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HOUSE RECORD

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Calendar and Journal of the 2022 Session

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Tuesday, March 15, 2022

No. 6

HOUSE JOURNAL NO. 5 (Cont'd)

Thursday, March 10, 2022

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

HOUSE JOURNAL NO. 6

Tuesday, March 15, 2022

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker. Prayer was offered by House Chaplain, Reverend Bob Stewart, Pastor of St. Paul's United Methodist Church in Manchester.

This morning I would begin by offering the Prayer of St. Francis of Assisi. His Prayer for Peace. I have adjusted some of his words. Lord, make us an instrument of Your peace; where there is hatred, let us sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. O Divine Master, grant that we may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. O Loving God, we pray for the people of Ukraine. We pray for the people of Russia. We pray for the World you have created. We pray for the United States of America. We pray for our great State of New Hampshire and all the Representatives that are here today. Please prepare us for the day that stretches out before us. You know exactly what this day will contain, whereas we only have vague ideas about it. Sometimes we wish we could see a roadmap that would show all the twists and turns of today's journey. We would feel better prepared if we could somehow visualize what is on the road ahead. Even though we don't know what is waiting on the path ahead, we trust that You have equipped each of us here today to work together in harmony and peace. That we work together for the good people of this great State and always strive to keep them in our minds as we enter into making decisions on their behalf. Be with us O God and give us the wisdom and strength to serve our constituents with integrity. To You O God of love, we lead and serve to Your glory. Let there be peace on earth and let it begin with us. Amen.

Representative Susan Homola, member from Hollis, led the Pledge of Allegiance.

The National Anthem was sung by the Hollis Brookline High School Honors Choir, directed by Matt Barbosa.

LEAVES OF ABSENCE

Reps. Berch, Chretien, Cleaver, Ellis, Mary Griffin, Harvey, Hopper, Lundgren, Myler, Salloway, Snow, Tudor and Varney, the day, illness.

Reps. Ayer, Bordes, Bunker, Cote, Cross, Depalma IV, Fontneau, Horgan, Hunt, Mayville, McBeath, McBride, McKinney, Stavis and Trottier, the day, important business.

Reps. Elliott and Newton, the day, illness in the family.

INTRODUCTION OF GUESTS

Allison Sullivan, guest of Representative Mooney. Robert and Taylor Hough, father and daughter of Representative Hough. Brigadier General Don Bolduc, US Army Retired, guest of Representative Healy. Chazz Rogers, guest of Representative Homola. Fourth-grade students from Broken Ground School in Concord, guests of Representative Bartlett.

CONSENT CALENDAR

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

HB 1349-FN, decriminalizing the possession and use of psilocybin mushrooms, removed by Rep. Laughton.

HB 1646, relative to representation on a cooperative school district board, removed by Rep. Deshaies.

HB 1064-FN, requiring the use of hand-marked, durable paper ballots in elections, removed by Rep. Alliegro.

HB 1473-FN, authorizing a forensic audit of the November 3, 2020 election results in Merrimack county for president, governor, and United States senate races, removed by Rep. Homola.

CACR 24, the attorney general. Providing that the attorney general be elected by a majority vote of the members of the general court in a joint session, removed by Rep. Silber.

CACR 25, legislative term limits. Providing that no person shall serve more than 15 terms in either the house of representatives of the senate, removed by Rep. Labranche.

CACR 26, relating to the house of representatives. Providing that 100 of the representatives are elected using party list proportional representation, removed by Rep. Laughton.

CACR 27, elected and appointed officials. Providing that all state court judges shall be subject to recall and removal by petition and vote of registered voters pursuant to provisions established by the legislature.

HB 1155, relative to persons elected to a local board serving on another board, removed by Torosian.

Consent Calendar adopted.

Rep. Horrigan declared a conflict of interest on **HB 1592-FN** and did not participate in the vote on the Consent Calendar.

HB 1118, relative to the determination of parental rights and responsibilities following the death of a child's parent or guardian. **OUGHT TO PASS.**

Rep. Cody Belanger for Children and Family Law. The committee found that when a parent or guardian dies, it makes sense for the court to consider the wishes of the deceased as they provide in the estate planning documents. This would allow, if not encourage, parents and guardians to make provisions to reduce the disruption in their child's life in the event of their death. Vote 14-0.

HB 1278, relative to the modification or termination of term alimony. **INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Nelson for Children and Family Law. The committee believes that if a party starts a relationship with someone, they start it accepting all aspects of that new relationship, including their combined financial situation. The person receiving alimony can make the decision if the new relationship is of more combined emotional and financial value than the existing arrangement. There is also a concern that under the proposal, someone could be receiving two or more alimony payments which the committee does not find appropriate. Vote 15-0.

HB 1279, relative to the duration of term alimony. **INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Nelson for Children and Family Law. The majority of the committee believes this bill should have been a part of HB 1278 because it is part of that policy change proposal. The committee recommends HB 1279 Inexpedient to Legislate for the same reasons as HB 1278. Vote 15-0.

HB 1039, relative to the definition of "beverage manufacturer retail outlet." **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill as introduced removes the production and manufacturing requirements from the definition of "beverage manufacturer retail outlet." Last session a new law was passed to allow beverage manufacturers to have a second location for tastings. This bill clarifies that they do not need to make any beer on this new premise. The amendments to this were two other issues that were brought up, the first being to repeal an unused law allowing for licensees to get a multiyear license. Nobody used it, and after the recent audit of the commission it was suggested to remove it from the statutes. The amendment also deleted the phrase "within a 90-day period" when an out of state "Direct Shipper" violates New Hampshire statutes that seems to imply that they can begin shipping again in 90 days. Vote 18-0.

Amendment (0284h)

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

AN ACT relative to the definition of "beverage manufacturer retail outlet" and certain liquor licenses and fees.

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

2 Carrier Licenses. Amend RSA 178:14, III to read as follows:

III. A licensed carrier shall not transport any liquor, wine, or beverage [~~within a 90-day period~~] that has been identified by the commission as originating from a person who does not hold a valid New Hampshire direct shipper permit, provided that such identification has first been provided to and received by the licensed carrier in writing. The commission shall notify carriers by mail on a monthly basis of the identity of unauthorized shippers, which notification shall be effective 15 days after such mailing. The commission may impose a fine by rule for violations within the reporting month per shipper.

3 Repeal. RSA 178:23, IV-V, relative to fees for multi-year licenses, are repealed.

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

AMENDED ANALYSIS

This bill:

I. Removes the production and manufacturing requirements from the definition of “beverage manufacturer retail outlet.”

II. Prohibits licensed carriers from transporting any liquor, wine, or beverage from a person without a direct shipper permit at any time.

III. Repeals provisions for multi-year liquor licenses.

HB 1043, establishing a committee to study regulations applicable to small businesses that sell food. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee unanimously agreed that this committee was not necessary since the issues that the study would be addressing are in HB 1595, relative to establishing a statewide food truck license. The committee felt Interim Study is better than a joint House and Senate study committee especially in the second year of the biennium, therefore, this bill was recommended Inexpedient to Legislate. Vote 18-0.

HB 1048, relative to minimum nonforfeiture amounts under the standard nonforfeiture law for individual deferred annuities. **OUGHT TO PASS.**

Rep. Chris McAleer for Commerce and Consumer Affairs. This bill would reduce the interest rate that insurance companies selling individual deferred annuities in New Hampshire would be required to pay on reserves held for guaranteeing minimum annuity payments to individuals. This is standard procedure for state insurance departments to comply with and reflects the current interest rate environment. Vote 18-0.

HB 1095, relative to the sale of fresh condiments on pushcarts selling frankfurters and pre-cooked sausages. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Abel for Commerce and Consumer Affairs. The Department of Health and Human Services reported its existing rules allow the sale of condiments provided they are pre-packaged by a supplier or commissary and would reach out to push cart operators to clarify compliance. The committee felt further legislation is unnecessary. Vote 18-0.

HB 1146, relative to condominium instruments and condominium special assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. Joyce Weston for Commerce and Consumer Affairs. If passed, this bill would have severely curtailed the board of a condominium from its ability to raise fees as needed by requiring a majority of the association to vote in favor of the assessment. There are times when a condominium board needs to move quickly to make special assessments due to unforeseen circumstances, such as a fire or roof collapse. Condominium boards also need the flexibility to keep up with inflation so they can accrue sufficient funds to properly maintain and repair common areas of the property. If this bill were to be passed, fewer and fewer residents would step forward in the future to serve on the board. Even the prime sponsor of the bill acknowledged that the concept was ill-conceived, and the committee unanimously agreed. Vote 18-0.

HB 1162, relative to requiring insurance coverage for vaccinations, devices, and medications authorized for emergency use by the United States Food and Drug Administration. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey Greeson for Commerce and Consumer Affairs. This bill seeks to ensure that medical insurance companies cover any injuries or adverse events a person might experience as a result of a medicine, vaccine, or medical device that is not yet approved by the Food and Drug Administration but is authorized for emergency use (EUA). The Commerce and Consumer Affairs Committee believes the bill has merit but needs some clarification. Therefore, the committee recommends that this bill be referred for Interim Study in order to ensure the bill addresses the issue properly. Vote 17-1.

HB 1245-FN, relative to copayments for services rendered by a chiropractor. **REFER FOR INTERIM STUDY.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. Given the uniqueness of chiropractors' practice, the Commerce and Consumer Affairs committee decided that to resolve the issue of co-pays, the committee would need more time. Vote 18-0.

HB 1249, relative to weights and measures. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the Department of Agriculture, Markets, and Food. The bill renames two license fee categories in weights and measures and adds a definition for “precision scales” and “legal-for-trade scale.” “Precision scales” means any legal-for-trade scales with accuracy class designations of Class II or Class III that have a division size less than or equal to two grams in metric and less than 0.005 pounds in avoirdupois. “Legal-for-trade scale” means a scale which meets the requirements of the National Institute of Standards and Technology Handbook 44 and is approved by the National Type Evaluation Program. Vote 18-0.

HB 1378, relative to inspection of public lodging houses. **REFER FOR INTERIM STUDY.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. Under current law, hotels and motels are required to allow law enforcement to see their guest register. The intent of the bill was to require a warrant. The law was written a long time ago and makes numerous antiquated references. The bill needs a lot of work. Vote 18-0.

HB 1404, relative to consumer rights regarding towing of vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Joyce Weston for Commerce and Consumer Affairs. This bill would put specific limits on tow company charges, forcing that company to possibly lose money on towing a vehicle. The bill, as written, also showed no differentiation between the different types of vehicles, which can differ greatly in the cost of towing service. Capping rates like this will push the business of private property towing more and more to the companies that will do them at reduced rates, lowering the quality of towing services and the experience for the customer. The sponsor of the bill agreed that while it was a constituent-driven concept, it was ill-conceived. Vote 18-0.

HB 1422-FN, requiring warning labels on consumer products containing perfluorinated chemicals. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris McAleer for Commerce and Consumer Affairs. This is a commendable goal but unwieldy as an overwhelming number of products contain these harmful chemicals. Our neighboring state Maine is attempting to implement a law along this line but it is too soon to evaluate the results. Short term efforts should be in educating the public about the dangers of these chemicals with the expressed intent that product manufacturers will voluntarily limit their use until proper controls can be implemented. Vote 18-0.

HB 1501-FN, relative to insurance coverage for pediatric autoimmune neuropsychiatric disorders. **REFER FOR INTERIM STUDY.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would eliminate the sunset clause for insurance coverage for a particularly expensive treatment of a rare disorder. The committee heard testimony that it's been difficult to obtain claims information due to the inability of providers to code the treatment and collect the statistics needed. The committee was told a new code is being developed and since the sunset isn't until 2024, the committee felt it could be addressed in a future legislative term. Vote 18-0.

HB 1556, relative to on-premise and off-premise sales at a beverage manufacturer's facility. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill allows consumers purchasing beverage samples to drink to also purchase beverages for consumption off premise at the same point of sale (POS) in the licensee's facility. The Liquor Commission contended that this problem was a misunderstanding and by request from the Commerce Committee put out an industry circular intended for distribution to the beverage manufacturers. The circular is intended to provide information and clarity on questions and inaccuracies regarding the question of POS systems. The committee decided to hold the bill to ensure there are no more misunderstandings. Vote 18-0.

HB 1558, relative to insurance holding companies. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was requested by the New Hampshire Insurance Department. This bill includes updates to the National Association of Insurance Commissioners (NAIC) model insurance act regarding receiverships and group capital calculation for credit for reinsurance. New Hampshire is a lead state for the group capital and this updates the statute to comply with the model legislation. Vote 18-0.

HB 1559, relative to laws administered by the insurance department. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was filed at the request of the New Hampshire Insurance Department. It adds clarifying language, adds rule making authority for Paid Family Medical Leave Insurance, allows reduced premiums during extenuating circumstances, allows for notice provisions of a third party when an insured cancels a commercial policy, and adds language to explain the process for liens on property in the Continuing Care Retirement Community statute. Vote 18-0.

HB 1580-FN, relative to pharmacy benefits managers. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would require that pharmacy benefits managers (PBMs) be licensed. The costs of drugs continue to be a concern for this committee. The committee has heard testimony for years that PBMs negotiate the costs of drugs between manufacturers and distributors and it is a fairly opaque relationship. Several insurance carriers now have incorporated PBMs into their corporations, making it more difficult to determine the "piece of the pie" they absorb. However, the committee did not feel that licensing was the answer. Insurance companies are highly regulated already and the committee did not think that regulating through this legislation would decrease the costs. Vote 16-2.

HB 1582-FN, repealing the granite state paid family leave plan. **REFER FOR INTERIM STUDY.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. The House Labor, Industrial and Rehabilitative Services committee has a very similar bill that repeals that same plan this bill does, so the committee decided to hold this bill to review what the outcome of the other bill is. Vote 18-0.

HB 1595-FN, relative to establishing a statewide food truck license. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. The intent of this bill was to have one state license for food trucks in New Hampshire rather than the current practice that a food truck vendor would get a license from the town in which they would like to operate. Given that the majority of the cities in New Hampshire have a separate license for their city, a food truck operator would have to get multiple licenses. Needless to say, the cities do not want to give up their responsibility to ensure food safety, and the committee decided that the bill needed more work. Vote 18-0.

HB 1613-FN, establishing a limited farmers liquor manufacturer license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. The bill as introduced would allow New Hampshire farmers to distill small batches at a lower license fee. The committee felt this opportunity should not be limited to just farmers so the amendment replaces the entire bill and allows anyone to get a liquor manufacturer license to produce up to 1,000 cases of liquor per year for a fee of \$300. If more than 1,000 cases are produced, the license remains at \$1,692. Vote 18-0.

Amendment (0830h)

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

AN ACT relative to certain liquor manufacturers.

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

1 New Paragraph; Liquor Manufacturer License; Authorizing Retail Sale for Off-Premises Consumption at Certain Facilities. Amend RSA 178:6 by inserting after paragraph III the following new paragraph:

III-a. Each liquor manufacturer distilling less than 1,000 cases of liquor per year may sell at retail at its facility for off-premises consumption any of its liquor. Each retail sale shall be limited to one 9-liter case or less per sale. No liquor manufacturer distilling less than 1,000 cases of liquor per year shall sell more than 12 9-liter cases of liquor to any one customer in any calendar year.

2 Annual Wine and Liquor License Fees. Amend RSA 178:29, V(b) to read as follows:

(b)(1) Domestic ~~[manufacturers of liquor]~~ **liquor manufacturers of 1,000 or more cases of liquor per year**, \$1,692.

(2) **Domestic liquor manufacturers of less than 1,000 cases of liquor per year, \$300.**

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

AMENDED ANALYSIS

This bill authorizes a liquor manufacturer distilling less than 1,000 cases of liquor per year to sell its liquor at its facility for off-premises consumption and establishes fees for domestic liquor manufacturers based on the number of cases they produce per year.

HB 1027-FN, establishing the crime of undermining legislative process by false claim of emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for Criminal Justice and Public Safety. This bill would give the New Hampshire legislature the ability to pursue criminal charges against people who abuse a COVID-19 state of emergency. Regardless of how one feels about this, or the federalism questions involved, the US Supreme Court has already addressed this question. Therefore the issue is moot and the committee believes the bill should be defeated. Vote 19-0.

HB 1067-FN, relative to limitations on prosecution for first degree assault. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety committee, after having heard testimony from various witnesses, found that this bill Ought to Pass as amended. This makes it so that the statute of limitations for assaults on minors begins to toll upon their 18th birthday. The limits would be six years for felony and three years for misdemeanor assaults. The majority of the committee believes that this bill strikes a balance between a defendant's right to speedy justice and a victim's ability to reach adulthood and still have time to seek counseling and assistance in making the determination of whether or not to bring charges for assaults they suffered as a child. Vote 17-1.

Amendment (0168h)

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

1 New Subparagraphs; Criminal Code; Limitations. Amend RSA 625:8, III by inserting after subparagraph (i) the following new subparagraphs:

(j) For any offense under RSA 631:1, where the victim was under 18 years of age when the alleged offense occurred, within 6 years of the victim's eighteenth birthday.

(k) For any offense under RSA 631:2, where the victim was under 18 years of age when the alleged offense occurred, within 6 years of the date the offense was committed or within 3 years of the victim's eighteenth birthday, whichever is greater.

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

AMENDED ANALYSIS

This bill establishes a statute of limitation on actions brought for first degree and second degree assaults where the victim was under 18 years of age.

HB 1215-FN, relative to the definition of “residual amount” in the controlled drug act. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, recommends that this bill be found inexpedient to legislate. This bill would conflict with the entire existing statutory scheme that bases the severity of offenses regarding controlled substances by weight. Even adjusting the weight down for fentanyl, which the original bill allowed an amount sufficient to kill many people as “residual,” there still exists statutory conflicts with cocaine and other substances. A one size fits all approach to calling an amount of a substance “residual” is both dangerous and unworkable within our current criminal statutes. Vote 21-0.

HB 1246-FN, relative to interlock devices. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, recommends that this bill Ought to Pass. The majority agreed that this bill will allow New Hampshire law enforcement to charge an operator of a commercial motor vehicle licensed in this, or any other state, appropriately if they drive in New Hampshire after having been convicted in another jurisdiction of operating a vehicle without an interlock device, after having been required to use one, or they are operating in this state without a required device. The bill would also allow the commissioner of safety to order a hearing to determine if the operator should be required to install an interlock device on any vehicle registered to them in this state based on an out of state conviction. Vote 18-2.

HB 1335-FN, relative to the parole board and the procedure for medical parole of prisoners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Meuse for Criminal Justice and Public Safety. This bill would strengthen the criteria for determining if a resident in a New Hampshire prison qualifies for medical parole. While this situation impacts an extremely small number of people in the prison population, medical parole provides a compassionate alternative to housing a resident nearing the end of life or who is enduring a complex medical situation in a prison setting who is no longer dangerous. The bill restricts eligibility to residents who are permanently incapacitated or permanently debilitated, have a terminal illness, or have a serious and complex medical condition that requires extended services or care that cannot be provided by the prison system. Parole decisions remain in the hands of the parole board, which can also specify the placement of the parolee in a hospital, hospice, or family home. The bill also clarifies that, should the condition of the parolee improve, parole would be revoked. The bill also makes some minor revisions to the membership of the adult parole board and as amended, has the support of the Department of Corrections and the Adult Parole Board. Vote 21-0.

