane
Griffin, Gerald
Greene, Bob
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Ulery, Jordan

Boyd, Bill
Boehm, Ralph
Smith, Denise
Gagne, Larry
Healey, Robert
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul
Warden, Mark

MERRIMACK

Cambrils, Jose
Mason, James
Boyd, Stephen

Kennedy, Margaret
McGuire, Carol
Testerman, Dave

Klose, John
Moffett, Michael
Wells, Natalie

Leavitt, John
Pitaro, Matthew
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Dodge, Dustin
Gay, Betty
Hobson, Deborah
Khan, Aboul
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Verville, Kevin
Welch, David

Abrami, Patrick
Doucette, Fred
Green, Dennis
Nelson, Jodi
Layon, Erica
Major, Norman
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Vose, Michael
Weyler, Kenneth

Baxter, Tim
Edwards, Jess
Guthrie, Joseph
Janigian, John
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Tudor, Paul
MacDonald, Wayne

Bershtein, Alan
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Lundgren, David
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Cloutier, John

Rollins, Skip

and the motion was adopted.

REMARKS

Speaker Packard: For what reason does the member rise?

Representative Marjorie Smith: I have a point of order. I have a question for the Speaker.

Speaker Packard: What is your point of order?

Representative Marjorie Smith: Mister Speaker, I need your help. I have been here for 25 years, and something happened today that I have never seen before, and I need you to explain it to me. A standing committee, the Judiciary Committee, had a majority vote on a bill with an amendment and that was sent to the Clerk's Office many months ago. I believe it was still October when it was sent. I know that the clerk and the Speaker are very careful to make sure that the calendar is accurate and appropriate and follows our rules. Today, about 3 minutes before a bill was called, I was told by the clerk that you had ruled that a majority amendment, not a floor amendment, a majority amendment that has been in the calendar for ages was ruled non-germane and I don't think I have ever seen that happen. I know I was not told until about 3 minutes before. I asked the clerk, who was so courteous in telling me, if in fact the chair of the committee knew about that and he said he did not think so, but he would go and tell the Chair. I was flummoxed, flabbergasted, I don't know what word to use, but the result of your decision is that there are women in this state who are going to have to go through a nonmedical procedure.

Speaker Packard: Representative, that is not a point of order. You are trying to get into making a speech.

Representative Marjorie Smith: Then I will stop at this point and ask you just in a very respectful way, procedurally, explain to me how something like this could happen in good faith. Thank you, Mister Speaker.

Speaker Packard: I will attempt to do that, Representative. I had 200 bills that were retained and unfortunately, I did not get to that bill right away when it was sent over. When I was looking at it, maybe about

a week and a half ago, and I took a close look at it and I took a close look at the original bill, that's when I determined that if it came up, which it did not, if that came up then I was inclined to say that it was not going to be germane to the subject matter of the original bill.

Representative Marjorie Smith: I thank you for your explanation, but I hope you understand that I can't quite get my mind around it as following the normal, careful procedure that you and the clerk use and I am distressed about it, and I wanted to make that point in the most respectful way possible.

Speaker Packard: And I thank you for doing that, Representative.

REGULAR CALENDAR CONT'D

HB 355, relative to Keno. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Lang for Ways and Means. This bill will allow current licensed lottery retail locations, in jurisdictions that have voted to allow Keno, to be licensed by the Lottery Commission to offer Keno as a lottery product in the retail store. The amendment to the bill prohibits Keno display screens at the retail locations. Vote 19-5.

Amendment (2152h)

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

1 New Subparagraph; Licensed Lottery Retailers; Keno. Amend RSA 284:45, VI(a) by inserting after subparagraph (9) the following new subparagraph:

(10) A lottery retailer licensed pursuant to RSA 284:21-h, if the city, town or unincorporated place where the retailer is located has voted pursuant to RSA 284:51, to allow the sale of keno. Lottery retailers licensed to sell keno under this subparagraph shall not display keno on an active screen at the retailer.

2 Issuance of License; Keno. Amend RSA 284:46, VI to read as follows:

IV. For retailers that apply for a license pursuant to RSA 284:45, VI (a)(1-9), the lottery commission shall only issue a license for an eligible location where keno tickets shall be sold and the game played within the area apportioned to distribute beverages pursuant to RSA 284:45. The lottery commission shall control the installation of the keno ticket terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute beverages pursuant to RSA 284:45.

3 Effective Date. This act shall take effect July 1, 2022.

Committee amendment adopted.

Committee report adopted and the bill was ordered to third reading.

HB 364, expanding the definition of charitable organization to include fraternal organizations for the purposes of holding raffles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan Ulery for Ways and Means. Current law regarding raffles contains a requirement for local officials to issue a permit. The permit is given to a "charitable" organization. Unfortunately, the existing law contains reference to a single not-for profit federal category. The amendment eliminates the reference to IRS groups, moves the existing, current law up so that confusion regarding who can operate a raffle is eliminated. This does not affect charitable gaming as it is specific to raffles. Additionally, there is a statutory commission that is studying the rather broad and imprecise definition of "charity" and "charitable organizations" that exists in current law. Vote 21-3.

Amendment (2123h)

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

AN ACT revising the definition of charitable organizations relative to games of chance.

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

1 Charitable Organization; Definition RSA 287-A:1, II is repealed and reenacted to read as follows:

II. "Charitable organization" means any person or entity that is or holds itself out to be established, in whole or in part, for any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, social, sporting, recreational, or other charitable purpose which has been in existence for at least 2 years, or political committee or political party which has been in existence for at least 2 years, or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. "Charitable organization" is not limited to those organizations to which contributions are tax deductible under section 170 of the Internal Revenue Code.

2 Effective Date. This act shall take effect July 1, 2022.

AMENDED ANALYSIS

This bill revises the definition of charitable organization relative to games of chance.

Committee amendment adopted.

Committee report adopted and the bill was ordered to third reading.

HB 614-FN, exempting the state and political subdivisions from payment of the costs of compliance with the renewable portfolio standard. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the Majority of Ways and Means. This bill does three things. First, it exempts the state and its political subdivisions from paying the portion of their electric rates that pertain to the cost of

compliance with the renewable portfolio standard (RPS). Second, it states that providers of electricity shall not be subject to compliance for electricity sales that have been exempted. This reduces the number of renewable energy certificates (RECs) that the electric utilities have to buy. Finally, a political subdivision (but not the state) may, by a majority vote of the governing body, elect to continue payment of the amounts identified as cost of compliance with the RPS (i.e. opt out of the exemption). This is the essence of what came out of the policy committee and became the House position via a majority vote on the House floor. The bill was then referred to the Ways and Means Committee to review the impact on state and local taxes as well as the impact on the Renewable Energy Fund (REF) which is a dedicated fund. Dedicated funds come under the purview the Ways and Means Committee. The majority of the Ways and Means Committee heard testimony that this action would reduce the tax burden to those who pay state taxes by \$400,000 to \$500,000 a year. The political subdivisions would see savings in their electric bills based upon the size of the subdivision. Since our political subdivisions raise most of their money through property taxes, this bill would reduce the burden a bit on the property taxpayer. The majority feels reducing the tax burden on our citizens is always a good thing. Of importance in this view is that a political subdivision is enabled by this bill to opt-out of this exemption, if they desire, which gives them the freedom of choice on this matter. The majority also felt that this bill will have a minimum impact on the RPS program as a whole. As for the REF, it is important to understand that a vast majority of the revenue into this fund comes from alternative compliance payments (ACPs). Other sources into this fund are interest payments on the fund balance and lapsing funds from the Site Evaluation Committee Fund. ACPs are paid by the utility companies when there are not enough RECs available to be bought to satisfy their RPS obligations based upon the amount of electricity they sell to customers. The availability of RECs is based upon the amount of renewable energy generated. Only when there are not enough RECs available does the REF benefit by receiving funding via the ACPs. The majority of the Ways and Means Committee has concluded that this bill will have a minimal impact on the funding of the REF, since ACPs will continue to be paid into the fund. In addition, it is important to know the state and any of its political subdivisions (whether they opt-out of the exemption or not) may still apply for grants from the REF. There is no linkage between the two. It should be noted that there were a few technical additions that were passed by amendment to this bill by the Ways and Means Committee. Vote 12-7.