Amendment (0811h)

Amend the bill by replacing section 3 with the following:

3 Parole of Prisoners; Medical Parole. RSA 651-A:10-a, I-IV are repealed and reenacted to read as follows:

I. Only upon the recommendation of the commissioner of the department of corrections and the director of medical and forensic services, and after their review of the information provided by a physician licensed pursuant to RSA 329 or an advanced practice registered nurse pursuant to RSA 326, and his or her review of medical needs, resource capabilities, and treatment goals, may the parole board consider medical parole to an inmate, referred to by the department of corrections as a “resident,” incarcerated in a state correctional facility, regardless of the time remaining on his or her minimum sentence. The medical parole request shall cite one of the following medical categories:

(a)(1) Permanently incapacitated or permanently debilitated. A resident who satisfies all of the following as certified by a physician licensed pursuant to RSA 329 or an advanced practice registered nurse licensed pursuant to RSA 326:

(A) Has a health care condition that prevents the resident from independently performing activities of daily living in a manner that ensures their daily needs are met in a prison environment; and

(B) Has such limited physical strength or capacity that the resident poses an extremely low threat to others or to the community; and

(C) The condition is unlikely to improve or cannot be managed in the prison health care setting due to the resident’s serious functional impairment and/or the level of care that is needed to ensure the resident’s access to constitutionally appropriate health care in a prison health care setting.

(2) Additional consideration shall be given to whether or not there are appropriate services available in the prison health care setting as determined by the director of medical and forensic services.

(b) Terminally Ill. As certified by a physician licensed pursuant to RSA 329 or an advanced practice registered nurse licensed pursuant to RSA 326, a resident who has an illness that is considered terminal or permanently debilitating, and treatments are not going to cure or stop the progression of the illness. Generally, comfort measures and hospice are offered in place of active treatment interventions.

(c) Serious and complex medical condition. As certified by a physician licensed pursuant to RSA 329 or an advanced practice registered nurse licensed pursuant to RSA 326, a resident who has a serious and complex medical condition, which will require extended services or care that cannot be accommodated, managed, or provided by the department of corrections as determined by the director of medical and forensic services.

II. The director of medical and forensic services, on behalf of a resident, may petition the parole board for a hearing to determine if the person is eligible for medical parole.

(a) A representative from the department of corrections' division of medical and forensic services shall attend each medical parole hearing.

(b) If the condition, disease, illness, or injury of the resident does not allow for participation of the resident at a scheduled hearing, the resident may have a representative approved by the board or an attorney participate in the hearing on the resident's behalf.

II-a. The board shall require as a condition of release on medical parole that the parolee agree to placement and that the parolee is able to be placed for a definite or indefinite period of time in a hospital, hospice, or other housing accommodation suitable to his or her condition, disease, illness, or injury, including a family home, as specified by the board.

II-b. Any medical parolee shall remain in the assigned residence except to engage in medical treatment. Any change in residence shall require pre-approval of the parole board unless it is a medically-emergent residence change, as determined by a health care provider. If a medically emergent residential change occurs, the adult parole board shall be notified within 48 hours of the probation parole officer being notified of the change in residence.

III. Medical parole shall be granted by a majority vote of the members of the hearing panel if the resident satisfies the criteria under paragraph I and the adult parole board has determined there is a reasonable probability the resident will not violate the law while on medical parole and will conduct himself or herself as a good citizen.

IV. The parole board may request, as a condition of medical parole, that such resident or his or her representative submit to the director of medical and forensic services the results of to periodic medical examinations while on medical parole and comply with any other parole conditions imposed by the parole board. The director of medical and forensic services, after review of any such medical examination shall report the findings to the parole board. After review of such findings, the parole board may require the issuance of a warrant to return the parolee to the prison for a revocation hearing. If the parole board finds that the condition, disease, illness, or injury of the parolee has improved to the extent that the parolee no longer meets the criteria specified in paragraph I, or has violated the conditions of parole, the medical parole shall be revoked and the parolee shall be returned to the custody of the state.

HB 1360-FN, relative to penalties for controlled drug violations. **OUGHT TO PASS WITH AMENDMENT.** Rep. Terry Roy for Criminal Justice and Public Safety. The Criminal Justice and Public Safety committee, after having heard testimony from various witnesses, recommends that this bill should be Ought to Pass as amended. The committee agreed that while we wish to remain tough on crime, we must also balance this with the fiscal and human cost of extended incarceration for personal use of controlled substances and therefore reduction of potential incarceration and fines are appropriate. Vote 18-0.

Amendment (0088h)

Amend the bill by replacing section 1 with the following:

1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(a) to read as follows:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III, or IV, other than those specifically covered in this section, the person shall be guilty of a ~~[class B felony, except that]~~ ***misdemeanor for a first offense*** ~~[notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed]~~. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a ~~[class A]~~ ***class B*** felony~~[, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed]~~.

HB 1433-FN, relative to penalties for poisoning dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses recommends that this bill be found inexpedient to legislate. The majority found that while the cause was commendable, the bill as written opened the door to many possible unintended consequences. The inability of the sponsors to explain what would and would not constitute a place where a citizen could legally place poison intended for vermin was just one of the problems with this bill. Further, the majority found that intentionally poisoning a pet would be covered by the current animal cruelty statutes. Vote 17-2.

HB 1015, relative to school district policies regarding objectionable material. **INEXPEDIENT TO LEGISLATE.** Rep. Michael Moffett for Education. The laudable intent of this bill was to provide parents with opportunities to review areas of concern regarding potential objectionable material, speakers, or programs that would be part of scheduled school instruction. The issue with the bill involved the explicit timelines in the measure's language that might preclude certain teaching opportunities (the teachable moment) that might pop up on

short notice, such as a visit from a congressperson, a similarly high-profile individual, or a current event occurring in the Ukraine or elsewhere in the world. The prescriptive language and requirement for two weeks' notice could preclude certain enrichment opportunities from being considered. Vote 18-1.

HB 1141, relative to special education services for children in chartered public schools. **REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for Education. There was a special education study committee last fall that heard and received much testimony. This amended bill addresses some of the issues raised by parents. These include perceived intimidation in individualized education plan (IEP) meetings by the presence of district lawyers which is contrary to federal law concerning allowed participants. There were also complaints about having to sign non-disclosure agreements in order to enter into mediation which also is against federal law. We also heard testimony of incidents where documents have been missing or inaccurate in the student files so an amendment to the bill included provisions for parental access to the records. Issues remain, however, in looking at existing administrative rules that exceed state and federal law and what statutory changes still are needed. The majority agreed that Interim Study was the best way to continue looking at these issues. Vote 18-0.

HB 1164, revising the agriculture in the classroom committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, changes the composition and scope of the Agriculture in the Classroom Committee. The bill replaces membership from the now defunct New Hampshire Plant Growers Association appointed by the Governor to one representative from the New Hampshire Fruit Growers Association, also appointed by the Governor. As currently in law, and verified by the attorney general's office, this committee is a not-for-profit corporation with powers and duties identified in statute. Vote 19-0.

Amendment (0939h)

Amend RSA 425:25, III(g) as inserted by section 1 of the bill by replacing it with the following:

(g) A representative of the Fruit Growers Association, appointed by the governor.

HB 1169, relative to public comment and inquiry during school board meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill is related to public comment during school board meetings. It demanded that board members cite statutes or rules for board authority to take certain actions and required the board to respond to public comment questions either immediately or within 5 days. While an important issue, it was felt that the bill went too far in some mandates on school boards. Vote 19-0.

HB 1196, relative to school financial reports of public academies. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill requires that public academies file a financial report each year to the Department of Education. As an academy, Pinkerton Academy is a unique, independent learning school and its mission is to strive to ensure the growth of all students in a challenging, respectful, and collaborative environment. It is an independent high school with contracts with area school districts and independent applicants which service 3,100 student in grades 9-12. During the previous year, the academy operated an extensive program of studies including more than 320 unique courses and over 60 cocurricular activities. Having reviewed the most recent tax reports, the academy is a not-for-profit organization, exempt from federal and state income tax under section 501(C)(3). The academy has adopted an accounting policy, and as communicated to the committee, Pinkerton Academy's tax-exempt status and exemptions are identified in tax reporting and this material is publicly available. The committee views this bill as unnecessary. Vote 18-0.

HB 1198, relative to rules of the department of education concerning culture and climate in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill was aimed at Department of Education administrative rules related to school culture and climate and preventing their enforcement. Unfortunately, there are some important rules on this subject such as shared ownership and responsibility of the school among students, their families, and the community, thus the Inexpedient to Legislate recommendation. Vote 18-0.

HB 1212-FN, relative to charges for chartered public school transportation. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia Cornell for Education. This bill would require school districts to provide transportation to charter school students on any day the charter has school and the district does not. Testimony was heard that districts do share calendars with charter schools as early as possible to allow alignment. The committee felt that a better solution was to encourage districts and charters to communicate and coordinate calendars and legislation was unnecessary. Vote 18-0.

HB 1236, relative to the legislative oversight committee for the education improvement and assessment program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Education. This bill restores the Public Education Oversight Committee responsible for evaluating the accountability measures for public schools and reviewing student outcomes. The committee was repealed last session during a sweep of committees that failed to meet on a timely basis. Provisions in the bill, as amended, improve the ability for the committee to meet and provide valuable reports of public school performance to the General Court. Vote 19-0.

Amendment (0923h)

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

1 New Section; Education Improvement and Assessment; Legislative Oversight Committee. Amend RSA 193-C by inserting after section 8 the following new section:

193-C:8-a Legislative Oversight Committee.

I.(a) It is the duty and policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come, regardless of where the students live.

(b) Respecting New Hampshire's long tradition of community involvement, appropriate means are established to provide an adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes minimum standards for public school approval and academic standards for delivery of educational services at the local level. School districts then have the responsibility and flexibility in implementing diverse educational approaches to instruction and curriculum tailored to meet student needs.

(c) New Hampshire's long history of authorizing local governments in the form of local districts, to develop and administer public schools pursuant to a set of minimum standards established by the state has successfully achieved, on average across the state, high quality educational outcomes.

II. An oversight committee shall be established consisting of:

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

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

III. The first meeting of the oversight committee shall be at the call of the first named house member. The first order of business shall be for the members to elect a chair. The members of the committee shall receive mileage at the legislative rate when attending to duties of the committee.

IV. The legislative oversight committee shall:

(a) Review the development and implementation of the school performance and accountability program set forth in RSA 193-H to ensure compliance with state and federal law. Implementation of the program shall be in conjunction with the committee's review.

(b) Review the provisions of RSA 193-H and submit a report of such review annually to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

(c) Propose legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter and under RSA 193-H, including any changes necessitated by federal law.

(d) Confer with the commissioner and the state board of education to identify operational principle's which should guide the work of the department of education in supporting improved school performance and accountability.

(e) Analyze existing department of education programs and initiatives which support improved school performance and accountability.

(f) Receive reports from the commissioner regarding the status of public education in New Hampshire, updates on the improvement made by local school districts toward achieving satisfactory progress in statewide student performance under RSA 193-H:2 and status reports on the on-going issues and implications of school accountability at the state and federal level. Reports by the commissioner shall occur at least once annually or more frequently as needed, as determined by the committee and the commissioner.

(g) Review and approve statewide performance targets required under RSA 193-H:2 developed by the department of education and recommended to the legislative oversight committee by the state board of education.

(h) Receive reports from the state board of education including rules recommended by the department to be adopted by the state board of education under RSA 541-A relative to statewide performance targets required under RSA 193-H:2. The legislative oversight committee shall propose legislation to be submitted to establish such statewide performance targets in state statute during the legislative session following the approval of any recommendations which the state board of education is required to make.

(i) Review the unique pupil identification system established in RSA 193-E:5 and propose legislation needed as a result of the review.

(j) Review the implementation and results of the program relative to accountability for the opportunity for an adequate education established in RSA 193-E, consult and receive reports on such program, evaluate and review existing and emergent performance-based measurement tools, and propose legislation for improvements to the accountability program, as necessary.

(k) Receive security breach reports from the department of education pursuant to RSA 189:66, consult with the commissioner of the department of information technology, and propose legislation needed as a result of the review.

(l) Review and make recommendations relating to academic standards under consideration by the state board of education pursuant to RSA 193-E:2-a, IV(c).

2 Performance-Based Accountability System; References Added. Amend RSA 193-E:3-c to read as follows: 193-E:3-c Performance-Based Accountability System.

I. At least every 4 years the commissioner shall review the performance-based accountability system and make recommendations for future legislation *to the legislative oversight committee established in RSA 193-C:8-a*.

II. The department shall have the following duties:

(a) Implement the performance-based accountability system to be used by schools that will ensure that the opportunity for an adequate education is maintained.

(b) Identify performance criteria and measurements.

(c) Establish performance goals and the relative weights assigned to those goals.

(d) Establish the basis, taking into account the totality of the performance measurements, for determining whether the opportunity for an adequate education exists, which may include the assignment of a value for performance on each measurement.

(e) Ensure the integrity, accuracy, and validity of the performance methodology as a means of establishing that a school provided the opportunity for an adequate education as defined in RSA 193-E:2-a.

III. The performance-based accountability system shall be based on data and indicators aligned to the New Hampshire consolidated state plan, as required by the Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the Every Student Succeeds Act.

IV. The commissioner shall submit a report of its findings with recommendations for future legislation for the performance-based accountability system to the *legislative oversight committee established in RSA 193-C:8-a*. *After the report is approved by the legislative oversight committee, the commissioner shall submit the report to the* chairpersons of the house and senate education committees, the speaker of the house of representatives, the senate president, the governor, the house clerk, and the senate clerk.

V. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to this section, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than January 15 annually to the same individuals receiving the final report under paragraph IV.

HB 1255, relative to teachers' loyalty. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill would add terms such as socialism and Marxism to a section of law titled Teacher Loyalty that became law in 1949 dealing with communism. To properly prepare for our future, our young students must know about our past and learn from that history, both the good and the bad. With the world experiencing the horrific events happening in the Ukraine, topics such as socialism (a political, social and economic philosophy that encompasses a range of economic and social systems characterized by social ownership) need to be taught without a teacher being accused of advocating a subversive doctrine or topic.

HB 1263, relative to physical education in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, further prescribes health, physical education, wellness, and personal finance literacy to be taught in schools. The school board shall ensure that health education, physical education to include the importance of exercise, and wellness are taught to pupils as part of the curriculum while also addressing prevention of sexual violence. The school board shall also ensure that personal finance literacy instruction designed to prepare students for success in making financial decisions is taught as part of the curriculum. Personal finance literacy skills may be embedded in an existing course or grade level program of studies. Currently, this study may be taught within high school economics. School districts will have until July 1, 2024 to plan for this area of study. As in HB 242 last year, the New Hampshire Banker's Association and business organizations were and continue to be in full support of teaching personal finance literacy. Vote 19-0.

Amendment (0942h)

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

AN ACT relative to prescribed studies on health, physical education, wellness, and personal finance literacy in schools.

Amend the bill by replacing section 1 with the following:

1 Education; Studies; Requirements for Physical Education, Wellness, and Personal Finance Literacy in Schools. RSA 189:10 is repealed and reenacted to read as follows:

189:10 Studies.

I. The department of education shall survey school districts biennially to receive reports on compliance with this section, and shall provide the report to the president of the senate, speaker of the house of representatives, and the chairpersons of the senate and house committees with jurisdiction over education, health and human services, and children.

II. The school board shall ensure that health education, physical education to include the importance of exercise, and wellness are taught to pupils as part of the curriculum, specifically to include physiology,

hygiene, health and interpersonal relationships, physical education, and wellness, as they relate to the effects of alcohol and other drugs, prevention of sexual violence, child abuse as established in the definition of “abused child” under RSA 169-C:3, II, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system.

III. The school board shall ensure that personal finance literacy instruction designed to prepare students for success in making financial decisions is taught as part of the curriculum. Personal finance literacy skills may be embedded in an existing course or grade level program of studies.

AMENDED ANALYSIS

This bill provides for prescribed studies in schools in health, physical education, and wellness, as well as on personal finance literacy.

HB 1295, requiring reports concerning school policies on classroom recordings and in-classroom observers. **REFER FOR INTERIM STUDY.**

Rep. Ralph Boehm for Education. This bill would require superintendents to submit a report to the Department of Education on school policies concerning in-classroom videos. The committee believes this bill needs more study to look at existing policies and rules. Vote 18-0.

HB 1313, relative to rights to freedom from discrimination in higher education. **REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for Education. The discrimination law passed last year in HB 2 applied to K-12, but did not specifically identify postsecondary education. The bill did state that nothing in that subsection of law shall be construed to limit the academic freedom of faculty members of the University System of New Hampshire and the Community College System of New Hampshire to conduct research, publish, lecture, or teach in the academic setting; however, concern has been brought to the attention of committee members that there may be need for language with the law to also address curriculum and instruction at the public postsecondary levels. The committee prefers the option of working closely with higher education administration to obtain assurances that policy is in place ensuring that all students know and experience the community college and university systems as welcoming and inclusive places to live, work, and study. The Education Committee recommends Interim Study and is hopeful that by working together, we can build bridges and models of inclusivity without the need for further legislative action by the General Court. Vote 18-1.

HB 1329, relative to alternative programs for credit leading to high school graduation. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This legislation was originally included in HB 242 that was vetoed this past year. The bill, as introduced, would allow high schools to accept alternative programs for credit leading to graduation pursuant to rules adopted by the State Board of Education. There is no need for this legislation at this time as the state board has adopted rules and administrative procedures for implementing the Learn Everywhere Program. The successful Learn Everywhere Program is now fully operational and expanding student access to extended-learning opportunities that lead to high school graduation. Vote 19-0.

HB 1336, relative to rulemaking by the state board of education concerning violations of the professional code of ethics and the professional code of conduct. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. The intent of this bill was to address the code of conduct and to codify in statute the disciplinary sanction terms of reprimand, suspension, and revocation, adopted pursuant to rule in the Professional Code of Conduct for New Hampshire Educators. It has been determined that by addressing like terminology directly in statute, rather than making any modifications to the code of conduct through the rule making process, would be in error. The committee, therefore, opines that modification to the code can best be accomplished through the rule making process. Upon careful review of the code by involved principals, the committee recommended that a fourth category would be added to the code stating that the first option would result in “a confidential letter of concern which shall mean a non-disciplinary, non-public letter be issued to the employee.” In follow up to committee recommendation, the Chairman of House Education forwarded an unanimously agreed upon letter dated February 9, 2022, to the Department of Education Commissioner. Vote 18-0.

HB 1366, relative to cooperative school board reapportionment. **REFER FOR INTERIM STUDY.**

Rep. Michael Moffett for Education. This bill was submitted for the purpose of making it easier to submit petitioned articles locally with regard to proposed cooperative school district apportionment modifications. RSA 195:22 presently requires such a proposal to show signatures of at least 10% of a cooperative district’s qualified voters. This requirement is daunting, particularly in larger districts; however, during committee work it was understood that different dynamics occur in SB 2 communities that need further consideration before moving forward with this legislation. Vote 19-0.

HB 1371, relative to school district policies on facial masks of students in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This well-intentioned bill requires that each school district develop a policy against both mask mandates and discrimination based upon student or staff decisions on mask choice. There are issues, however, with the legislation's requirement for the Department of Education to develop policies on mask choice bullying and harassment plus investigate complaints. Legislation is already in place regarding bullying that would cover incidents of mask bullying with processes for investigation and reporting. There is also other legislation that would prohibit mask mandates. For these reasons, this bill is not needed. Vote 18-0.

HB 1372, relative to requirements for teacher certification. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill adds a requirement that all educators applying for New Hampshire certification shall have completed a class on New Hampshire Department of Education administrative rules. Among considerations discussed in the committee, questions developed regarding who, where, or how the class would be available and taught, and how will the new requirement be funded? In addition to the aforementioned issues, the committee questioned the need for a test on all 104 pages of the Ed 306 rules established for the minimum standards of public school approval, or rules for other aspects of education such as: nonpublic schools, vocational rehabilitation programs, alternative education, and regional career technical education and much more. Education personnel seeking certification should know where to locate rules relative to education. An administrator should be knowledgeable of all rules pertinent to education, but requiring this of all teachers is excessive. Vote 18-0.

HB 1373, relative to the best interest of the student for a change of school or assignment. **REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for Education. This bill is the result of a complaint to the Department of Education from parents in a school district that tuitions their high school students to a school in Massachusetts, but they want to send their children to a New Hampshire school. Since the bill was introduced, they have worked out an agreement with the district to do that, but parents would have to pay the difference in tuition for the New Hampshire school – thousands of dollars. Interim Study was agreed to because the option now exists to go to the New Hampshire school, but we need to look at the requirement for New Hampshire residents to have to pay tuition to attend a public school in this state. Vote 18-0.

HB 1399, relative to school district withdrawal from a cooperative school district. **REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for Education. This bill modifies the procedures for the disposition of equity and liabilities associated with buildings, land, and facilities for a school district withdrawing from a cooperative school district. This topic has received numerous studies, the most recent occurring in 2016-2017. Along with other bills received by the committee this year that address very unique elements contained within cooperative agreements such as governance, cooperative formation, and complicated dissolution of assets and withdrawal, the committee finds that additional time to conduct a more serious, vigorous, and comprehensive review of RSA 195 in its entirety is required. Vote 19-0.

HB 1402-L, relative to inclusion of chartered public schools in school district bond issuance votes. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education. This bill establishes a procedure for a chartered public school to elect to include its planned land, construction, or renovation costs in the local school district's vote to authorize bonded indebtedness. The committee found the bill left too many unanswered questions with respect to financial risk, disparate credit ratings, and contingent balance sheet obligations and leaves local taxpayers on the hook. Vote 18-0.

HB 1428-FN, relative to the provision of special education services by chartered public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill would require that a charter school contract for special ed services if the resident school does not provide the necessary services in 2 weeks. The charter school would then bill the resident school district for those costs. We found this to be unreasonable. In accordance with law, the school district in which the student resides is responsible for establishing and delivering the special need services for the student. In some cases, it may take more than 2 weeks to find the necessary specialists for the student's needs. Authorizing the charter school services the authority to contract services if the district misses the 2-week deadline would place additional costs on the resident district as well as the charter school. The resident district must provide the necessary services in a reasonable time by law. Vote 18-0.

HB 1499, relative to chartered public school eligibility for state school building aid. **REFER FOR INTERIM STUDY.**

Rep. Deborah Hobson for Education. This bill adds chartered public schools to the procedures for consideration, approval, plan requirements, and determination of grants for school building aid. The importance of building aid can't be understated. This is a program authorized by RSA 198:15-a through which the state provides financial assistance to local school districts for the construction or substantial renovation for educational

facilities for grades K-12. Most charter schools currently lease space and the ability to own their buildings or secure financing is cost prohibitive. Lack of facilities funding hurts students in that they won't have access to kitchens, libraries, and science labs. Additionally, lack of funding forces chartered public schools to use operational funding to pay for the building, therefore taking away from program funding. Adding Charter schools to building aid statutes needs additional research before we change statutes and for this reason, we seek an Interim Study. Vote 19-0.

HB 1513-FN, relative to the definition of a child with a disability for purposes of special education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. Federal law provides for a free appropriate public education to be available to all children with disabilities between the ages of 3 and 21, inclusive. The important word is "inclusive," meaning that services should be provided through the child's 21st year. The law does give some flexibility to states on this age provision but we had testimony that 30 states provide services through age 21. It is estimated that there would be only approximately 79 students over the next two years to get the added services. The committee feels that our state should conform to federal law and that we should provide services to these children for the entire school year in which they turn 21 years old. Vote 19-0.

Amendment (1020h)

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

1 Special Education; Definition; Child with a Disability. Amend RSA 186-C:2, I to read as follows:

I. "Child with a disability" means any person ~~[3 years of age or older but less than 21 years of age]~~ **from the age of 3 to the age attained at the end of the school calendar year during which the student turns age 21** who has been identified and evaluated by a school district according to rules adopted by the state board of education and determined to have an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, acquired brain injury, another health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a child at least 3 years of age but less than 10 years of age, experiencing developmental delays, who because of such impairment, needs special education or special education and related services. "Child with a disability" shall include a ~~[child ages]~~ **person from the age of 18 ~~[to 21]~~ to the age attained at the end of the school calendar year during which the student turns age 21**, who was identified as a child with a disability and received services in accordance with an individualized education program but who left school prior to his or her incarceration, or was identified as a child with a disability but did not have an individualized education program in his or her last educational institution.

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

AMENDED ANALYSIS

This bill modifies the definition of "child with a disability" to include persons from the age of 3 to the age attained at the end of the school calendar year during which the student turns age 21.

HB 1530, relative to bachelor's degrees offered by the community college system of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, establishes curricular transfer pathways between the Community College System of New Hampshire (CCSNH) and the University System New Hampshire (USNH). It is the intent of the General Court with the collaboration of both the CCSNH and the USNH to create and maintain transfer pathways that optimize the utility and affordability for students earning an associate of arts or science degree to enroll in a bachelor's program at UNH, Keene State College, or Plymouth State University with CCSNH course work and credits fully transferable to any university system institution offering the chosen four-year degree. As a result of this bill, the systems will have in place by July 1, 2024 a higher education transfer pathway system to enable a student possessing an associate degree to continue his or her career goal of attaining a 4-year degree as an enrolled university level junior without loss of previously earned coursework. Along with a number of articulation agreements currently in place, this legislation is fully supported by both New Hampshire higher education systems. It is a first step toward aligning credit courses between the two systems. Vote 19-0.

Amendment (0947h)

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

AN ACT establishing curricular transfer pathways between the community college system of New Hampshire and the university system of New Hampshire.

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

1 New Section; University System of New Hampshire; Transfer Pathways. Amend RSA 187-A by inserting after section 16-b the following new section:

187-A:16-c Transfer Pathways.

I. It is the intent of the general court that community college students who wish to earn baccalaureate degrees in the state's public higher education system be provided with clear and effective information and directions that specify curricular paths to a degree.

II.(a) The trustees of the university system of New Hampshire shall work collaboratively with the trustees of the community college system of New Hampshire to create and maintain transfer pathways that optimize the utility and affordability of the community college system for at least the 30 undergraduate majors for which the demand from students in the community college system is the highest, and for which pathways can reasonably be created through partnership between the systems.

(b) The pathways shall consist of general education and lower division major requirements at participating community college system institutions that are fully transferable as a block upon completion of an associate of science or associate of arts degree to any university system institution offering the chosen degree.

(c) An associate of science or associate of arts degree graduate enrolled in a pathway shall be deemed to have met all general education and lower division requirements for transfer to a university system institution as a junior.

III. Notwithstanding paragraph II, admission into a particular program, school, or college within a college or university in the university system of New Hampshire shall remain competitive in accordance with generally applicable policies and nothing in this section shall guarantee a time to degree completion.

2 New Section; Community College System of New Hampshire; Transfer Pathways. Amend RSA 188-F by inserting after section 6 the following new section:

188-F:6-a Transfer Pathways.

I. It is the intent of the general court that community college students who wish to earn baccalaureate degrees in the state's public higher education system be provided with clear and effective information and directions that specify curricular paths to a degree.

II.(a) The trustees of the community college system shall work collaboratively with the trustees of the university system of New Hampshire to create and maintain transfer pathways that optimize the utility and affordability of the community college system for at least the 30 undergraduate majors for which the demand from students in the community college system is the highest, and for which pathways can reasonably be created through partnership between the systems.

(b) The pathways shall consist of general education and lower division major requirements at participating community college system institution that are fully transferable as a block upon completion of an associate of science or associate of arts degree to any university system institution offering the chosen degree.

(c) Each community college system institution shall clearly identify those programs that meet the requirements of this section. Students interested in pursuing a pathway program should notify the appropriate administrators as early as possible. Upon notification, students shall be provided with appropriate resources designed to assist with successful completion of the chosen degree pathway.

3 Effective Date. This act shall take effect July 1, 2024.

AMENDED ANALYSIS

This bill allows community college students who wish to earn baccalaureate degrees in the state's public higher education system to pursue curricular transfer pathways to a degree.

HB 1533, relative to health education curriculum in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. Following an informative discussion, the committee opted to merge components of this bill into HB 1263, a bill that also addresses RSA 189:10 and "studies" involving health, physical education, and exercise and wellness. Elements from this bill including interpersonal relations and prevention of sexual violence have been amended to HB 1263. Vote 18-1.

HB 1588-FN, relative to students attending public schools that mandate the wearing of face masks without an emergency order in place. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill would allow for a student who attends a public school that is enforcing a face mask mandate, outside of a state of emergency declaration, to attend a different school (public, non-public, alternative program) that does not have such a mandate. The school district with the face mask mandate would be required to pay the costs of transportation and tuition for such student desiring to transfer. This legislation could significantly increase local school district expenditures, should a student opt to attend a private school or different public school. In addition, statute does not require public schools to transport high school students, although exceptions can be made by the superintendent. Vote 15-3.

HB 1594, relative to assistance to certain students with disabilities in registering to vote. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sue Mullen for Education. One of the most significant transitions in an individual's life is the transition from child to adult. Along with the responsibilities come the privileges, the right to vote being chief among them. This bill would require a 17-year-old (or older) student's Section 504 or Individualized Education Pro-

gram team to determine whether or not voter registration is an appropriate goal, and if so, to include the steps necessary within the student's plan. The original bill exempted schools who provide the opportunity to learn how to register to vote to all eligible students, but the committee elected to amend the bill to remove that provision to assure that qualifying students are aware of available accommodations and how to secure answers to their questions and concerns. Vote 19-0.

Amendment (0814h)

Amend the bill by replacing section 1 with the following:

1 New Section; Special Education; Voter Registration Planning. Amend RSA 186-C by inserting after section 8 the following new section:

186-C:8-a Voter Registration Planning. When an individualized education program (IEP) team or planning team for accommodations pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq) meets for the purpose of reviewing or developing an IEP or accommodation plan for a student who is 17 years of age or older, or will be during that academic year, the team shall discuss whether voter registration is an appropriate community living/citizenship training goal to be included in the IEP or Section 504 plan, and, if so, when and how voter registration should be accomplished. Any resulting decisions shall be included in the IEP or Section 504 plan.

HB 1605-FN, requiring SAUs to maintain a report on the 5-year projection of future enrollments. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill requires school administrative units to annually report to school districts the 5-year projection of future enrollments within the school administrative unit, including cost per student information. School districts and budget committees presently gather this data when developing annual budgets and projecting expenditures extending forward into the future. This is done when addressing negotiated contracts, bonding, capital purchases, maintenance plans, and much more. Although this bill is directed toward the purpose of holding each school district's cost per student growth within the current inflation rate, there are certain unplanned expenses that occur that significantly spike small district per pupil costs. Unexpected special education costs associated with newly placed, handicapped students may be catastrophic for districts with fewer than 100 students. Those expenses must be paid in the given year; however, budgets are premised upon data from the previous year. Each district is unique with different contracts, demographics, staffing, community economics, and more which will be different from district to district. Each district has unique issues contributing to costs, and these elements come into play when forecasting populations. The committee cautions comparison of one district to another due to these very unique education costing elements. Vote 18-1.

HB 1626, relative to the unique pupil identification system. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. The Department of Education maintains a system of unique pupil identification numbers to track students while maintaining their privacy. This bill updates the existing statute according to practice and other statutes to permit charter schools and the scholarship organization that manages the education freedom account program to have access to the identification numbers. This is needed so they can verify student attendance and avoid duplication with other schools. Failure to do this checking might lead to duplication of payments. Vote 18-0.

HB 1637-FN, requiring parents of public school students to submit a survey when electing an education freedom account. **INEXPEDIENT TO LEGISLATE.**

Rep. Melissa Litchfield for Education. This bill requires a parent submitting an application to the education freedom account program to complete and submit a parent survey issued by the Department of Education. Concerns were shared during testimony regarding the lack of anonymity and this bill further states that receiving funds would be conditional upon completion of this survey. The Children's Scholarship Fund is already administering this survey and this survey is anonymous and the overall results are public. This bill should be found Inexpedient to Legislate. Vote 19-0.

HB 1649, relative to unique pupil identification for pupils in the education freedom accounts program. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. With the unanimous recommendation for passage of HB 1626 on the same subject of unique pupil identification access, the committee recommends Inexpedient to Legislate for this bill as it is not needed. Vote 19-0.

HB 1663, relative to requirements for home education students. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This amended bill updates and clarifies several statutes related to home education. It updates the definition of home education to state that it is provided, coordinated, or directed by a parent to their own child. Also updated are the notification requirements for starting or terminating home education. It also removes home education proficiency requirements so as to be in line with public schools. Vote 18-1.

Amendment (1028h)

Amend the bill by replacing all after section 2 with the following:

3 Home Education Program; Notifications. Amend RSA 193-A:5, III to read as follows:

III. Written notice of termination of a home education program shall be filed by the parent with the commissioner of education, ~~[and, in addition,]~~ the resident district superintendent, or *the* nonpublic school principal within 15 days of said termination.

4 New Paragraph; Home Education; Notifications. Amend RSA 193-A:5 by inserting after paragraph IV the following new paragraph:

V. Any parent who previously notified the resident district superintendent of a home education program who moves from said district shall notify the original resident district superintendent that the child has moved from the district and shall provide notification pursuant to paragraph I.

5 Home Education; Records; Educational Evaluation. Amend RSA 193-A:6 to read as follows:

193-A:6 Records; Evaluation.

I. The parent shall maintain a portfolio of records and materials relative to the home education program. The portfolio shall consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. Such portfolio, *which at all times remains the property of the parent*, shall be preserved ~~[by the parent]~~ for 2 years from the date of the ending of the instruction.

II. The parent shall provide for an annual educational evaluation in which is documented the child's demonstration of educational progress at a level commensurate with the child's age ~~[and]~~, ability, *and/or disability*. The child shall be deemed to have successfully completed ~~[his]~~ *an* annual evaluation upon meeting the requirements of any one of the following:

(a) A certified teacher or a teacher currently teaching in a nonpublic school who is selected by the parent shall evaluate the child's educational progress upon review of the portfolio and discussion with the parent or child;

(b) The child shall take any national student achievement test, administered by a person who meets the qualifications established by the provider or publisher of the test ~~[- Composite results at or above the fortieth percentile on such tests shall be deemed reasonable academic proficiency];~~

(c) The child shall take a state student assessment test used by the resident district ~~[- Composite results at or above the fortieth percentile on such state test shall be deemed reasonable academic proficiency];~~ or

(d) The child shall be evaluated using any other valid measurement tool mutually agreed upon by the parent and the commissioner of education, resident district superintendent, or nonpublic school principal.

6 Effective Date.

I. Section 1 of this act shall take effect 90 days after its passage.

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

HB 1664-FN, requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers. **REFER FOR INTERIM STUDY.**

Rep. Sue Mullen for Education. This bill requires education service providers and non-public schools who accept public funds to comply with the criminal history background check requirements utilized by the Department of Education. The committee recognizes the importance of the legislature doing everything it can to assure student safety. We have heard a number of different bills pertaining to this topic. The Department of Safety and the Department of Education are currently working on various aspects of the criminal history background check, so the committee believes it is best to coordinate efforts with them in Interim Study before committing anything to law. Vote 19-0.

HB 1671-L, relative to the content of an adequate education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, replaces the entire bill as introduced and better identifies the specific learning areas for an adequate education as the following: English/language arts and reading; mathematics; science; social studies to include civics, government, economics, geography, history and Holocaust and genocide education; arts education, including music and visual arts; world languages; health and wellness education; physical education; engineering and technologies including technology applications; and personal finance literacy. The following skills shall be integrated into the aforementioned learning areas: computer use, digital literacy, logic, and rhetoric. Of the learning areas, social studies is better defined, wellness has been added to health in keeping with the minimum standards for public school approval, arts education is more clearly defined by the addition of music and visual arts, technology applications will require students to apply that knowledge and skills, and personal finance literacy instruction which has been encouraged and supported by state business groups will prepare students for success in making financial decision. Personal finance literacy skills may be embedded in an existing course or grade level program of studies. Moving forward with this legislation will better ensure that an adequate education extends beyond mere reading, writing, and arithmetic to include broad educational opportunities needed in present society to prepare students for their roles as participants and as potential competitors in the marketplace of ideas. Vote 18-1.

Amendment (1024h)

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

1 Adequate Public Education; Substantive Educational Content. RSA 193-E:2-a, I is repealed and reenacted to read as follows:

I.(a) Beginning in the school year 2008-2009, and for each year thereafter, the specific criteria and substantive educational program that deliver the opportunity for an adequate education shall be defined and identified as the school approval standards in the following learning areas:

- (1) English/language arts and reading.
- (2) Mathematics.
- (3) Science.
- (4) Social studies, including civics, government, economics, geography, history, and Holocaust and genocide education.
- (5) Arts education, including music and visual arts.
- (6) World languages.
- (7) Health and wellness education, including a policy for violations of RSA 126-K:8, I(a).
- (8) Physical education.
- (9) Engineering and technologies including technology applications.
- (10) Personal finance literacy.

(b) Teachers shall use academic and applied instruction to teach the learning areas under subparagraph (a). The following skills shall be integrated into the learning areas:

- (1) Computer use and digital literacy.
- (2) Logic and rhetoric.

2 New Subparagraphs; Substantive Educational Content of an Adequate Education; Definitions. Amend RSA 193-E:2-a, VI by inserting after subparagraph (c) the following new subparagraphs:

(d) "Applied learning" means an educational approach whereby students have the opportunity to directly engage in learning activities using knowledge and skills.

(e) "Logic" means a reasoning skill that better enables a student to analyze problems in learning areas such as mathematics and to develop problem solutions; to better understand the principle of cause and effect; and to develop critical thinking skills to better identify fact from unverified information or data.

(f) "Rhetoric" means the skill of speaking and writing as a means of communication or persuasion.

3 Accountability for the Opportunity for an Adequate Education. Amend RSA 193-E:3-b, I(a) to read as follows:

I.(a) A school shall demonstrate that it provides the opportunity for an adequate education for the school approval standards set forth in rules adopted by the department of education in the following areas:

- (1) English/language arts and reading.
- (2) Mathematics.
- (3) Science.
- (4) Social studies, *to include including civics, government, economics, geography, history, and Holocaust and genocide education.*
- (5) Arts education, *to include music and visual arts.*
- (6) World languages.
- (7) Health *and wellness* education.
- (8) Physical education.
- (9) Engineering and technologies *including technology applications.*
- (10) [~~Computer science and digital literacy.~~] *Personal finance literacy.*
- (11) School year *requirements.*
- (12) Minimum credits required for a high school diploma.