Rep. Richard Ames for the Minority of Ways and Means. This amended bill exempts all New Hampshire state and local government electricity consumption from continued payment of a use-based share of the cost of New Hampshire's electric renewable portfolio standard (RPS). This means that government users will no longer pay the minuscule \$.0053 per kilowatt hour RPS fee that is currently paid by all other New Hampshire electricity users. But for those other users, it is a fee that is likely to go up because, paradoxically and unsustainably, the non-paying government users will retain eligibility under this bill to receive funds and other benefits from the RPS's renewable energy fund. Government users will thus become classic "free riders," reaping the benefits of the RPS while freed from sharing in its costs. The RPS's Renewable Energy Fund will also lose capacity to make a difference because energy provider alternative compliance payments, the sole source of funding for the renewable energy fund, will likely be reduced by the fallout from this bill. Universal application of the RPS user-based fee is at the very heart of this successful 14-year-old program that has been helping drive New Hampshire towards the renewable and locally produced energy foundation on which New Hampshire's future must be built. The new RPS free riders will undermine and diminish the capacity of the RPS to do its job. Assertions by bill proponents that consumers have been paying twice for the RPS, once in their personal capacity and again as taxpayers, are invalid - individuals and businesses pay the RPS fee only on their home or business consumption of kilowatt hours of electricity, while the fees on municipal, school, county, and state government electricity use are levied on different kilowatt hours of electricity. Despite claims by its sponsors, no meaningful evidence has been produced supporting likely property or other tax savings resulting from this bill. On the contrary, utility testimony indicates that their administrative costs would go up because of this bill, new rate classes would need to be created, and ratepayers likely would for these reasons alone end up with higher electricity bills.

Majority Amendment (2238h)

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

1 New Paragraph; Electrical Rates and Charges; Exemption For State and Political Subdivisions. Amend RSA 378:49 by inserting after paragraph III the following new paragraph:

IV.(a) The public utilities commission shall, after notice and hearing, by order or rule, approve a standard format and methodology that providers of electricity, as defined in RSA 362-F:2, XIV, shall use in exempting the state and its political subdivisions from paying the portion of electricity rates that covers the cost of compliance with the renewable portfolio standard (RPS) under RSA 362-F. A political subdivision shall initially be in exempt status unless the governing body of the political subdivision subsequently chooses to opt in under subparagraph (c).

(b) Providers of electricity shall not be subject to compliance under RSA 362-F:3 for electricity sales that have been exempted pursuant to subparagraph (a).

(c) By October 15 of each year, each provider of electricity doing business with political subdivisions of the state shall notify these entities of their current opt-out/opt-in status. Any political subdivision, by a majority vote of its governing body, may elect to opt-in to continue payment of the amounts identified as costs of compliance with the renewable portfolio standard under RSA 362-F. Otherwise, the subdivision will remain exempt under subparagraph (a). Reversing this opt-in decision also requires a majority vote of the governing body.

(d) For purposes of this paragraph, “political subdivision” means any electricity account holder that operates as an agency of the state, a county, a municipality, a school district, or a village district.

2 Effective Date. This act shall take effect July 1, 2022.

AMENDED ANALYSIS

This bill requires that the state and political subdivisions be exempted from paying the portion of electricity rates that cover the costs of compliance with the renewable portfolio standards unless opting in to payment of such costs of compliance.

Majority committee amendment adopted.

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

Rep. Ames spoke against.

Rep. Abrami spoke in favor.

On a division vote, with 177 members having voted in the affirmative, and 158 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 408, relative to employment restrictions for registered sex offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill restricts people convicted of felonious sexual assault of a minor from certain types of jobs. They won’t be allowed to work in positions that provide direct services to minors or be in a position supervising minors. Vote 19-1.

Amendment (2177h)

Amend the bill by replacing all after the enacting clause 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]~~ ***Employment in Businesses Providing Direct Services to Minors or Direct Supervision or Oversight of 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 care, instruction or guidance of 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]~~ ***that provides direct services to minors, or supervision or oversight of minors.***

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]~~ ***any*** employment ~~[of any type involving the care, instruction, or guidance of minor children, including, but not limited to, the types of services set forth in paragraph I]~~ ***or volunteer activity that provides direct services to minors, or supervision or oversight of minors.***

(b) A public or private employer or organization, whose primary intent is to provide direct services to minors, or whose employees provide supervision or oversight of minors, shall conduct a criminal background check of any prospective employee or volunteer.