4 Application; Personal Finance Literacy. The requirement in RSA 193-E:2-a, I(a)(10) as inserted by this act for an adequate education to include the learning area of personal finance literacy shall not apply until the 2023-2024 school year.

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

AMENDED ANALYSIS

This bill revises the requirements for the content of an adequate public education, and adds definitions.

HB 1678, relative to the administration of the education freedom accounts program. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. The intent of this bill is to clarify certain provisions within the education freedom accounts (EFA) program to include the responsibilities of scholarship organizations. This bill proposes to modify certain sections and provisions regarding provider responsibility. Bill language also states that denial of an EFA student to attend a public school cannot be based upon student address. This scenario may be true of open enrollment schools; however, the provision is questioned when a public school has no available space

due to increased enrollments, space availability, or due to other circumstances. The committee recommends Inexpedient to Legislate at this time as the program is in its first year and it is premature to make substantive changes without thorough study based upon data and facts not yet available. Vote 19-0.

HB 1679-FN, relative to the dissolution and repeal of cooperative school districts. **REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for Education. This bill would repeal the statutes providing for cooperative school districts and mandate dissolution by mid-2025. While there is legislation annually to alter cooperative district law and make it easier for districts to withdraw, it was agreed that a mandated dissolution might have unintended consequences, but the possibility for a district vote on dissolution could be studied. Vote 18-1.

CACR 17, relating to ballot measures. Providing that upon petition by voters, a question may be placed on the ballot of a statewide election. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This ballot measure proposes to create a statewide referendum process in New Hampshire's elections. It would allow a question to be placed on the ballot of a statewide election upon a petition of voters. The threshold to place such a question on the ballot would be 5% of total registered voters. Based upon the 2020 voter checklist, that number of voters would be approximately 50,000. Questions were raised as to how to ensure the question was something that could be implemented. No specific example of a need which required this solution was presented. As to implementation, the bill proposes that the state "may establish a process to ensure the intent of the question is carried out." How that would be controlled was unclear. The committee noted that every office in the state government is up every two years and this unique form of government strikes a balance between ensuring democratic outcomes as well as protecting the representative qualities of a republic. Furthermore, New Hampshire has the largest state house body in the country with small districts that are close to the people. The committee believed this bill was unnecessary and unanimously agreed this CACR should be found Inexpedient to Legislate. Vote 20-0.

HB 1163, relative to over voted ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Connie Lane for Election Law. This bill, as amended, addresses ballots with cross-outs, stray marks, corrections, or those with more than the permitted number of ovals completed for an office-so-called, over voted ballots. The bill requires machines to immediately return overvoted ballots to the voter so that the voter can deposit the ballot in a separate box of ballots that will be counted by hand. Previously, such ballots were accepted by the machine, but not counted for the overvoted office. As it stands now, in towns that do not use machine scanners, such overvoted ballots are hand-counted. The intent of this bill is to place all voters, those in hand-counted towns and those in machine scanned towns and cities, on equal footing. Vote 19-1.

Amendment (0741h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Electronic Ballot Counting Devices; Rules; Over Voted Ballots. Amend RSA 656:42 by inserting after paragraph IX the following new paragraph:

X. The electronic ballot counting device shall be programmed to require that a ballot which contains more than the allowable number of votes for an office or ballot question on the ballot, known as an "over voted ballot", be returned to the election day voter by the device. The voter shall be instructed to place the ballot in an auxiliary compartment to be hand counted by election officials after the polls close. Over voted ballots of absentee voters shall be placed in the auxiliary compartment by the moderator or his or her appointee to be counted after the polls close.

AMENDED ANALYSIS

This bill requires that ballots which contain more than the allowable number of votes for an office on the ballot be returned to the voter to be hand counted by election officials after the polls close. The bill also requires the number of over voted ballots, as well as the number of overvotes and undervotes, be included in the return for each election.

HB 1166, requiring certain voters to declare a party affiliation prior to a state primary election and requiring candidates to be members of political parties for a certain amount of time prior to an election in which such candidates seek office. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill proposed that voters declare a party affiliation at least 120 days before a primary. It would also significantly increase the time someone must be registered with a political party to run as a candidate of that political party. Currently, an undeclared voter can register and select a party on the date of the primary. The proposed change would significantly impact participation in primary elections. Currently, a candidate can change their registration up to the day before the filing period for an office opens up. This bill would require any candidate to have declared their party status months before filing, which would impact local and state parties' ability to recruit candidates. While we understood the scenario that brought the legislation forward, the unanimous recommendation is to find this legislation as Inexpedient to Legislate. Vote 20-0.

HB 1242, relative to filing deadlines for candidates seeking election to charter commissions and relative to the dates of such elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Bergeron for Election Law. This bill as introduced would have changed the timeline for which municipal officials could order a special election to be held for the purpose of electing charter commission members, and would have changed the calendar relative to the filing period for charter commission candidates. This subject matter is also being addressed by SB 423, relative to the election of charter commission members. The sponsor of this bill requested a recommendation of Inexpedient to Legislate so that the committee can discuss the subject matter when considering SB 423 after crossover. Vote 20-0.

HB 1383, relative to electronic copies of absentee ballot lists. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This proposed bill would require that absentee ballot lists be provided to requesting parties within one business day. There were issues reported with getting the lists from the local officials, as well as issues getting updated lists. The committee agreed that the process needs revision and acknowledges that we have worked on other proposed legislation that deals with this process. In this case, the prime sponsor agreed that the bill could use an amendment that was not produced. Vote 20-0.

HB 1457-FN, relative to chain of custody of ballot boxes after an election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Torosian for Election Law. This bill proposed to set new requirements relative to the chain of custody of ballot boxes after an election, eliminating the destruction of ballots, as is currently allowed after 22 months, and provided for transport of every container of ballots from every jurisdiction in the state to a central location in Concord for permanent storage. The committee viewed this bill as an attempt to deal with a legitimate issue, the appropriate storage of ballots after an election, but believed the bill went far beyond what would be reasonably necessary. While the Windham audit was a clear example of containers that were not sealed appropriately, other recounts have raised issues with a municipality's storage practices. The bill as proposed was problematic because of logistics, cost, and the possibility of misplaced ballots. Vote 20-0.

Amendment (0967h)

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

1 Preservation of Ballots; Secretary of State. Amend RSA 659:98 to read as follows:

659:98 Delivery of Ballots to Town Clerk. The moderator, or the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. The clerk or the clerk's designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall [~~where the ballots shall be kept for a period set forth in RSA 33-A:3-a~~]. ***Containers containing ballots and absentee balloting materials that have been sealed after an election according to instructions provided by the secretary of state shall be stored in a location under the direction of the clerk. A log shall be maintained by the clerk specifying the location and the containers at the location. Once stored, the containers shall be accessible only to individuals working under the direction of the town clerk, as required for recounts, or as necessary for the secretary of state to verify the container storage. When the containers are removed to allow for destruction of ballots in accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting materials shall be the final entry in the log.***

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

AMENDED ANALYSIS

This bill modifies the retention policy for ballot boxes.

HB 1467-FN, requiring partial audits of additional offices on ballots involved in recounts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fenton Groen for Election Law. This bill, as amended, provides that for each official recount in a statewide election, the Secretary of State shall conduct a recount of either one or two additional top-of-the-ballot offices on the ballots that are being recounted. The Secretary of State shall choose one of the following offices for recount: President, US Senator, US Representative, Governor, or Executive Councilor. The selection made shall be different for each subsequent recount during the same election cycle. We normally have 15 to 20 recounts in each statewide election cycle, with minimal extra cost or difficulty. The majority of the committee believes that this will provide regular and much needed partial recounts of the top-of-the- ballot races that rarely, if ever, have been involved in recounts. Vote 20-0.

Amendment (1045h)

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

AN ACT requiring partial recounts of additional offices on ballots involved in recounts.

Amend the bill by replacing section 1 with the following:

1 New Section; General Provisions for Recounts; Recount of Additional Offices. Amend RSA 660 by inserting after section 17 the following new section:

660:17-a Recount of Additional Offices on Ballots Involved in Recounts.

I. For each official recount, the secretary of state shall conduct a partial recount of either one or 2 additional offices on those ballots involved in the recount.

II. The secretary of state or designee shall select one of the top-of-ballot offices to be recounted on all ballots of every recount to be held, either President, United States Senate, United States House of Representatives, governor or executive council. The selection shall be different for each subsequent recount requested during the same election cycle.

III. A discrepancy of greater than one percent shall be justification for affected candidates to request a full recount of that race.

AMENDED ANALYSIS

This bill requires a partial recount of additional offices on ballots involved in recounts.

HB 1470-FN, requiring that all ballot counting devices show the number of overvotes for each race on the ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for Election Law. This bill proposes that all ballot counting devices show the number of overvotes for each race on the ballot. While this might be useful information, the vote-counting device will only produce a total count for overvotes, and will not delineate by race. The Election Law Committee felt that a better solution was to recommend HB 1163 which, if passed, will eject the overvote ballot and provide for separate hand-counting. This would render HB 1470 unnecessary. Vote 20-0.

HB 1485-FN, relative to direct recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill would have created a process for direct recall elections for offices whose terms are at least 3 years. The bill as proposed had the process but did not define any parameters for a recall petition process to be initiated. The committee heard testimony about how there is a problem that elected officials are not responsive to the wishes of the voter and that this solution was needed. The committee understands frustration with elected officials but it seemed a difficult process that if successful, would effectively take someone out of their position for perhaps a year. While the committee is open to the concept this bill, it is not the solution at this time. Vote 20-0.

HB 1522-FN, requiring the use of ballots with embedded security and relative to chain of custody of absentee ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for Election Law. This bill proposes to require paper ballots with embedded security and new ballot chain of custody. Ballot security and integrity are very important. However, the level of technology to produce and validate the ballots required in this bill is not readily available and is still only being explored by the State of New Hampshire. Validating any encryption or security on the ballot itself would be problematic at this time. The ballot storage and distribution process is also burdensome. New Hampshire is not ready for this type of approach to ballot creation and storage. Vote 20-0.

HB 1527-FN, relative to the storage of total vote counts produced by electronic ballot counting devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Bergeron for Election Law. This bill, as amended, will require that municipalities that use the AccuVote electronic ballot counting device in a state election submit a paper copy of the long report tape to the Secretary of State with the official return of votes form. The Secretary of State already directs that clerks submit this report tape along with the return of votes (see *Election Procedures Manual*, p. 94-95); this bill would codify that directive. In addition, the bill, as amended, would require that the clerks also retain a copy of the long report tape with their copy of the official state election return. This bill would thus ensure that the AccuVote report tapes would be available for public inspection at the state or local level. Vote 20-0.

Amendment (0222h)

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

AN ACT relative to vote returns.

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

1 Forwarding; Retaining Copies of Return. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return.

I. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state in both paper and electronic form no later than 8:00 a.m. on the day following a state election unless the secretary of state orders them at a different time and date. The other shall be kept by the town or city clerk in accordance with RSA 33-A:3-a and shall be open to public inspection at reasonable times. If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.

II. For a city or town that uses the AccuVote electronic ballot counting device in a state election, the town or ward clerk shall print and forward a paper copy of the long report tape to the secretary of state with the return of votes form and shall keep a paper copy of the long report tape with the paper return of votes form that is retained by the town or city clerk in accordance with paragraph I.

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

AMENDED ANALYSIS

This bill requires cities and towns that use AccuVote devices to send a paper copy of the long report tape to the secretary of state with the return of votes form.

HB 1542-FN, relative to documentation required to prove a voter's eligibility to vote. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Hayward for Election Law. This bill is one of multiple bills that directly or indirectly addresses voter identification. This bill does not function as effectively as others. It introduces provisional ballots which the Secretary of State opposes as unconstitutional. It also requires these ballots to be held and processed separately from other ballots. Late counting will delay election results unnecessarily. While it eliminates the voter affidavit, it introduces an extensive administrative requirement. The committee agreed that any benefit derived from this legislation was clearly not worth the cost. Vote 20-0.

HB 1543-FN, relative to the voter registration process. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill proposes to modify the voter registration forms and establish a provisional ballot system. The bill itself is a great example of how accessible our citizen legislature is. The legislation was drafted and put forward by citizens from Grafton County and they ought to be commended for their activism and involvement in our state government. However, the proposed legislation made reference to a number of outdated pieces of state statute and, as a result, could not do what the proponents wanted. Additionally, according to our Secretary of State, provisional ballots are unconstitutional, as all ballots are to be counted on election day. Vote 20-0.

HB 1186, relative to companion animals during a declared state of emergency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. As amended, this bill creates a requirement that during a declared state of emergency as defined in RSA 4:45, III(c) containing an evacuation order, any hotel or community shelter that shelters evacuated persons shall allow disaster animal response trailers, or other reasonable accommodations, on site to accommodate any companion animal belonging to such evacuated persons. The committee received testimony that some residents will not evacuate to emergency shelter during an evacuation order if accommodations are not available for their companion animals. Additionally, this bill provides coverage for trained animal care providers during the emergency for injuries occurring due to that service. Vote 19-0.

Amendment (0727h)

Amend RSA 126-A:98 as inserted by section 1 of the bill by replacing it with the following:

126-A:98 State Policy for Companion Animals. During a declared state of emergency as defined in RSA 4:45, III(c) containing an evacuation order, any hotel or community shelter that shelters evacuated persons shall allow disaster animal response trailers, or other reasonable accommodations, on site to accommodate any companion animal belonging to such evacuated persons. The maximum number of animals per family entering the hotel or community shelter shall comply with local ordinances. For the purpose of this section, "companion animal" means a cat, dog, or other legally owned animal kept in an enclosure that might typically be found in a home. During such emergency, any volunteer who has been vetted by the department of health and human services and is a member of the disaster animal response team and is assisting evacuated persons and companion animals shall be considered an emergency worker under RSA 21-P:41, VI(c).

HB 1018, relative to the board of medical imaging and radiation therapy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill, with amendment, modifies the Board of Medical Imaging and Radiation Therapy. It makes the board advisory and adds alternate members to the board. The bill clarifies what responsibilities the board has and what responsibilities OPLC has. The bill also clarifies what responsibilities the director should be in consultation with the board with. The bill has the support of the Office of Professional Licensure and Certification. Vote 18-1.

Amendment (0929h)

Amend the bill by replacing section 4 with the following:

4 Medical Imaging and Radiation Therapy; Advisory Board. RSA 328-J:3 is repealed and reenacted to read as follows:

328-J:3 Advisory Board Established. The executive director shall establish an advisory board of medical imaging and radiation therapy consisting of 3 members who are licensed and in good standing in New Hampshire as a medical imaging professional. There shall be one alternate board member who has the

same qualifications set forth for advisory board members. Each member shall be appointed to a term of 3 years. No member shall serve more than 2 consecutive full terms. The advisory board shall advise the executive director regarding the implementation of this chapter.

Amend the introductory paragraph of RSA 328-J:7 as inserted by section 5 of the bill by replacing it with the following:

328-J:7 [Board] Responsibilities; Rulemaking Authority. The [board] *executive director, in consultation with the board*, shall adopt rules, pursuant to RSA 541-A, relative to:

Amend RSA 328-J:8 as inserted by section 5 of the bill by replacing it with the following:

328-J:8 Educational Qualifications. The [board] *executive director, in consultation with the board*, shall approve medical imaging and radiation therapy educational programs that the [board] *executive director, in consultation with the board*, determines meet the criteria and standards established by the [board] *executive director in consultation with the board*. The curriculum for each course of study shall be no less stringent than the standards approved by the Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Education in Nuclear Medicine Technology, Commission on Accreditation of Allied Health Education Programs, or any other appropriate educational accreditation agency approved by the [board] *executive director in consultation with the board*.

Amend the introductory paragraph of RSA 328-J:11 as inserted by section 6 of the bill by replacing it with the following:

328-J:11 Licensure; Medical Imaging Professionals and Radiation Therapists. The [board] *executive director, in consultation with the board*, shall issue licenses to individuals who meet the following qualifications: Amend RSA 328-J:14 as inserted by section 6 of the bill by replacing it with the following:

328-J:14 Educational Programs. All educational programs approved by the [board] *executive director, in consultation with the board*, in radiography, radiation therapy, nuclear medicine technology, magnetic resonance technology, sonography, radiologist assistant or limited x-ray machine operation may be offered by a medical facility or educational institution. The program shall be affiliated with one or more hospitals or clinics approved by the [board] *executive director* to provide the requisite clinical education.

HB 1061-FN, relative to the midwifery council. **REFER FOR INTERIM STUDY.**

Rep. Mark Alliegro for Executive Departments and Administration. This bill makes the Midwifery Council an advisory board to the Executive Director of the office of professional licensure and certification (OPLC). As introduced, the bill also established an advisory board with a numerical minority of practicing midwives. This perceived shortfall was corrected via an amendment. However, there was still concern by committee members and the public over the intent and outcome of changing the board's function to advisory, only, with all real decision-making power vested in the office of Director, OPLC. It was therefore decided by the committee that the bill would benefit from additional study. Vote 19-0.

HB 1079-FN, relative to part-time employment of a retirement system retiree. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill would increase the amount of hours that a retired person could work in a New Hampshire Retirement System eligible job. This increase was problematic for several reasons. First, it would have allowed teachers to completely double dip ie: working full time and collecting a pension. The second problem would be that the hours allowed would put the employee over the threshold to make them fall under the Affordable Care Act as a full-time employee. The third issue is that this would not solve any seasonal employment issues as seasonal employees don't exceed the current limitations and the limit is per employee, not per employer. Currently employees' hours under a declared emergency are exempt so this increase was not necessary for any declared emergency. Vote 19-0.

HB 1182, relative to the board of court reporters. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill makes the regulatory board of court reporters an advisory board, at the request of the office of professional licensing & certification (OPLC), along with several others because of issues recruiting members to serve and having quorums at meetings. The advisory board will ensure professional control of the rules and scope of practice, while the OPLC will perform all administrative and clerical functions for the board. The court reporters raised no objection to this change. Vote 19-0.

HB 1192, relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Executive Departments and Administration. This bill is the companion bill to another bill recently passed by the Senate. This bill makes necessary changes to occupational licensing requirements for acupuncture as requested by their board. All parties were in agreement with the language passed in the Senate, and the committee concurred. Subsequently, the Board of Acupuncture Licensing requested an additional change, on p. 2 line 28-30 of the committee amendment, so that if the national organization that sets their standards were to change their name, further legislation would not be necessary. The amendment includes all the language agreed to in the Senate and this additional change requested by the board. The committee recommends this bill ought to pass as amended. Vote 19-0.

Amendment (0913h)

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

AN ACT relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

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

1 Acupuncture; Titles for Licensees. Amend RSA 328-G:9, V to read as follows:

V.(a) Whoever, not being licensed or exempted as provided in this chapter, shall advertise oneself or in any way hold oneself out as qualified to practice acupuncture, or shall practice acupuncture, or whoever does so after receiving notice that one's license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to be advertised or called a physician or a doctor in such a way as to imply that such credential relates to the provision of acupuncture services, or use any physician's or doctor's insignia for such purposes shall be in violation of this chapter.