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.

2 Effective Date. This act shall take effect January 1, 2023.

AMENDED ANALYSIS

This bill prohibits a person convicted of certain sexual assault offenses from hiring or otherwise engaging in any employment or volunteer service which provides direct services to a minor, or supervision or oversight of a minor.

Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Lynn offered floor amendment (2294h).

Floor Amendment (2294h)

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

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

632-A:10 Prohibition on Employment or Volunteer Activities of Persons Convicted of Certain Offenses.

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 engages in employment or volunteer service, either as the employer or provider of such service or as an employee or volunteer, that consists of acting as a public or private school teacher, school administrator, guidance counselor, coach, a worker of any kind in child athletics, a day care worker, a boy or girl scout master or leader or worker, a camp counselor, or any employment or volunteer activity that requires the person to have regular contact with or supervision of a minor when other persons are not present.

II.(a) A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any offenses specified in paragraph I of this section, he or she knowingly fails to provide information about such conviction when offering employment or volunteer service opportunities or applying for or engaging in employment or volunteer service of the kind specified in paragraph I.

(b) A public or private employer or organization that provides employment or volunteer services of the kind specified in paragraph I of this section shall conduct a criminal background check of any prospective employee or volunteer.

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.

2 Effective Date. This act shall take effect January 1, 2023.

AMENDED ANALYSIS

This bill prohibits a person convicted of certain sexual assault offenses from hiring or otherwise engaging in any employment or volunteer service where such person will have regular contact with a minor, or supervision or oversight of a minor where other persons are not present.

Rep. Lynn spoke in favor.

Rep. Verville spoke against.

On a division vote, with 73 members having voted in the affirmative, and 263 in the negative, floor amendment (2294h) failed.

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

MOTION TO REFER TO COMMITTEE

Rep. Yokela moved that **HB 408**, relative to employment restrictions for registered sex offenders, be referred to the Committee on Criminal Justice and Public Safety.

Rep. Yokela withdrew his motion.

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

Committee report adopted and the bill was ordered to third reading.

HB 526, relative to the fine for the sale or possession of cannabis. **REFER FOR INTERIM STUDY.**

Rep. Dave Testerman for Criminal Justice and Public Safety. This legislation would have reduced fines to one dollar per gram of therapeutic (medical) cannabis use for failing to possess a registry card or possession of medical cannabis in violation of use conditions. Medical use of cannabis is not a frivolous situation. Vote 19-1.

Rep. Abbas spoke in favor.

Committee report adopted.

HB 362, relative to domicile of students for voting purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. James Qualey for Election Law. This bill proposes repealing the consideration of a student's educational institution as his or her place of domicile for voting purposes. The majority of the committee believes that a generally applicable, practical, and enforceable statutory definition of "domicile for voting purposes" should not require a legislative focus on a specific subset of the New Hampshire population. Vote 18-2.

MOTION TO LAY ON THE TABLE

Rep. Silber moved that **HB 362**, relative to domicile of students for voting purposes, be laid on the table.

On a division vote, with 312 members having voted in the affirmative, and 25 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

HB 116, relative to personal delivery devices and mobile carriers. **OUGHT TO PASS WITH AMENDMENT.** Rep. Steven Smith for Transportation. This bill establishes rules for personal delivery devices and mobile carriers. Mobile carriers are small carts that use an app to follow you around and carry things for you. They are always in close proximity to the person. Personal delivery devices are more industrial. A prototype is being developed here in New Hampshire for FedEx. This bill establishes rules of the road and liability requirements for the operation of these devices. The committee amendment lowers the speed limits in the original bill, specifies that they must be on the side of a road and not in a travel lane, and puts the device definitions into statute. Vote 19-0.

Amendment (2199h)

Amend the bill by replacing sections 2-3 with the following:

2 New Sections; Motor Vehicles; Definitions; Personal Delivery Device. Amend RSA 259 by inserting after section 75 the following new sections:

259:75-a Personal Delivery Device. "Personal delivery device" means an electrically powered device that:

I. Is operated on sidewalks, crosswalks, and roadways and is intended primarily for transporting goods and cargo.

II. Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

III. When operated in compliance with this section is not a vehicle.

259:75-b Roadway. For purposes of RSA 259:75-b and RSA 265:163, "roadway" means that portion of a way improved, designed, or ordinarily used for vehicular travel, including the berm or shoulder where such berm or shoulder is used by persons riding bicycles or other human powered vehicles.