(b) Notwithstanding subparagraph (a), the only persons licensed under this chapter that shall be allowed to call themselves a doctor shall be those who have earned a doctoral degree in the practice of acupuncture from an accredited educational institution or other program approved by the board pursuant to administrative rules.

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

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

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

III. The terms of office shall be 3 years for all board members. **No member shall serve more than 2 consecutive full terms. Members shall serve until the expiration of the term for which they have been appointed, or until their successors have been appointed and qualified, whichever is later.** The initial board appointees shall consist of one acupuncturist for a term of 3 years, one acupuncturist for a term of 2 years, 2 acupuncturists for a term of one year each, and one public member for a term of 3 years. A member may be removed from office by the governor and council for malfeasance, misfeasance, or dishonorable conduct.

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

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

(a) ~~[Is 21 years of age or older]~~ **Has reached the age of majority.**

(b) Has current, active NCCAOM certification **or equivalent certification approved by the board** through examination or Credentials Documentation Review.

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

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

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

~~[(f)]~~ (e)(1) Has earned a baccalaureate, registered nurse, or physician's assistant degree from an accredited institution ~~[An applicant who possesses], and has~~ a current, valid license to practice acupuncture from another state ~~[who meets all other requirements of licensure may have this requirement waived at the discretion of the board.]~~ **whose requirements are substantially equal to or exceed the requirements of RSA 328-G:9, II; or**

~~[(g)]~~ (2) Has successfully completed a post-secondary acupuncture college program which is ~~[ACAOM]~~ **approved by the Accreditation Commission for Acupuncture and Herbal Medicine ("ACAHM"), including its successors or predecessors, or the board** ~~[approved. For one year from the date on which the first license is issued this requirement will be waived for an applicant who possesses a current, valid license to practice acupuncture in another state, provided that the applicant meets the other requirements of this chapter. After one year from the date on which the first license is issued, this requirement may only be waived at the discretion of the board. The board of acupuncture licensing will review on a case by case basis valid apprenticeship programs that demonstrate a balanced approach of clinical training and fundamental sciences and that conform to NCCAOM standards. In addition, all applicants who have not graduated from an accredited acupuncture school must show proof of successful completion of a college level course in anatomy and physiology.]; or~~

(3) Has successfully completed an apprenticeship program that at the time of completion was in compliance with certification standards set by NCCAOM, including its successors or predecessors. All applicants seeking licensure via apprenticeship route who have not graduated from an accredited acupuncture school must be able to meet all NCCAOM standards for certification or hold a valid license to practice acupuncture from another state whose requirements are substantially similar to or exceed the requirements of RSA 328-G:9, II.

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

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

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

(b) ~~“General supervision” [includes, but is not limited to, being available by phone, or other electronic means during business hours, with at least 2 site visits by a licensed acupuncturist a year]~~ ***shall be provided by site visit, phone, or other electronic means during business hours with at least 2 site visits per year by a licensed acupuncturist currently licensed in New Hampshire pursuant to RSA 328-G:9. The supervising licensed acupuncturist shall not be required to be on site for direction and supervision, but shall be available at least by telecommunications.***

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

HB 1256-FN, relative to positions within the department of military affairs and veterans services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sallie Fellows for Executive Departments and Administration. This bill changes the position of cemetery superintendent to cemetery director and defines the duties of the position. The title for the head of the division of community-based military programs is changed from administrator to director. Since both positions spend a significant amount of time working with the public outside of regular business hours, they are transferred to the unclassified personnel category. The adjutant general will make the nominations for these positions to the governor for approval by the executive council. The amendment simply reorganizes the bill without changing the intent. Vote 19-0.

Amendment (0969h)

Amend the bill by replacing section 1 with the following:

1 Department of Military Affairs and Veterans Services; New Hampshire State Veterans Cemetery; Director of the State Veterans Cemetery. Amend RSA 110-B:74 to read as follows:

110-B:74 ~~[Operation and Maintenance. The adjutant general shall administer the operation and maintenance of the New Hampshire state veterans cemetery which shall be located in Boscaawen, New Hampshire.]~~ ***Director of the State Veterans Cemetery. The state veterans cemetery, shall be under the direction of an unclassified director of the state veterans cemetery who shall be qualified to hold that position by reason of education and experience.***

Amend the introductory paragraph of RSA 110-B:76 as inserted by section 2 of the bill by replacing it with the following:

110-B:76 Cemetery [Superintendent] ***Director.*** ~~[The adjutant general shall designate a cemetery superintendent who shall arrange for personnel, material, and equipment within the limits of appropriated funds and in accordance with the regulations and procedures adopted in accordance with RSA 110-B:8-a, and approved by the governor and council.]~~ ***The cemetery director shall:***

Amend the introductory paragraph of RSA 110-B:88 as inserted by section 5 of the bill by replacing it with the following:

110-B:88 Division of Community Based Military Programs. The division of community based military programs, ***shall be*** under the supervision of an ~~[administrator]~~ ***unclassified director of the division*** of community based military programs ***who shall be qualified to hold that position by reason of education and experience. The director*** shall facilitate military and civilian partnerships by collaborating, coordinating, and communicating with military and civilian provider groups in the delivery of services to New Hampshire veterans, service members, and their families. The ~~[administrator]~~ ***director*** shall ***be responsible for the following functions in accordance with applicable law:***

HB 1274, establishing a committee to study the solid waste practices of state agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Santonastaso for Executive Departments and Administration. The committee did not believe it is necessary to add this study committee to the already existing collection of study committees. A state policy already exists to direct departments on how to deal with solid waste and a committee was created in 2019 to study recycling streams and solid waste management. With the recent study committee created the majority did not believe it is necessary to add this study committee to the already large collection of study committees. Vote 19-0.

HB 1312, relative to water pollution and waste disposal rulemaking. **REFER FOR INTERIM STUDY.**

Rep. Glenn Bailey for Executive Departments and Administration. This bill requires that grease traps required for commercial (restaurant) septic systems not exceed those specified by the state plumbing code, rather than the 1,000-gallon minimum required by Department of Environmental Services (DES) rules. While

the committee agreed that the DES rules were arbitrary and inflexible, we were concerned that following the plumbing code was not necessarily the correct approach. The building code review board testified that adapting the plumbing code to DES requirements needed their support, and everyone agreed that modern systems dump less grease into the septic system than old ones – not least because used grease has become a valuable resource. Referring the bill for Interim Study will allow the committee to bring these disparate elements together into a more sensible standard. Vote 19-0.

HB 1344, relative to the authority of real estate brokers. **OUGHT TO PASS.**

Rep. Mark Alliegro for Executive Departments and Administration. This bill requires that any contract for the sale of real estate in New Hampshire be executed by the owner of the property, or by a person with legal power of attorney to execute a contract on behalf of the owner. Presently, some listing contracts state that listing agents have the power to independently execute sales contracts. However, being in the fine print, such provisions can easily go unnoticed by the property owner when they sign the listing contract. They can find themselves surprised by a sale that they did not knowingly sanction. This bill simply assures that, if the owner chooses to bestow power of attorney on an agent, they do it knowingly and in accordance with the laws of this state governing the powers of attorney. Vote 18-1.

HB 1395, relative to administrative rulemaking authority. **REFER FOR INTERIM STUDY.**

Rep. Carol McGuire for Executive Departments and Administration. This bill would require all administrative rules be approved by the General Court before they go into effect. While this would reinforce the legislature's authority over rules, which have the force of law, it presents many practical problems and difficult implementation. However, the committee is considering other changes to the state's rulemaking procedures, and interim study of this bill was selected as the vehicle for consideration. Vote 19-0.

HB 1054, requiring an audit of the state police. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen Mooney for Finance. This bill would require a performance audit of the "proficiency, structure, financial dealings, and services" of the State Police. Performance audits are typically recommended by the Legislative Performance Audit and Oversight Committee established in RSA 17-N:1 and that committee has not requested such an audit. More importantly, on July 29, 2020, the Office of the Legislative Budget Assistant completed a financial audit of the State Police for the period ending March 31, 2019. The committee believes that a broad performance audit of the proficiency structure and services of the State Police is not necessary at this time, and the prime sponsor agrees by asking the committee for an Inexpedient to Legislate recommendation. The committee also believes that a new audit of "financial dealings" so soon after the last one would not be an efficient use of state resources. Vote 19-0.

HB 1300-FN-A, making an appropriation to fund the Ash Landfill in Newport. **REFER FOR INTERIM STUDY.**

Rep. Bob Lynn for Finance. This bill proposed to appropriate \$500,000 for the now closed Ash Landfill in Newport. The funds would be used to replenish funds held in trust by the non-profit corporation that is responsible for the management and oversight of the landfill in order to satisfy state Department of Environmental Services (DES) regulations. These regulations specify that closed landfills must have sufficient funds in reserve to provide for necessary environmental costs of maintenance for a perpetual ("rolling") period of 30 years. At the time the landfill closed, the DES regulations required only that there be sufficient funds to cover expenses for a set 30-year period from the date of closure. In reliance on the former regulations, the non-profit used some of the funds it held for on-going maintenance expenses, thus depleting its reserves below what DES considers sufficient under the new regulations. The committee was of the view that appropriating state funds for this purpose would be unprecedented, and that there are other ways of dealing with the problem. Based on information provided by DES, it appears that DES and the non-profit are involved in negotiations that will resolve the matter in a way satisfactory to both parties. Therefore, the committee concluded that the most appropriate disposition of the bill was Refer for Interim Study. Vote 19-0.

HB 1035, relative to exemptions from school vaccine mandates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. In the past, when parents or legal guardians wished to claim a religious exemption so their child would not have to receive otherwise required immunizations for school attendance, they discovered various hurdles in the way of having their request accepted. This bill would change the process so that they would simply have to sign a form stating the child has not been immunized because of religious beliefs. Notarization would not be required. Vote 20-1.

Amendment (0854h)

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

1 Communicable Disease; Immunization Required for School Attendance; Grounds and Procedure for Exemption. Amend RSA 141-C:20-c, II to read as follows:

II. A parent or legal guardian objects to immunization because of religious beliefs. The parent or legal guardian shall sign a [notarized] form stating that the child has not been immunized because of religious beliefs.

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

AMENDED ANALYSIS

This bill removes the requirement that a parent's request for a religious exemption to immunizations required for school attendance be notarized.

HB 1045, requiring legislative oversight over the emergency powers of the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. This bill changes the composition of the ethics oversight advisory committee, a group charged with initiating advice to be given to the Commissioner of DHHS on various departmental decisions involving ethical questions and receiving requests from the commissioner for such advice. The previous composition of the committee did not place an emphasis on those actually trained in the formal study of ethics and thus did not prove useful. Leaders in the fields of law, education, medicine and psychology and the commissioner were consulted as to their thoughts on what a good ethics oversight advisory committee would look like. Vote 21-0.

Amendment (0902h)

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

AN ACT relative to the composition of the ethics oversight advisory committee.

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

1 Ethics Oversight Advisory Committee. RSA 141-C:27, III is repealed and reenacted to read as follows:

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

(a) Two members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives. The speaker shall give preference to those members who have been trained in ethics.

(b) One member of the senate, appointed by the senate president. The senate president shall give preference to a member who has been trained in ethics.

(c) The commissioner of the department of health and human services, or designee.

(d) The director of the department of health and human services, division of public health services.

(e) The state epidemiologist.

(f) An attorney well-versed in medical ethics, appointed by the president of the New Hampshire Bar Association.

(g) A physician well-versed in medical ethics, appointed by the president of the New Hampshire Medical Society.

(h) The executive director of the governor's commission on disability, or designee.

(i) A nurse well-versed in medical ethics, appointed by the president of the New Hampshire Board of Nursing.

(j) A psychologist well-versed in ethics, appointed by the president of the New Hampshire Psychological Association.

(k) A professor of ethics currently teaching at a college or university in New Hampshire, appointed by the chairperson elected in paragraph IV.

2 Ethics Oversight Advisory Committee. Amend RSA 141-C:27, IV to read as follows:

IV. The committee shall elect one of the legislative members as chairperson. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The committee shall meet initially within [30] **90** days of the effective date of this section and then as regularly as the chairperson shall direct.

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

AMENDED ANALYSIS

This bill changes the membership of the ethics oversight advisory committee.

HB 1139, relative to ophthalmic prescription requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The bill simply requires a prescriber of spectacle lenses to include on the prescription the pupillary distance (PD) when requested by the patient and allows the dispenser to modify that measurement when necessary. Vote 19-2.

Amendment (0963h)

Amend RSA 327-A:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Prescription for spectacle lenses" means a dated and signed, written or oral direction not more than 24 months old from an ophthalmologist or optometrist for therapeutic or corrective lenses which states the prescribed refractive power and when necessary, the vertex distance, cylinder axis, and prism. The oral prescription must be recorded and kept on file for one year by the ophthalmic dispenser. ***The prescriber of spectacle lenses shall provide the interpupillary distance on the prescription for spectacle lenses when requested by the patient, or the parent or legal guardian if the patient is a minor. The dispenser shall be allowed to modify the interpupillary distance.***

Amend the bill by replacing section 2 with the following:

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

AMENDED ANALYSIS

This bill requires prescriptions for eyeglasses to contain the interpupillary distance when requested by the patient, or the parent or guardian if the patient is a minor.

HB 1244-L, relative to parental consent to medical and dental treatments of children in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. Many schools require written parental consent for medical or dental treatment. The bill, as amended, simply codifies this practice of obtaining explicit written parental consent for a student to participate in any medical or dental treatment program administered in a school setting. Vote 20-1.

Amendment (0979h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Department of Health and Human Services; Consent to Medical and Dental Treatment in Schools. Amend RSA 126-A:5 by inserting after paragraph XIV-a the following new paragraph:

XIV-b. A child's participation in any program that provides medical or dental treatment in any school setting shall require the explicit written consent of the child's parent or legal guardian.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Section; Health and Sanitation; School Health Services; Consent of Parent or Legal Guardian Required. Amend RSA 200 by inserting after section 27 the following new section:

200:27-a Consent of Parent or Legal Guardian Required. A child's participation in any program that provides medical or dental treatment in any school setting shall require the explicit written consent of the child's parent or legal guardian.

AMENDED ANALYSIS

This bill requires a child's parent or legal guardian to provide explicit written consent for any medical or dental treatment provided in a school setting.

HB 1271, limiting the authority of the department of health and human services to mandate vaccinations; and relative to quarantine costs. **REFER FOR INTERIM STUDY.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. Additional to noting citation errors in the bill, no one on the committee was of the opinion that, in an emergency, the legislature, even with waiving of certain rules, could respond quickly enough to an authorization of emergency medical care or authorization of vaccination by the Governor or the Department of Health and Human Services (DHHS). If legislative response were deemed necessary either to overrule emergency actions, or make strong recommendations to withdraw such authorizations, JLCAR or the Joint Legislative DHHS Oversight Committee would be better vehicles to respond. Vote 21-0.

HB 1290-FN, establishing a task force on precision medicine and biomarker testing. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey Salloway for Health, Human Services and Elderly Affairs. The committee expresses its appreciation to the sponsoring representative. The committee recommended interim study while remanding the topic to the Joint Legislative DHHS Oversight Committee for expeditious appointment of a subcommittee to be a Task Force on Precision Medicine. Vote 20-0.

HB 1345, relative to the release of a teenager's medical records to a parent or guardian. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betty Gay for Health, Human Services and Elderly Affairs. Current law allows medical providers to deny parents with teenagers over the age of thirteen access to their medical records without a release from that minor child. There are already RSAs that specifically require a teen's release for the records of treatment where the medical practitioner fears for the safety of the child, so this sweeping requirement for release of all records is an unnecessary burden for the parents as well as the providers. Federal HIPAA laws that specify releases for teen medical records also have to be considered in any bill. This resulting amended bill provides parents unencumbered access to all of their teens' medical records except for those directed by federal or specific state statute to require a release by the teen child. Vote 21-0.

Amendment (0668h)

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

1 New Section; Release of a Minor's Medical Records to a Parent or Guardian. Amend RSA 332-I by inserting after section 4 the following new section:

332-I:4-a Release of a Minor's Medical Records to a Parent or Guardian. A minor's parent or legal guardian shall have access to a minor's medical record unless:

I. Consent from the parent or legal guardian is not required for the minor to receive the medical care or treatment, as directed by federal or specific state law. In such cases, the minor may provide specific, written consent for release of the medical records to the parent or legal guardian.

II. The health care provider reasonably believes, in his or her professional judgment, that the child has been or may be subjected to domestic violence, abuse or neglect, and that release of the medical records to the parent or guardian could endanger the child.

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

HB 1405, allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Folsom for Health, Human Services and Elderly Affairs. The sponsor of this bill identified a real concern regarding mental health services in our state. We were fortunate to be able to obtain additional providers during the pandemic using out-of-state providers by way of telehealth. The concern was how not to lose those resources now that the state of emergency was lifted. It was decided that it was not the purview of our committee, as it was a licensing issue. It was also noted that the issue was already in the process of being addressed by other legislation. Vote 16-0.

HB 1487, relative to the procedure for withdrawal from the vaccine registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leah Cushman for Health, Human Services and Elderly Affairs. This bill allows a person to remove his or her information from the state vaccination registry without a health care provider's signature. The committee was in agreement that the current rule requiring a signature is an unnecessary, extra step that increases the difficulty of withdrawing from the registry and also creates extra work for the medical provider. Since many patients routinely change medical providers or may have received a vaccination by a pharmacy-based provider, it may be difficult or impossible to obtain a signature from the actual provider who administered the vaccination. This creates an undue burden on the patient trying to have their private health information removed from the vaccine registry. The bill allows for an individual to submit the form to the Department of Health and Human Services (DHHS) with his or her own notarized signature in lieu of a provider's signature. The entirety of the committee believes this offers greater protection of citizen privacy in line with Article 2-b of the New Hampshire Constitution. Vote 21-0.

Amendment (0983h)

Amend section 1 of the bill by replacing paragraph IV with the following:

IV. To ensure that an individual's right to withdraw from participation in the immunization/vaccination registry is effectively available to all residents of New Hampshire, if they so choose, the general court finds that limiting the requirement to a current or former health care provider to sign the form is an undue burden that does not further a legitimate state interest.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Communicable Disease; Immunization Registry. Amend RSA 141-C:20-f by inserting after paragraph III the following new paragraph:

III-a. A patient, or the patient's parent or guardian if the patient is a minor, may withdraw from participation in, and request the removal of information from, the registry at any time by submitting a request for withdrawal directly to the department of health and human services. The form shall be signed by a current or former health care provider, or the form shall be notarized by an official authorized by a governmental authority to notarize the signature.

AMENDED ANALYSIS

This bill provides that an individual's request to withdraw from the state immunization registry shall be signed by a current or former health care provider or notarized by an authorized government official.

HB 1488, expanding the prohibition against discrimination based on an individual's election not to participate in the state vaccine registry. **OUGHT TO PASS.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. This bill extends the prohibition on discrimination against those electing to not enter the vaccine registry after they have elected to receive a vaccine. To emphasize, this bill addresses discrimination based on the election to use the registry and not the issue of being vaccinated. Currently, the prohibition is directed only to a health care provider. This bill adds schools, child care agencies, and government health agencies to the list of those prohibited. Vote 21-0.