3 New Subdivision; Special Rules for Personal Delivery Devices and Mobile Carriers. Amend RSA 265 by inserting after section 162 the following new subdivision:

Special Rules for Personal Delivery Devices and Mobile Carriers

265:163 Personal Delivery Devices and Mobile Carriers.

I. A personal delivery device or mobile carrier may operate on sidewalks and crosswalks. A personal delivery device or mobile carrier operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device or mobile carrier shall not unreasonably interfere with pedestrians or traffic and shall yield the right-of-way to pedestrians on the sidewalk or crosswalk. State and local law enforcement shall have the authority to enforce state and local traffic laws.

II. Personal delivery devices and a mobile carriers shall:

(a) Obey all official traffic and pedestrian control signals and devices.

(b) For personal delivery devices, include a plate or marker that has a unique identifying device number and identifies the name and contact information of the personal delivery device operator.

(c) Be equipped with a braking system that, when active or engaged, enables the personal delivery device or mobile carrier to come to a controlled stop.

III. Mobile carriers shall not:

(a) Operate on a roadway except to the extent necessary to cross a crosswalk.

(b) Operate on a sidewalk or crosswalk unless the mobile carrier owner remains within 25 feet of the mobile carrier.

(c) Transport hazardous materials that are regulated under the Hazardous Materials Transportation Authorization Act of 1994 and must be placarded under 49 CFR 172.500 through 172.560.

(d) Transport persons or animals.

IV. Personal delivery devices shall not:

(a) Operate at speeds in excess of 10 miles per hour on sidewalks;

(b) Operate at speeds in excess of 20 miles per hour on roadways;

(c) Operate unless the navigation and operation is being monitored or controlled by an operator;

(d) Transport hazardous materials that are regulated under the Hazardous Materials Transportation Authorization Act of 1994 and must be placarded under 49 CFR 172.500 through 172.560.

V. A local authority may not ban the operation of a personal delivery device but may reasonably restrict the operation of a personal delivery device on a roadway or in a pedestrian area in a manner consistent with this subdivision following an opportunity for input from stakeholders.

VI. A person who owns and operates a personal delivery device in this state shall maintain an insurance policy, on behalf of himself or herself and his or her agents, which provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under the entity's or agent's control. Committee amendment adopted.

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

Rep. Guthrie spoke against.

Rep. Steven Smith spoke in favor.

Committee report adopted and the bill was ordered to third reading.

RESOLUTION

Rep. Osborne offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair.
Motion adopted.

LATE SESSION**Third Reading and Final Passage**

HB 238, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in manslaughter cases.
HB 579, requiring notice to the public before immigration checkpoints are conducted.
HB 628-FN, relative to maximum vehicle speed limitations.
HB 214, relative to a public school facility condition assessment and school building aid grants.
HB 87, relative to the definition of electioneering.
HB 514, relative to ballot column rotation.
HB 84, declaring May 21, 2022 as Ona Judge Staines Day.
HB 275, relative to the declaration of a state of emergency.
HB 91-FN, relative to death benefits of first responders who die from suicide.
HB 254, relative to the placement of minors in secure settings.
HB 398, making an appropriation to the department of environmental services for funding eligible wastewater projects.
HB 412, making an appropriation to the department of environmental services for the purpose of funding public water system projects.
HB 536-FN, relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.
HB 591-FN, relative to certain liquor license fees.
HB 490, relative to the definitions of "game camera" and "hunting day" and relative to the use of game cameras.
HB 478, relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District.
HB 597-FN, relative to the expectation of privacy.
HB 589-FN, requiring workers' compensation to cover prophylactic treatment for critical exposure
HB 122-A, amending the capital appropriation for an aviation hangar bay in the department of military affairs and veterans services.
HB 571, repealing the prohibition against OHRV travel on Hoit Road Marsh.
HB 410, establishing a commission to study the assessing of power generation and utility transmission
HB 543, establishing a commission to study nuclear power and nuclear reactor technology in New Hampshire.
HB 549, relative to the system benefits charge and the energy efficiency and sustainable energy board.
HB 355, relative to Keno.
HB 364, revising the definition of charitable organizations relative to games of chance.
HB 614-FN, exempting the state and political subdivisions from payment of the costs of compliance with the renewable portfolio standard.
HB 408, relative to employment restrictions for registered sex offenders.
HB 116, relative to personal delivery devices and mobile carriers.

UNANIMOUS CONSENT

Rep. Baldasaro requested Unanimous Consent of the House regarding veterans that died in Afghanistan and addressed the House.
Consent withdrawn.

The question being shall the member be allowed to continue speaking with consent of the House?
On a division vote, with 213 members having voted in the affirmative, and 77 in the negative, the member was allowed to continue.

MOTION TO PRINT REMARKS

Rep. Verville moved that the remarks made by Rep. Baldasaro during Unanimous Consent be printed in the Permanent Journal.
Without objection, the Speaker ordered.

REMARKS

Rep. Baldasaro: Thank you, Mister Speaker. Mister Speaker, I come here today as a veteran, a loyal dedicated American, a citizen, somebody who served my country for over 22 years. I have many in this room on both sides of the room that served in the military. Whether you served four years or you served six years, 20 or 30 years like myself, I've got friends that served one term, two terms, five terms, ten terms and up to fifteen terms that I know that served in Afghanistan. Mister Speaker, I have been heartbroken since August 26. Mister Speaker, fellow Marines that were called into duty over in Kabul. It was a sad day for us veterans. Many of you here on the left and the right side here, have relatives that served in the military. Many are just like myself where I sat in the barracks after Saigon evacuation and watched what happened on how we left Americans behind. Shouldn't have never happened. I sat at home and the calls I got from fellow veterans that were so disgusted on Jan 26. We gave up our ground, the airfield, that was one of the most fortified airfields in the world. We moved over to Kabul. We lost veterans that we should have never lost. Seven of the...object your ass.

Speaker Packard: Okay. Alright. Okay.

Representative Baldasaro: I apologize. I'm sorry. I apologize. I should have never, ever said that, but it's in my heart.

Speaker Packard: The House will be in order. Let's not end on a nasty note, please. Consent has been withdrawn. The question is now shall the member continue? It's a vote. Are you ready for the question? A division has been requested. Members take your seats. A roll call has been requested. I've been informed, we have already put the question and members are taking their seats. Besides, everybody is already standing up so I wouldn't know who was standing and who wasn't. This is a division vote. If you are in favor of member continuing to speak in Unanimous Consent, you will vote Yea, you will press the green button. If you are opposed, you will press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 213 voting Yea, 77 voting Nay, the member may continue.

Representative Baldasaro: Thank you, Mister Speaker. Mister Speaker, I was wrong for using that language here and I apologize for that, but I'm not wrong for what I'm saying here, okay? Because I lost brothers and sisters. Many of you out there lost brothers and sisters, cousins or whatever we lost. I was there in the barracks, like I was saying during that evacuation after and it was disgusting what went on, where we left Americans behind. To see the same thing go on in our country it is tough for many. We have veterans committing suicide that served in all those tours to protect American beliefs. That should have never happened. I don't blame just the President so don't take this wrong. I blame the Generals. I blame the Secretary of Defense. I blame all of them in the State Department because their failure to remember to bring home every American. All my years of training was to remember as a Marine not to leave one veteran behind and that's what happened. So I have fellow veterans that I know around the country that are fighting and I'm asking each and every one in this room to call these veterans up that are depressed over what when on like the Vietnam veterans. We don't want to do a new generation of homeless veterans because of what happened over there and walking away. We must make damn well sure we don't relive what's gone on with Saigon. Lessons learned so take here and call and check on your veterans. There is no Republican or Democrat in this. These are Americans that fought for each and every one of you in this room. Mister Speaker, I ask to memorialize in a moment of silence when I am done on these veterans that were killed in Kabul. Marine Corps Lance Cpl. David Espinoza, 20, of Rio Bravo, Texas. Marine Corps Sgt. Nicole Gee, 23, of Sacramento, California. Marine Corps Staff Sgt. Darin Hoover, 31, of Salt Lake City, Utah. Army Staff Sgt. Ryan Knauss, 23, of Corryton, Tennessee. Marine Corps Cpl. Hunter Lopez, 22, of Indio, California. Marine Corps Lance Cpl. Rylee McCollum, 20, of Jackson, Wyoming. Marine Corps Lance Cpl. Dylan Merola, 20, of Rancho Cucamonga, California. Marine Corps Lance Cpl. Kareem Nikoui, 20, of Norco, California. Marine Corps Cpl. Daegan Page, 23, of Omaha, Nebraska. Marine Corps Sgt. Johanny Rosario Pichardo, 25, of Lawrence, Massachusetts. Marine Corps Cpl. Humberto Sanchez, 22, of Logansport, Indiana. Marine Corps Lance Cpl. Jared Schmitz, 20, of St. Charles, Missouri. Naval Hospital Corpsman Maxton Soviak, 22, of Berlin Heights, Ohio. I ask for a moment of silence. Thank you, Mister Speaker.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the veterans who lost their lives in Afghanistan.