HB 1606, making the state vaccine registry an opt-in program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Niki Kelsey for Health, Human Services and Elderly Affairs. This bill, as amended, does a few things. First, it makes the state immunization registry "opt-in." No patient or parent/guardian of a minor shall be entered in to the registry without explicit consent. Second, this bill captures only those who have had a vaccination, not those who decline a vaccination. Finally this bill allows for the patient to receive a copy of his or her vaccination records. The members of the committee worked hard on this bill to make sure that the patient's privacy rights were upheld as well as the right to not have their information captured if not wanted. We also incentivized participation in the registry by adding the option to request a copy of vaccination from the registry. This bill makes the immunization registry more in line with the constitution. It restores trust

in the state's public health institution because it only takes relevant data. It also clarifies the rulemaking statute for the Department of Health and Human Services. The opt-in option makes it transparent which restores trust in overall public health. Vote 20-1.

Amendment (0919h)

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

1 New Paragraph; Communicable Disease; Immunization Registry; Opportunity to Opt-In to the Registry. Amend RSA 141-C:20-f by inserting after paragraph II the following new paragraph:

II-a.(a) Each patient, or the patient's parent or guardian if the patient is a minor, shall be given the opportunity to opt-out or opt-in to the immunization registry for each administered vaccine. Only actually administered vaccines shall be recorded in the vaccine registry. Refusals or discussions of vaccines shall not be submitted to the registry. A patient, or the patient's parent or guardian if the patient is a minor, may receive a printout of all vaccines in the registry, upon request, from any vaccine provider authorized to use the registry.

(b) No patient's personal data, such as name, address, date of birth, immunization, or vaccination information, shall be entered into the registry without an explicit vaccine consent form, signed by the patient, or the patient's parent or guardian if the patient is a minor, to participate in the vaccine registry.

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

HB 1633-FN, relative to requiring COVID-19 vaccination for school attendance. **INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee heard testimony from the Department of Health and Human Services (DHHS) that there is no intention to add COVID-19 vaccination to the schedule for school vaccinations at this point. Recognizing that this bill would mandate DHHS to require the Covid-19 vaccine, the committee recommends the bill be found Inexpedient to Legislate. Vote 21-0.

HB 1448, relative to the pretermitted heir statute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. A pretermitted heir is a child who is not mentioned in a will. Typically, that occurs when a person makes a will and then subsequently has a child. It can also happen when someone wishes to disinherit a child but makes no formal expression of that intent in their will. An unnamed child is entitled to a share of the deceased's estate. Recently, the New Hampshire Supreme Court rendered a harsh decision which appeared to be inconsistent with the traditional interpretation of New Hampshire's existing pretermitted heir statute. This bill is patterned after the model law and has been reviewed and approved by New Hampshire probate practitioners. It will make the law clear and consistent with New Hampshire practice. Vote 21-0.

Amendment (0394h)

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

1 Wills; Child Not Named. RSA 551:10 is repealed and reenacted to read as follows:

551:10 Child Not Named.

I. In this section:

(a) "Estate" means all property of the testator subject to probate administration and disposition under the testator's will.

(b) "Devise" means any testamentary disposition of real or personal property made under the testator's will.

II. Except as provided in paragraph III, if a testator fails to provide in the testator's will for any of the testator's children born or adopted after the execution of the will, the omitted after-born or after-adopted child shall receive a share in the estate as follows:

(a) If the testator had no child living when the testator executed the will, an omitted after-born or after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will devised all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will. The share to which the omitted child shall be entitled under this subparagraph shall be satisfied first from the residue of the estate and if insufficient, from the other assets of the estate pro rata.

(b) If the testator had one or more children living when the testator executed the will, and the will devised property or an interest in property to one or more of the then-living children, an omitted after-born or after-adopted child is entitled to share in the testator's estate as follows:

(1) The portion of the testator's estate in which the omitted after-born or after-adopted child is entitled to share is limited to devises made to the testator's then-living children under the will.

(2) The omitted after-born or after-adopted child is entitled to receive the share of the testator's estate, as limited in subparagraph (b)(1), that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom devises were made under the will and had given an equal share of the estate to each child.

(3) To the extent feasible, the interest granted an omitted after-born or after-adopted child under this section must be of the same character, whether equitable or legal, present or future, as that devised to the testator's then-living children under the will.

(4) In satisfying a share provided by this paragraph, devises to the testator's children who were living when the will was executed abate ratably. In abating the devises of the then-living children, the character of the testamentary plan adopted by the testator shall be preserved to the maximum extent possible.

III. Neither subparagraph I(a) or (b) shall apply if it appears from the will that the omission was intentional.

IV. If at the time of execution of the will the testator fails to provide in the testator's will for a living child solely because the testator believes the child to be dead, the child is entitled to share in the estate as if the child were an omitted after-born or after-adopted child.

2 Repeal. RSA 551:11, relative to the share of an unnamed child, is repealed.

3 Applicability. This act shall apply to all wills executed before or after the effective date of this act, except that this act shall not apply to those wills executed by a testator who died prior to the effective date of this act.

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

HB 1544, prohibiting the placement of construction and demolition debris in landfills. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would prohibit the placement of construction and demolition debris in landfills with penalties starting at \$250 for the first violation and increasing to \$25,000 for violations after the second. There were no provisions for how construction and demolition debris was to be collected or disposed of. The intent is to encourage recycling of construction and demolition debris, but testimony was the two facilities for disposal of construction and demolition debris in New Hampshire are operating at capacity and efforts to establish new ones have failed. The committee found the bill unworkable and thought the question should be left to the Solid Waste Task Force. Vote 21-0.

HB 1579, relative to landowner liability on land authorized for outdoor recreational activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. This bill as introduced would greatly expand the definition of premises for the purpose of extending immunity to more owners of property who allow their property to be used for recreational purposes. The testimony at the hearing supported the need to extend the immunity to railroad rights-of-way and corridors so that existing trail systems could be connected. However, the committee found that the language in the bill as originally presented was too broad and would substantially extend immunity protections where it is not warranted, including to all types of easements, including all utility easements. The amendment to this bill does away with the broad definition and limits the extension of immunity to railroad property and railroad rights-of-way to which the public access is permitted access. Vote 20-1.

Amendment (0438h)

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

1 Propagation of Fish and Game; Liability of Landowners; Duty of Care. Amend RSA 212:34, I to read as follows:

I. In this section:

(a) "Charge" means a payment or fee paid by a person to the landowner for entry upon, or use of the premises, for outdoor recreational activity. ***A contribution or other voluntary payment not required to be made to use such land shall not be considered a charge or fee within the meaning of this section. In addition, a lease of such land for said purposes to the state or any political subdivision thereof, or to any nonprofit corporation, trust, or association, shall not be considered a charge.***

(b) "Landowner" means an owner, lessee, holder of an easement, occupant of the premises, or person managing, controlling, or overseeing the premises on behalf of such owner, lessee, holder of an easement, or occupant of the premises, ***including the state or any political subdivision.***

(c) "Outdoor recreational activity" means outdoor recreational pursuits including, but not limited to, hunting, fishing, trapping, camping, horseback riding, bicycling, water sports, winter sports, snowmobiling as defined in RSA 215-C:1, XV, operating an OHRV as defined in RSA 215-A:1, V, hiking, ice and rock climbing or bouldering, or sightseeing upon or removing fuel wood from the premises.

(d) "Premises" means the land owned, managed, controlled, or overseen by the landowner upon which the outdoor recreational activity subject to this section occurs. ***For the purpose of this section, "land" shall include railroad property and railroad rights-of-way to which public access is permitted.***

2 New Paragraph; Limitation of Actions; Landowner Liability Limited. Amend RSA 508:14 by inserting after paragraph III the following new paragraph:

IV. In this section, "land" shall include railroad property and railroad rights-of-way. A contribution or other voluntary payment not required to be made to use such land shall not be considered a charge or fee within the meaning of this section. Nor shall a lease of such land for said purposes to the state or any political subdivision thereof or to any nonprofit corporation, trust, or association be considered a charge.

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

HB 1592-FN, allowing parties in family court cases to create their own recordings of the proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. This bill will allow parties to record proceedings in the Family Division of the Circuit Court. The committee agreed that there are circumstances where an individual recording would be valuable, either for reference by the party or when the court's recording is unavailable or insufficient. However, the committee believed that there needs to be some restrictions imposed. The committee amendment restricts the right to an audio recording. Any party who wishes to record must notify the court and the other parties present that they will be recording. The right is limited to the party's proceeding and the equipment should not interfere with the court process. Vote 19-1.

Amendment (0474h)

Amend the bill by replacing section 1 with the following:

1 New Section; Recordings of Proceedings. Amend RSA 490-D by inserting after section 490-D:15 the following new section:

490-D:16 Recordings of Proceedings. Each party to a proceeding in the family division of the circuit court shall have the right to make an audio recording of the proceeding provided that:

- I. The recording device used by the party does not interfere with the proceeding;
- II. The party notifies the court and the other parties present in advance of the proceeding that a recording will be made; and
- III. The recording is limited to the proceeding in which the party is participating.

AMENDED ANALYSIS

This bill permits parties in family court to create their own recordings of the proceedings under certain conditions.

HB 1597-FN, permitting arraignments for felonies and preliminary examinations to be heard in circuit court. **OUGHT TO PASS.**

Rep. Edward Gordon for Judiciary. In 2015, the General Court enacted legislation called "Felonies First," which moved felony arraignments out of the circuit court and changed the circumstances under which probable cause hearings would be held. Instead of being entitled to a hearing where the state had the burden of showing that felony charges are justified, defendants were now required to show that the charging was defective. It was expected at the time that integrating felony arraignments into the Superior Court would improve court efficiency, shorten the time from arrest to case disposition, and reduce incarceration. Felonies First went into effect in 2016 on a staggered county basis. As a result of the change, virtually every county attorney's office has had to add additional attorneys and resources. The time to dispose of cases has not been reduced. In fact, it has substantially increased. Statistics provided to the committee indicate that these increases occurred even before COVID-19 and are not a result of COVID-19. The effective elimination of probable cause hearings has made early resolution of cases less likely. The circuit court is more able to triage cases and determine whether defendants should be sent to veteran, mental health or substance abuse courts. The committee believes that it is time to recognize that Felonies First has not provided the expected results and a return to the prior system will benefit the people of the state. Vote 21-0.

HB 1603-FN, defining certain school information as governmental records under the right to know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The Judiciary Committee unanimously believes we should be hesitant adding additional requirements into RSA 91-A. This bill provides for the inclusion of certain records of schools and school administrative units under the right-to-know Law. The right to know law already provides for the information specified in this bill to be public and further defining what specifically applies to this statute might inadvertently limit the information already available under right to know. The Judiciary Committee believes RSA 91-A should be broad and encompassing so that the public will have access to as many government records as possible. This bill is opposed by Right to Know New Hampshire. Vote 20-1.

HB 1352-FN, relative to eligibility for workers' compensation for an adverse reaction to a mandatory COVID-19 vaccination. **INEXPEDIENT TO LEGISLATE.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. The goal of this bill was to allow employees who suffered an adverse medical reaction from taking a mandated vaccination for employment purposes the ability to file a workers compensation claim for medical treatment and lost wages. This is allowed under current law and the sponsor requested that the committee recommend this bill be found Inexpedient to Legislate. Vote 19-0.

HB 1529-FN, requiring prospective employees and volunteers of public libraries to obtain a background check prior to commencing employment or volunteer service. **INEXPEDIENT TO LEGISLATE.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. The bill required employees and volunteers of a public library to obtain a federal background check prior to working or volunteering. After

hearing testimony the sponsor began working on an amendment reducing the federal background check to a state background check. Additional changes were contemplated but with little time remaining in the legislative calendar the sponsor requested the bill be found Inexpedient to Legislate. Vote 21-0.

CACR 13, relating to legislator compensation. Providing that compensation for elected members of the general court shall be amended. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for Legislative Administration. This CACR seeks to amend our New Hampshire Constitution for the purpose of reducing legislator pay. Increasing or decreasing the amount of compensation of New Hampshire legislators has been the main concern of several CACRs over the years and each time the measure has failed, and rightfully so. The committee has rarely heard legislator compensation as an issue that is important to the voters and it is somewhat a badge of honor that the legislature is thought of as essentially voluntary. An all-volunteer citizen legislature is a rarity in our times. Amending legislator compensation was unanimously believed to be an unnecessary and unwise undertaking at this juncture. Vote 15-0.

CACR 29, relating to the general court. Providing that the number of representatives be no more than 150 and the number of senators be no more than 35. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for Legislative Administration. This CACR seeks to cut the number of state representatives by fifty percent to 200, and increase the pay to \$6,000 per term. In addition, the legislation would raise the number of senators to not more than 35, and raise the pay to \$7,500 per term. The committee felt this would have a negative impact on New Hampshire citizens in terms of their overall representation and would obviously cost the taxpayers more. We have rarely heard: "Let's pay our senators and representatives more and have fewer of them so they are less accessible but cost us more." To the contrary, the people seem well-served by the large number of representatives and senators and a citizen legislature keeps decisions close to the people, as well. New Hampshire has topped all the lists that matter; safest state, freest state, one of the best states to retire in, and so forth. The committee feels the General Court might be a large part of our New Hampshire Advantage and should remain as it currently stands. Vote 15-0.

CACR 31, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate. **INEXPEDIENT TO LEGISLATE.**

Rep. Allison Nutting-Wong for Legislative Administration. The committee finds this bill well-intentioned, but the majority of the committee felt additional extensive work needs to be completed before it would be ready for voters. Vote 14-1.

CACR 33, relating to recall elections. Providing that the general court may authorize recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Manny Espitia for Legislative Administration. Since 1990, there have been at least 13 separate legislative measures related to recall elections. That includes one bill currently in House Election Law, HB 1485. The Election Law bill under consideration seemingly follows the concerns of the prime sponsor much more than this CACR because it concerns itself exclusively with elected officials serving 3-year terms of office. The single reason for the past bills failing was that those serving 2-year terms are almost always in a period of continuous recall, in that the next election is right around the corner. The prime sponsor argued this is not the case with 3-year, or longer, terms of office. The committee was particularly concerned with the costs of recall elections and the lengthy, confusing, explanatory language that would be added to the ballot question for the voters. Vote 15-0.

HB 1083, relative to calendars and journals of the house and senate. **INEXPEDIENT TO LEGISLATE.**

Rep. Vanessa Sheehan for Legislative Administration. The actions requested in this legislation are already in the process of being completed. Therefore, the legislation is no longer needed. Vote 15-0.

HB 1104, relative to the travel allowance for members of the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Bob Greene for Legislative Administration. This legislation sought to grant mileage payments to legislators at non-State House venues. HB 1650, which passed and was signed by the Governor earlier this year, did essentially the same thing. Therefore, this legislation was unanimously declared to be unnecessary by the committee which included the prime sponsor. Vote 17-0.

HB 1154, relative to legislative commission inactivity. **INEXPEDIENT TO LEGISLATE.**

Rep. Vanessa Sheehan for Legislative Administration. The committee heard from the prime sponsor that this legislation should be addressed in a subsequent bill as this bill requires too much additional work. Vote 16-0.

HB 1269, relative to certain legislative study committees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. This bill is the third bill filed to implement the work completed by a bipartisan study committee. A large number of committees and commissions have outlasted their usefulness. As amended, this bill repeals certain inactive commissions and revises the membership and duties of other commissions. Most importantly, this bill requires certain commissions to be repealed automatically unless reauthorized no later than five years after they are created. Vote 13-0.

Amendment (0782h)

Amend the bill by replacing sections 13-17 with the following:

13 McAuliffe-Shepard Discovery Center; Definitions. Amend RSA 12-L:1 to read as follows:

12-L:1 Definitions. In this chapter:

I. [~~“Commission” means the McAuliffe-Shepard discovery center commission.~~] **“Corporation” means the McAuliffe-Shepard discovery center corporation, incorporated in New Hampshire in May 2012 as an independent nonprofit operation responsible for the management and operation of the discovery center beginning in January 1, 2013.**

II. “Discovery center” means the McAuliffe-Shepard discovery center, which includes the planetarium, [~~and related exhibits pertaining to astronomy, aviation, and earth and space sciences~~] **science museum, and grounds located at 2 Institute Drive in Concord, New Hampshire.**

III. [~~“Touch the Future” means the nonprofit corporation organized to promote the welfare of the discovery center and to assist the discovery center director and the commission.~~]

IV. “Planetarium” means the discovery center planetarium.

[V. ~~“Private operator” means the McAuliffe-Shepard discovery center corporation established in RSA 12-L:13 and the corporation’s board established in RSA 12-L:14 which is responsible for the management and operation of the discovery center beginning January 1, 2013.~~]

14 McAuliffe-Shepard Discovery Center Corporation; References to Board Removed. RSA 12-L:14 is repealed and reenacted to read as follows:

12-L:14 McAuliffe-Shepard Discovery Center Corporation.

I. The corporation is a body politic and corporate which has a distinct legal existence separate from the state and does not constitute a department of state government. The corporation was established to carry out the provisions of this chapter.

II. The corporation, by the board of directors, may manage and operate the McAuliffe-Shepard discovery center beginning January 1, 2013.

15 Discovery Center Equipment. Amend RSA 12-L:15, IV to read as follows:

IV. The state shall enter into a 10-year, renewable lease with the [~~private operator~~] **corporation** to occupy and operate the discovery center buildings and grounds and utilize the equipment and software beginning on January 1, 2013, at a charge of \$1 per year. Either party may terminate this lease with 90 days notice if the other party fails to make a good faith effort to meet all of its obligations under RSA 12-L.

16 Discovery Center Exhibits. Amend RSA RSA 12-L:16 and RSA 12-L:17 to read as follows:

12-L:16 Discovery Center Exhibits, Equipment, **and** Software Licenses[~~, and Supplies~~].

I. [~~The commission shall compile a comprehensive inventory of all equipment, including exhibits and software owned by the discovery center, on June 30, 2012, which shall be updated through December 31, 2012.~~]

H. The annual lease to the [~~private operator~~] **corporation** shall include the use of all exhibits and equipment owned by the discovery center on December 31, 2012. The state shall allow the [~~private operator~~] **corporation**, at its own expense, to make any upgrades to the equipment, software, and exhibits the [~~private operator~~] **corporation** deems necessary.

[~~III. All equipment and exhibits on loan to the discovery center on June 30, 2012, shall be identified and updated in a timely manner through December 31, 2012.~~]

IV. The discovery center director shall work with the private operator to contact the loaners and arrange for transfer of the loans to the private operator, for those loans that the private operator wishes to continue.

V. The state shall transfer at no cost all supplies belonging to the discovery center on December 31, 2012, to the private operator.]

12-L:17 Discovery Center Visitor, Donor, Program Records and Archives. All publicly available donor, visitor, and program records and archival materials owned by the discovery center on December 31, 2012, shall continue to be available to the public and to the [~~private operator~~] **corporation**.