UNANIMOUS CONSENT

Rep. Rogers requested Unanimous Consent of the House regarding a thank you and January 6, 2021 and addressed the House.

Consent withdrawn.

The question being shall the member be allowed to continue speaking with consent of the House?

On a division vote, with 119 members having voted in the affirmative, and 140 in the negative, the member was not allowed to continue.

UNANIMOUS CONSENT

Rep. Schultz requested Unanimous Consent of the House regarding a workers' shortage and addressed the House. Consent withdrawn.

The question being shall the member be allowed to continue speaking with consent of the House?

On a division vote, with 75 members having voted in the affirmative, and 127 in the negative, the member was not allowed to continue.

RECESS MOTION

Rep. Osborne moved that the House stand in recess for the purposes of the introduction of bills, enrolled bill amendments, enrolled bill reports and receiving messages.

Motion adopted.

The House recessed at 6:15 p.m.

RECESS

(Speaker Packard in the Chair)

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Hall on the Committee on Education.

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Egan on the Committee on Resources, Recreation and Development.

SENATE MESSAGES**CONCURRENCE**

HB 427, prohibiting corporal punishment of children in state agency programs.

REFERRED FOR INTERIM STUDY

HB 125, relative to post-arrest photo distribution by law enforcement officers.

HB 146, requiring health care providers to furnish upon request a list of ingredients contained in an injectable medication that is recommended or administered.

HB 196, adding trespass as an exception to the charge of criminal threatening.

HB 197, relative to the use of deadly force in defense of another.

HB 232, relative to nonpublic sessions under the right to know law.

HB 272, relative to the labeling and sale of hemp products containing CBD.

HB 540, relative to supported decision-making as an alternative to guardianship.

NONCONCURRENCE

HB 72, relative to ratification of amendments to the state building code and state fire code.

HB 110, relative to the distribution of adequate education grants.

HB 135, requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution.

HB 218, repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.

HB 227, relative to termination of tenancy at the expiration of the tenancy or lease term.

HB 349, relative to certification requirements for school nurses.

HB 436, relative to eyewitness identification procedures.

RECESS

(Rep. Amanda Bouldin in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 427.

Rep. Osborne, Sen. Avard for the Committee

RECESS

(Speaker Packard in the Chair)

COMMITTEE ASSIGNMENT

The Speaker made the following changes to committee assignments:

Rep. Weyler named as Vice Chair for the Committee on Finance.

COMMITTEE ASSIGNMENT

The Speaker made the following changes to committee assignments:
Rep. Love on the Committee on Labor, Industrial and Rehabilitative Services.

COMMITTEE ASSIGNMENT

The Speaker made the following changes to committee assignments:
Rep. Aron on the Committee on Ways and Means.

RECESS

(Speaker Packard in the Chair)

COMMITTEE ASSIGNMENT

The Speaker made the following changes to committee assignments:
Rep. Klein-Knight off the Committee on Criminal Justice and Public Safety.

RECESS

(Speaker Packard in the Chair)

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:
Rep. Espitia on the Committee on Criminal Justice and Public Safety and off the Committee on State-Federal Relations and Veterans Affairs.

SENATE MESSAGES**CONCURRENCE**

HB 319, requiring students in the university and community college systems of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test.

CONCURRENCE WITH AMENDMENT

SB 17, relative to permitting dogs in outdoor dining areas of restaurants.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 319 and Senate Bill numbered 17.

Rep. Osborne, Sen. Avarad for the Committee

RECESS