17 Repeal; McAuliffe-Shepard Discovery Center. The following are repealed:

I. RSA 12-L:7, relative to the powers and duties of the commission.

II. RSA 12-L:12, relative to the gift store.

III. RSA 12-L:13, relative to establishing the corporation.

IV. RSA 12-L:18, relative to state funds.

Amend RSA 141-C:27, VI as inserted by section 18 of the bill by replacing it with the following:

VI. The committee may provide advisory opinions, including draft guidance, guidelines, or protocols, which shall **be submitted to the commissioner of the department of health and human services and to the health and human services oversight committee established in RSA 126-A:13 and shall** not be binding on the commissioner or any member of the public.

Amend the bill by replacing all after section 30 with the following:

31 Legislative Officers and Proceedings. RSA 14:49 is repealed and reenacted to read as follows:

14:49 Legislative Study Committees and Commissions.

I.(a) For the purpose of this paragraph, “study committee” shall mean a committee, commission, task force, council, or any other similar entity established by the general court in chapter law to study or otherwise address a specified issue, and shall not include any similar entities that are codified in statute.

(b) Every study committee which is established by the general court shall be repealed either upon the filing of a final report or on November 1 in the even-numbered year prior to the beginning of the subsequent biennial session, whichever is earlier.

(c) The membership of a study committee established by the general court shall be limited to members of the general court only.

(d) The chairperson of a study committee established by the general court shall, in addition to any other reporting requirements, electronically file the final report with the clerk of the house of representatives and the clerk of the senate, and the clerks of the respective bodies shall post the report on the general court website. The clerks of the respective bodies shall then send a copy of the report to the standing committee of each body with jurisdiction over the subject matter of the report.

II.(a) For the purpose of paragraph II, “commission” shall mean a committee, commission, task force, council, or any other similar entity established by the general court and codified in the Revised Statutes Annotated for a specific term to study or otherwise address a specified issue, and shall not include any similar entities that are not a study committee as defined in paragraph I.

(b) The term of the commission shall be specified and the commission’s statutory authorization shall be repealed no later than 5 years after the date it becomes effective, unless subsequent legislation is passed to extend the commission’s existence.

(c) No commission shall have more than 15 members and may include appointees who are not members of the general court. The legislative members of the commission shall constitute a majority of the commission. The term of members of the general court who serve on a commission shall be coterminous with their term in office, unless they are appointed in a capacity other than their legislative office.

(d) In addition to any other reporting requirements, the chairperson of each commission established by the general court shall electronically file the final report with the clerk of the house of representatives or clerk of the senate, and the clerks of the respective bodies shall post the report on the general court website. The clerks of the respective bodies shall then send a copy of the report to the standing committee of each body with jurisdiction over the subject matter of the report.

(e) House and senate committee services staff shall jointly prepare an updated index of all commissions with relevant information annually. This list shall be provided to the speaker of the house of representatives, the president of the senate, and the standing committee chairs with jurisdiction over the subject matter of the commissions by January 15 of each year.

32 Advisory Committee on Marine Fisheries; Membership Qualifications. Amend RSA 211:60, I to read as follows:

I. There is established an advisory committee on marine fisheries to recommend programs and policies regarding marine fisheries to the fish and game commission. The advisory committee shall consist of 5 members and one alternate member, all *with expertise in marine fisheries, a majority* of whom shall be residents of the [seacoast region] *tidewater towns, as defined in RSA 206:2-a*, appointed by the governor and council.

33 Effective Date.

I. Section 2 of this act shall take effect July 1, 2023.

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

AMENDED ANALYSIS

This bill:

I. Repeals certain inactive commissions and revises the membership and duties of other commissions.

II. Requires certain commissions to be repealed or re-authorized no later than 5 years after they are created, to have a maximum of 15 members, and for the house and senate committee services staff to compile and disseminate a comprehensive index of the commissions annually.

III. Requires study committee and commission reports to be sent to the relevant standing committees of both the house and the senate.

HB 1368, relative to recusal by members of the general court for conflicts of interest. **REFER FOR INTERIM STUDY.**

Rep. Janet Wall for Legislative Administration. This bill would require a legislator to recuse herself or himself from participating in a certain legislative matter if the legislator or a member of the legislator’s household has a conflict of interest in specific activity. Over the years, legislators have been unclear as to when it is appropriate and necessary to recuse oneself from participating in legislative discussions and voting on certain bills. Because disclosure and transparency are essential in the work of lawmakers, in order to be accountable, it is imperative that every lawmaker knows when a recusal is necessary. The Ethics Guidelines need clarification, which even this bill’s amendment was not able to provide sufficiently. Therefore, the committee voted unanimously for Interim Study to work on achieving a definition for recusals for conflicts of interest and when that must occur. Vote 13-0.

HCR 9, expressing the appreciation of the general court to Nicole Knox Murphy for her song “My 603.” **REFER FOR INTERIM STUDY.**

Rep. Gregory Hill for Legislative Administration. The committee agrees with the recognition of the author and to the song “My 603,” but feels the correct pathway for that recognition is through the Speaker of the House rather than a House Concurrent Resolution. That process is in place, and yet, to make sure the process is completed satisfactorily, we unanimously agreed to study the HCR and produce a report in November. Vote 17-0.

HB 1055, relative to the property tax exemption for individuals with disabilities and individuals who are deaf or severely hearing impaired. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for Municipal and County Government. This bill would amend RSA 72:37-b III by reducing the five consecutive years residency requirement to one year and increasing the net income requirement for a single person and married couple. Although this legislation is enabling, at this time, a further financial review is needed to fully understand the impact for the taxpayers. Vote 18-1.

HB 1056, relative to veterans’ tax credits. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for Municipal and County Government. This bill would amend RSA 72:28 I and II by increasing the standard veteran tax credit from \$50 to \$200 and the optional veteran tax credit from \$51 to up to \$900. The committee finds this legislation is fashioned in a complicated manner. We support veteran tax credits; however, the veteran standard and optional tax credits should be combined as well as maintaining the language of “served not less than 90 days” for more clarity. Vote 18-1.

HB 1057, relative to the tax exemption for the elderly. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for Municipal and County Government. This bill would amend RSA 72:39-a, I by increasing the income eligibility and lowering the age eligibility with a phased in approach, which is commendable, however, it is complicated and drawn out. The committee believes a further financial review to determine the full impact for the taxpayers is needed. Vote 19-0.

HB 1069, relative to the election of village district commissioners within Belknap county. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Tripp for Municipal and County Government. The intent of this bill is to permit, upon petition, increasing from three to five or decreasing from five to three the number of commissioners in any village district. This change is applicable throughout the state. Additionally, rather than waiting for the next annual meeting, this change will take effect immediately in Belknap county. Vote 19-0.

Amendment (0483h)

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

AN ACT relative to the election of village district commissioners.

Amend the bill by replacing section 1 with the following:

1 Optional Election of Commissioners in Village Districts. Amend the section heading of RSA 670:2-a and RSA 670:2-a, I to read as follows:

670:2-a Optional Election of Commissioners in Districts [~~Within the Towns of Merrimack and Hooksett~~].

I. Notwithstanding the provisions of RSA 670:2, any village district [~~within the town of Merrimack or the town of Hooksett~~] may at any annual meeting under an article in the warrant for the meeting elect 5 rather than 3 commissioners by a majority vote of the legal voters present and voting at the annual meeting in the manner provided in paragraph II.

AMENDED ANALYSIS

This bill allows village districts located within any county to elect 5 commissioners rather than 3 by a majority vote of the legal voters present and voting at an annual meeting.

HB 1078, relative to budget procedures of the Gunstock Area Commission. **INEXPEDIENT TO LEGISLATE.**

Rep. John MacDonald for Municipal and County Government. This bill would have changed the budgetary control from the Gunstock Area Commissioners to the Belknap County Delegation. The Gunstock Board of Directors is composed of independent business professionals who are appointed by the delegation to manage and control the operation of the Gunstock Area. The Gunstock Area is a major employer in Belknap County and continues to provide a strong revenue stream to the county. It is viewed as a valuable and enjoyable facility to Belknap County residents, New Hampshire residents and visitors to our state by both skiers and non-skiers. A major concern shared during the hearing was that in the event of an equipment failure or another major issue, during a peak vacation week, the Gunstock Area Commissioners, with their background and experience, are able to fix the problem immediately, preventing the loss of valuable revenue. If this bill was enacted, Gunstock would have to wait until a delegation meeting could be called. This period of waiting for a meeting, would cause a loss of revenue to both Gunstock and Belknap County. The committee received substantial and compelling testimony from the public that this bill is not needed. Vote 19-0.

HB 1098, limiting the number of parking spaces required per occupied dwelling. **INEXPEDIENT TO LEGISLATE.**

Rep. Ivy Vann for Municipal and County Government. While the committee understood the issues created by requiring too much off street parking, we concluded that a state with jurisdictions as different as Hart's Location and Manchester should not be governed by a single parking mandate. Vote 17-1.

HB 1136, requiring planning boards to list the type of studies required to render a decision. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Ayer for Municipal and County Government. This bill requires planning boards to list the type of studies required to render a decision. The planning boards already publish their needs for a decision. Vote 19-0.

HB 1161-FN-L, relative to ethics obligations of elected local and county officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. This bill proposes the establishment of ethics obligations for elected officials as defined in RSA 21:48. While this is a laudable effort, the bill has several shortcomings, the primary of which is removal/recall from office by voters. Because New Hampshire has no history of recalling elected officials this would require development of the process entirely, which the bill does not do. It also takes the position that violation of the local ethics policy would be a misdemeanor. This implies court proceedings as misdemeanors in New Hampshire are criminal acts. The bill needs to be rewritten and resubmitted. Vote 19-0.

HB 1179, relative to zoning protest petitions. **INEXPEDIENT TO LEGISLATE.**

Rep. Tom Dolan for Municipal and County Government. This bill is relative to zoning protest petitions. It allows for an exception to the majority vote for zoning amendments. The committee felt that amending RSA 675:5 was inappropriate and unnecessary. Reducing dimensional requirements or an increase in overall density of development was contrary to local control of zoning requirements as determined by the local planning board. Vote 17-1.

HB 1238, relative to zoning powers and the supply of workforce housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles Melvin for Municipal and County Government. This bill deals with the zoning powers and the supply of workforce housing. It allows for workforce housing with accompanying planning. It disallows local control of zoning powers normally reserved for local communities. Vote 16-0.

HB 1259, relative to the election and resignation of members of school boards and elected budget committees. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. This bill takes the approach of using the results of the previous election to select the replacement for a school board or budget committee member who has resigned. In either case, the next highest vote getter in the election would be appointed to the respective board. While this approach was considered to be novel it was also determined that it would not reflect the current will of the voters. Vote 16-0.

HB 1267, relative to municipal authority for road and sidewalk closure. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for Municipal and County Government. The committee felt that the experience of municipalities recently allowing various businesses to expand onto the sidewalk in front of their business was almost universally positive. This bill would restrict similar expansions in the future. Vote 16-0.

HB 1272, limiting the authority of town health officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Lascelles for Municipal and County Government. The majority of the committee found that this legislation rightly limits the power of health officers during periods of emergency specifically prohibiting powers that violate rights guaranteed by the Constitution. Vote 17-1.

Amendment (0679h)

Amend the bill by replacing section 1 with the following:

1 Local Health Officers; Regulations on Public Health. Amend RSA 147:1, I to read as follows:

I. The health officers of towns may make regulations for the prevention and removal of nuisances[~~and such other regulations relating to the public health as in their judgment the health and safety of the people require~~] ***such as garbage, insects, unsanitary living conditions, septic, rodents, and safe drinking water inspections***, which shall take effect when approved by the selectmen, recorded by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.

HB 1293, relative to the design of sewage or waste disposal systems for a person's own domicile. **OUGHT TO PASS.**

Rep. Richard Tripp for Municipal and County Government. This bill repeals the exemption allowing any person who desires to submit plans and specifications for a sewage or waste disposal system for the person's own domicile to do so without a permit. The Department of Environmental Services (DES) requires any person performing sewage or waste disposal system design to have obtained a permit demonstrating a

working knowledge of the design and operation of such systems. An exception to this is a person who desires to design the system for their own domicile with the reasoning being the system would be on their property and not affect others. This logic was proven faulty as an improperly designed system could result in ground water contamination affecting others. Secondly, the sale of the property would transfer a faulty system to the buyer without their knowledge. It was determined repeal of the exemption was the solution to these long-term problems. Vote 16-0.

HB 1350, relative to the procedure for valuation of property for property tax purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. John MacDonald for Municipal and County Government. This bill would have modified the procedure for valuation of property for property tax purposes. The bill stated, "In addition to the 5-year valuation procedure under RSA 75:8-a and the option for annual appraisal under RSA 75:8-b, voters may petition the local governing body to conduct a full revaluation of property within the municipality." The committee, after receiving testimony and discussion, concluded that the current time period of five years for a required revaluation was reasonable. Individual property owners have avenues in which to challenge the evaluation of their property. Vote 16-0.

HB 1365, allowing towns and cities to tax residential and non-residential property at different rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for Municipal and County Government. The committee found that this enabling legislation would allow municipalities to tax residential and commercial properties at different rates. The committee felt that if this bill were enacted, it would pit one class of property owner against another. Vote 16-0.

HB 1374, relative to the membership of local land use boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. This bill changes the requirement that all members of a planning board shall be residents of the municipality. The bill is one that is submitted perennially hoping to resolve a local issue with a state law. Rather than simply require all board members be residents of the municipality, it changes the requirement to all voting members must be residents of the municipality. If that is the goal then the municipality should change it at the local level. Vote 16-0.

HB 1375, relative to the definition of veteran. **OUGHT TO PASS.**

Rep. Richard Lascelles for Municipal and County Government. The committee found that this legislation expands the definition of "honorable discharge" to include those that are given a discharge "under honorable conditions." It also lessens the amount of active-duty time necessary to qualify for an honorable discharge. Vote 19-0.

HB 1406, authorizing municipalities to collect compost. **OUGHT TO PASS.**

Rep. Richard Tripp for Municipal and County Government. This bill allows municipalities to collect compost at transfer stations, or have a contract with a solid waste disposal facility, to collect compostable material. This is an enabling bill. Rather than sending all compostable material on to landfills, it permits municipalities to collect the material. This reduces the amount of material in landfills and provides a possible revenue source. Vote 19-0.

HB 1617, relative to housing projects of the community development finance authority and establishing a committee to prevent state subsidies for housing development that is not income-sensitive. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. The prime sponsor requested the committee find this bill inexpedient to legislate because, as drafted, it does not represent his intent. Vote 19-0.

HB 1012, relative to notice for the cutting of trees by utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Jose Cambrils for Science, Technology and Energy. This bill attempts to change the requirements for tree maintenance near utility poles, by requiring the licensee to notify landowners of any cutting activity either in person or by registered mail with the addition of monetary penalties for those in violation of giving such notices. During testimony on the bill, it was discovered that there are already robust provisions in place for notification of tree cutting to electricity customers. The incident that prompted the filing of this bill turned out to be a very rare circumstance that did not merit additional changes to existing law or utility company policies. Vote 21-0.

HB 1248, relative to replacement power for net metering customer-generators. **REFER FOR INTERIM STUDY.**

Rep. Nick White for Science, Technology and Energy. This bill recognizes the possibility that intermittent energy production, such as via solar panels and wind turbines, may have a responsibility to supply firm power from other sources when weather conditions otherwise prevent providing promised supply. The bill, however, provided no mechanism to require this firm power obligation, nor a framework for delivering such power. The bill therefore needs further study. Vote 22-0.

HB 1285, relative to the multi-use energy data platform. **OUGHT TO PASS.**

Rep. John Lewicke for Science, Technology and Energy. This is a simple bill to protect privacy. The bill text stands on its own: "Require, as a condition of accessing the online energy data platform, that a third party complete a qualification and registration process to ensure that any customer data downloaded from the platform remains in a safe, secure environment according to data privacy standards established by the [Public Utilities Commission (PUC)]." HB 2 from 2021 (Ch. 91, Laws of 2021) changed this responsibility to the Department of Energy but the bill restores it to the PUC. Vote 21-0.

HB 1331, relative to power line maintenance and construction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Ploszaj for Science, Technology and Energy. New Hampshire does not license contractors for power line extensions. This bill fixes the language to allow utilities to continue their existing practice of using utility approved certified contractors for power line extensions. Vote 22-0.

Amendment (0140h)

Amend the bill by replacing section 1 with the following:

1 Service Equipment of Public Utilities; Installation and Maintenance of Power Lines. Amend RSA 370:12 to read as follows:

370:12 Installation of Power Line Extensions. Any New Hampshire utility customer that requires a power line extension located on private property may hire a contractor who is ~~[licensed in the state of New Hampshire and is]~~ approved by the utility. Such contractor shall supply and install materials specified by the local utility for underground and overhead line extensions, the cost of which shall be borne by the utility customer.

AMENDED ANALYSIS

This bill allows any New Hampshire utility customer that requires a power line extension located on private property to hire any contractor who is approved by the utility.

HB 1491-FN-L, relative to natural gas transmission pipeline safety. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Troy Merner for Science, Technology and Energy. This bill requires local land use boards and planning boards to notify the operator of a natural gas transmission pipeline prior to approving a project that is within 1,000 feet of the pipeline corridor. The bill further requires local land use boards to make National Pipeline Mapping System geospatial data available to developers within 60 days of the effective date of the legislation. Vote 22-0.

Amendment (0547h)

Amend RSA 674:75, II as inserted by section 2 of the bill by replacing it with the following:

II. For a new residential or nonresidential development that is located in whole or in part within 1,000 feet of the center point of a natural gas transmission pipeline that was constructed or operated prior to the development, the applicant shall notify the operator of the natural gas transmission pipeline of the planned development no later than the time of application for approval of the development, or 180 days prior to commencement of construction, whichever is earlier.

Amend RSA 674:75, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Within 60 days of the effective date of this section, a local land use board in a municipality that is within 1,000 feet of the center point of a natural gas transmission pipeline shall make National Pipeline Mapping System geospatial data available to developers from the Pipeline and Hazardous Materials Safety Administration within the United States Department of Transportation relative to the locations of pipelines.

AMENDED ANALYSIS

This bill requires developers to notify the operator of a natural gas transmission pipeline prior to approval of an application for a development project that is within 1,000 feet of the pipeline.

HB 1546-FN, limiting air emissions of perfluorochemicals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeanine Notter for Science, Technology and Energy. As amended, this bill defines per- and polyfluoroalkyl substances (PFAS) and automatically adds new contaminants to the list of regulated toxic air pollutants as they become known. This bill also directs the Department of Environmental Services to continually review studies to determine if further legislation should be considered. Vote 22-0.

Amendment (0899h)

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

AN ACT defining PFAS and enabling the commissioner of the department of environmental services to adopt rules relative to airborne PFAS in certain circumstances.

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

1 New Paragraph; Air Toxic Control Act; Definitions; PFAS. Amend RSA 125-I:2 by inserting after paragraph X the following new paragraph:

X-a. "PFAS" means per and polyfluoroalkyl substances.

2 New Paragraph; Regulated Toxic Air Pollutants. Amend RSA 125-I:4 by inserting after paragraph V the following new paragraph:

VI. By January 1, 2023 and annually thereafter, the commissioner shall conduct a review to determine whether there exists at least one study that has been conducted in accordance with generally accepted scientific principles that demonstrates that any individual PFAS is known to cause or may reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of inhalation exposure to such PFAS analyte. If a study exists, the commissioner may modify the list of regulated toxic air pollutants by adding such PFAS analyte to the list, or by establishing or modifying any classification or ambient air limit for such PFAS analyte by adopting rules in accordance with the provisions of RSA 541-A.

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

AMENDED ANALYSIS

This bill defines PFAS and allows the commissioner of the department of environmental services to adopt rules about airborne PFAS in certain circumstances.

HB 1565-FN, relative to the opioid abatement trust fund. **REFER FOR INTERIM STUDY.**

Rep. Patrick Abrami for Ways and Means. Several years ago, an Opioid Abatement Trust Fund was established to deal with the anticipation that the many lawsuits that were being filed against drug companies and other parties would be settled. These settlement funds would go into this trust fund. At that time, the New Hampshire Opioid Abatement Advisory Commission was established as the body to be responsible for allocating 85% of the settlement funds. The other 15% of the settlement funds would go to the ten counties and 13 specific cities and towns who had filed opioid lawsuits before September 1, 2019. This bill does one major thing. It changes the 85% to 60% and the 15% to 40%. Many on the committee felt that the counties should receive more, and the 13 original cities and towns should not benefit in this way to what can become up to ten settlements. In addition, there were some on the committee who wanted to let this program get off the ground as originally outlined in statute before the legislature starts to tamper with statute that was a very delicate compromise. Vote 21-0.

REGULAR CALENDAR

HB 1280, prohibiting a parent's refusal to vaccinate a child pursuant to an order of the state or federal government to be used as a basis for terminating parental rights. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the Majority of Children and Family Law. The majority of the committee believes that there are viable reasons which may impact the time frame of and the parent's decision to vaccinate their child. The committee heard one example where the vaccination status of children was used to remove children from a parent and place those children in foster care. The committee finds even one example to be too many and urges passage of this legislation. Vote 8-7.

Rep. Patrick Long for the Minority of Children and Family Law. The minority agrees that termination of parental rights (TPR) should not be based solely on the parents agreeing whether or not to vaccinate their child using current exemption in statutes. The concern for the minority is which parent should the decision rely on when parents don't agree? This bill places in statute the following: "as the ultimate decision regarding the health care of children resides with the parents." In cases of divorced parents where decision-making is shared, which parent gets to make that decision? The minority believes that this would create unnecessary conflict between the parents and adds undue stress to the children when parents disagree.

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

Rep. Yokela offered floor amendment (0912h).

Floor Amendment (0912h)

Amend the bill by replacing section 1 with the following:

1 Termination of Parental Rights; Grounds for Termination of the Parent-Child Relationship; Decision to Vaccinate Prohibited. Amend RSA 170-C:5, II to read as follows:

II. That, although the parents are financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education or other care necessary for his mental, emotional, or physical health or have substantially and continuously neglected to pay for such subsistence, education or other care when legal custody is lodged with others; provided, however, it shall not be grounds for the termination of the parent-child relationship for the sole reason the parent of said child relies upon spiritual means through prayer in accordance with a recognized religious method of healing in lieu of medical treatment for the healing of said child. ***A parent's decision not to have their child vaccinated pursuant to an order of the state or federal government or any agency or person of the same shall not be used as grounds to terminate parental rights.***

Rep. Yokela spoke in favor.

Floor amendment (0912h) adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Majority committee report adopted and the bill was ordered to third reading.

HB 1286, relative to the modification of parental rights and responsibilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Josh Yokela for the Majority of Children and Family Law. The majority of the committee believes this change is not necessary since the Supreme Court has already interpreted the current language to reflect the change proposed so there should be no confusion going forward about this language. Vote 8-7.

Rep. Debra Altschiller for the Minority of Children and Family Law. This bill makes minor and necessary changes to the language of RSA 461-A:11, placing “any of” with “only” in the following: “The court may issue an order modifying a permanent order concerning parental rights and responsibilities under any of the following circumstances.” It then goes on to outline a nine-part list of those circumstances. This change is necessary because lower courts have found ways to rule outside the scope of that comprehensive list. When written, the intention of the list was to provide all of the possible issues that could be considered for a change to a parenting plan. Two lower court decisions modified parenting plans outside of the scope of the list provided in RSA 461-A:11 and were overturned by the New Hampshire Supreme Court (see *In re Muchmore*, 159 NH 470 (2009) and *In re Larue*, 156 NH 378 (2007)). In *Larue*, the court observed that the legislature intended contract principles to apply in determining whether the parties have agreed to a modification pursuant to the statute, indicating the first steps to limiting the court’s power to alter a parenting plan. The ability, will, or resources needed to appeal a lower court decision to the Supreme Court is not necessarily available to all citizens and the court has made clear, on at least two occasions, that a legislative fix to the language of RSA 461-A:11 is needed. To better serve the best interests of children and their parents, the minority believes this bill should pass.

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

Rep. Altschiller spoke against.

Rep. Yokela spoke in favor.

On a division vote, with 176 members having voted in the affirmative, and 155 in the negative, the majority committee report was adopted.

HB 1305, relative to temporary alimony. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the Majority of Children and Family Law. The majority of the committee finds that temporary alimony should be calculated the same as normal alimony and shall be counted towards the time limit unless irreparable, economic hardship would result. Vote 8-7.

Rep. Cassandra Levesque for the Minority of Children and Family Law. This bill does not account for parties who are living with their new partners and does not account for all the assets both parties have. Alimony is determined after both parties have calculated their shared assets and it is divided up. This bill will complicate how alimony is calculated moving forward.

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

Rep. Levesque spoke against.

Rep. Yokela spoke in favor.

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

HB 1382, relative to the presumption of shared parenting in the determination of parental rights and responsibilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the Majority of Children and Family Law. The majority of the committee believes that if the court has not found that a relationship with both parents is not in the child’s best interest then it should presume that shared decision-making and shared residential responsibility of the child is in the best interest of the child. Vote 8-7.

Rep. Debra Altschiller for the Minority of Children and Family Law. This bill’s presumption of shared parenting with a forced legal presumption of 182.5 days per year parenting schedule in the determination of parental rights and responsibilities is not a presumption that legally serves the best interest of children, rather it puts the wants and desires of parents in conflict as a priority in controlling their children. Forcing these 182.5 days per year has the potential to create significant risk of violence in New Hampshire homes. Current parental rights and responsibilities law provides for a range of considerations to determine what is in the children’s best interest. The law presumes that children do best when both parents have frequent and continuing contact with both parents. It provides for consideration to make parenting schedules that best protect the child’s safety and allows for consideration of the impact domestic abuse has had on the child. Current law also ensures parenting schedules consider the safety of an abused parent. This is a good policy and should remain in place. The committee received testimony from NHLA DOVE (Domestic Violence Advocacy Project) that on average, it takes a domestic abuse victim seven times before they are able to leave an abusive relationship for good. One contributing factor is fear of losing custody of the children. HB 1382 lends credibility to an abuser’s control tactics by supporting the idea that “if you leave, you aren’t getting the kids.” If the jumping off point is automatically 50/50 custody of the children, what incentive is there for a victim to

leave? From a victim's perspective, isn't it better to stay in the abusive relationship to be there to protect the children, rather than leave the children unprotected in the abuser's care 50% of the time? This bill forces an impossible choice on victims. It contemplates the rights of one parent over the safety of the other. HB 1382 considers parental rights before determining what is best or safest for the child(ren). This bill places the burden on a victim, tipping the balance in favor of an abusive parent. It lacks proper consideration of the safety of the child, the abused parent or both. The minority of the committee believes the current statute that uses the best interest of the child as a presumption is effective and HB 1382 jeopardizes that.

Majority Amendment (0887h)

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

1 New Paragraph; Parental Rights and Responsibilities; Definitions; Shared Parenting Specified. Amend RSA 461-A:1 by inserting after paragraph VII the following new paragraph:

VIII. "Shared parenting" means an arrangement in which each parent plays a substantially equal role in decision making responsibility, and 35 percent or more of the child's residential time is spent with each parent.

2 Parental Rights and Responsibilities; Determination of Parental Rights and Responsibilities; Best Interest; Presumption of Shared Parenting Established. Amend RSA 461-A:6, I-a to read as follows:

I-a. If the court concludes that frequent and continuing contact between each child and both parents is not in the best interest of the child, the court shall make findings supporting its order. ***If the court does not make that conclusion, there shall be a presumption that shared parenting is in the best interests of the child.***

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

AMENDED ANALYSIS

This bill defines shared parenting and establishes a presumption that shared parenting is in the best interests of the child.

Majority committee amendment adopted.

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

Rep. Altschiller spoke against.

Rep. Yokela spoke in favor.

On a division vote, with 177 members having voted in the affirmative, and 157 in the negative, the and the majority committee report was adopted and the bill was ordered to third reading.

HB 1396-FN, relative to the payment of child support. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Debra DeSimone for the Majority of Children and Family Law. The majority of the committee finds that indicating the date when child support payments are due might seem to make the process easier and provide clarity, however it will only cause additional work for the already overworked courts. Frequent requests from payees or payors to change the order just to get new due dates ultimately causes further acrimony between the parties and unnecessarily clogs the courts. In conclusion this bill, if passed, will only create more problems than it is perceived to solve. Vote 8-7.

Rep. Patrick Long for the Minority of Children and Family Law. The committee heard testimony on the ability of payors of child support to hold their support payments for the reason that the order requires one date to begin paying with no schedule of payment. Payors would hold back payment until the court decided the schedule after the initial order. The minority believes that there should never exist an opportunity to postpone or hold back payment for the child. This bill would simply eliminate that loophole.

MOTION TO LAY ON THE TABLE

Rep. DeSimone moved that **HB 1396-FN**, relative to the payment of child support, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

HB 1416, relative to consent for mental health treatment in parenting cases with shared decision-making responsibility. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the Majority of Children and Family Law. The majority of the committee believes that even when parents have joint decision-making responsibility, either parent should be able to consent to counseling services or mental health treatment. However, because the parent consenting may not have the financial responsibility, the committee believes that the other parent should be notified prior to the beginning of the treatment so that they don't find out their child is in treatment by receiving a bill for the treatment. Vote 14-1.

Rep. Cody Belanger for the Minority of Children and Family Law. It is the opinion of the minority of the committee that this bill has too many plot holes and could cause further mental health harm to the child in question by pitting parents against each other.

Majority Amendment (0871h)

Amend RSA 461-A:4, IV-a as inserted by section 1 of the bill by replacing it with the following:

IV-a. If the parents have joint decision-making responsibility, either parent may consent to counseling services or other mental health treatment for the child, provided that the parent who obtains such services for the child notifies the other parent before treatment begins.

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. Belanger moved that **HB 1416**, relative to consent for mental health treatment in parenting cases with shared decision-making responsibility, be laid on the table.

On a division vote, with 28 members having voted in the affirmative, and 305 in the negative, the motion failed.

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

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

HB 1431-FN-L, establishing the parental bill of rights. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Josh Yokela for the Majority of Children and Family Law. The majority of the committee agrees that the government has to limit interference in a parent's ability to parent as much as possible. This bill, as amended, creates a framework for the parents to stay informed when a child interacts with the government. The committee heard much testimony about how local school administrations have tried to limit the ability of parents to stay informed about their children and we have seen many bills this year on the topic of transparency being required. This is another one of those bills that is trying to foster that communication. Vote 8-7.

Rep. Patrick Long for the Minority of Children and Family Law. The minority is concerned with language of this bill conflicting and/or needing interpretation with current statutes that already gives these rights to parents. This bill addresses the right of a parent (singular)--which parent do these rights apply to? The intended consequences in creating conflict within these families are high, including the children's peace of mind when parents disagree. This bill also contains a clause that would allow a parent to subject a teacher to disciplinary action if they suspect them of encouraging or coercing their child to not talk to them. Although the minority agrees that a child's trusted adult ought not encourage or coerce a child not to talk with parents, children often times will disclose subject matter that they're uncomfortable speaking with their parents about to a trusted adult, such as a teacher, coach or mentor. This bill would limit a trusted adult in wanting to speak with the child for fear of potential disciplinary action. This bill, in the minority's opinion, would be detrimental to the health and welfare of children who struggle with questions and expectations on a daily basis. This bill attempts to waive these rights as it pertains to abuse and neglect in regard to RSA 169-C. The minority believes this bill presents a loophole for parents that are abusing or neglecting children to circumvent DCYF's investigation until their case is founded, placing children at greater risk.

Majority Amendment (0881h)

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

1 Declaration of Purpose. The general court finds that it is a fundamental right of parents to direct the upbringing, education, and care of their minor children. The general court further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the minor's education. The general court further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

2 New Chapter; Parental Bill of Rights. Amend RSA by inserting after chapter 169-H the following new chapter:

CHAPTER 169-I**PARENTAL BILL OF RIGHTS**

169-I:1 Short Title. This chapter may be cited as the Parents' Bill of Rights.

169-I:2 Definitions. In this chapter, "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian, but such term shall not include a parent with whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

169-I:3 Infringement of Parental Rights Prohibited. The state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity, or any other institution shall not infringe on the fundamental rights of a parent to direct the upbringing and education of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and cannot be achieved by less restrictive means.

169-I:4 Parental Rights.

I. All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity, or any other institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

- (a) The right to direct the education and care of his or her minor child.
- (b) The right to direct the upbringing and the moral or religious training of his or her minor child.
- (c) The right to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.
- (d) The right to access and review all school records relating to his or her minor child, pursuant to RSA 189:66, IV.

(e) The right to be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the bureau of child protective services and notifying the parent would impede the investigation.

II. An employee of the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent who is not suspected of a criminal offense against the minor and sharing the information would not impede an investigation of a criminal offense against the minor may be subject to disciplinary action.

III. A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated. This chapter shall not prescribe all rights to a parent of a minor child in this state. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied.

169-I:5 Parental Rights in Education.

I. Each school board, school district, or school administrative unit shall, in consultation with parents, teachers, and administrators, develop and adopt publicly a policy to promote parental involvement in the public school system. Such policy shall include:

- (a) A plan for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.
- (b) A procedure for a parent to learn about his or her minor child's course of study, including the source of any supplemental education materials.
- (c) Procedures for a parent to learn about the nature and purpose of clubs and activities offered at his or her minor child's school, including those that are extracurricular or part of the school curriculum.
- (d) Procedures for a parent to learn about gifted or special education programs offered in the district.
- (e) Procedures for a parent to learn about parental rights and responsibilities under general law, including all of the following:

- (1) Their right to object to instructional materials and other materials used in the classroom, pursuant to RSA 186:11, IX-c.
- (2) Their right to exercise their option to get an exception to a particular health or sex education instruction, pursuant to RSA 186:11, IX-b.
- (3) Their right to exempt his or her minor child from immunizations, as provided in RSA 141-C:20-a.
- (4) Their right to review statewide, standardized assessment results.
- (5) Their right to inspect school district instructional materials.
- (6) Their right to access information relating to the school district's policies for promotion or retention, including high school graduation requirements.
- (7) Their right to receive a school report card and be informed of his or her minor child's attendance requirements and compliance with such requirements.
- (8) Their right to access information relating to the state standards, report card requirements, attendance requirements, and instructional materials requirements.
- (9) Their right to participate in parent-teacher associations and parent-teacher organizations that are sanctioned by a school board or the department of education.
- (10) The right of a parent to opt out of any district-level data collection relating to his or her minor child not required by law.

II. A parent may request, in writing, from the superintendent the information required to be disclosed under this section pursuant to process outlined in RSA 91-A to obtain public records.

III. A parent may request, in writing, from the superintendent the information required under this section. Within 10 business days of such request, the superintendent shall provide such information to the parent. If the superintendent denies a parent's request for information or does not respond to the parent's request within 10 business days, the parent may appeal the denial to the school board. The school board shall place a parent's

appeal on the agenda for its next public meeting. If it is too late for a parent's appeal to appear on the next agenda, the appeal shall be included on the agenda for the subsequent meeting. If a parent is dissatisfied with the results of such an appeal, or such an appeal does not take place in a timely fashion as required by this paragraph, the aggrieved parent may appeal the matter to the superior court with jurisdiction over the applicable school district and if the superior court finds in favor of the parent may award the parent reasonable attorney's fees and court costs. An aggrieved parent may appeal a decision of the superior court to the state supreme court and the supreme court may award the prevailing party reasonable attorneys' fees and court costs.

169-I:6 Exceptions.

I. This chapter does not:

(a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law, as defined in RSA 169-C.

(b) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority, pursuant to RSA 186:11, IX-c; or

(c) Prohibit a court from issuing an order that is otherwise permitted by law, including limits to some or all of the items listed in this chapter as justice may require.

169-I:7 Violations.

I. Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor.

II. Any parent claiming violation of any provisions of this chapter may bring an action for injunctive relief and damages against the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity which the parent claims has violated this chapter in the superior court having jurisdiction over the relevant individual or the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity, and if the court finds in favor of the parent, it may award reasonable attorneys' fees and court costs to the parent. An aggrieved parent may appeal a decision of the superior court to the state supreme court and the supreme court may award the prevailing party reasonable attorneys' fees and court costs.

III. Any teacher, school employee, or administrator that violates any provision of this chapter shall have a disciplinary letter added to their personnel file. Any contractor or third party employed by the school that violates any provision of this chapter shall be restricted from any further access to all schools in the district for one year for the first offense and shall be permanently restricted from all schools in the district for a second or subsequent offense.

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

Majority committee amendment adopted.

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

Reps. Greeson and Yokela spoke in favor.

Rep. Long spoke against.

Rep. Belanger requested a roll call; sufficiently seconded.

YEAS 181 - NAYS 157

YEAS - 181

BELKNAP

Aldrich, Glen
Hough, Gregg
Littlefield, Richard
Silber, Norman

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

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

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

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
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise

Graham, John
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Griffin, Gerald
Greene, Bob
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gagne, Larry
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa

MERRIMACK

Allard, James
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Walsh, Thomas

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Yokela, Josh

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael

Abramson, Max
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 157**CARROLL**

Buco, Thomas
McAlee, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

Ames, Richard
Fenton, Donovan
Mann, John
Weber, Lucy

Bordenet, John
Fox, Dru
Parshall, Lucius
Welkowitz, Lawrence

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Booras, Efstathia
Connors, Erika

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia

Beaulieu, Jane
Bradley, Amy
DiSilvestro, Linda

Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry

Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Van Houten, Constance

Goley, Jeffrey
Heath, Mary
Klee, Patricia
Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Vann, Ivy

Griffith, Willis
Herbert, Christopher
Klein-Knight, Nicole
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Toomey, Dan
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Hall, Muriel
Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

Ebel, Karen
Lane, Connie
Rogers, Katherine
Shurtleff, Steve
Wolf, Dan

Ellison, Arthur
Luneau, David
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Horriggan, Timothy
Schmidt, Peter
Vincent, Kenneth

Conley, Casey
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

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

HB 1518-FN-L, relative to the requirements for appointed guardians. **OUGHT TO PASS WITH AMENDMENT.** Rep. Cody Belanger for Children and Family Law. The majority of the committee heard that when guardianship is granted by the court, there is no home visit or safety check to ensure the minor child is going to a safe home. This bill seeks to correct that, and ensure that a minor is going to a safe home. Vote 8-7.

Amendment (0892h)

Amend the bill by replacing section 1 with the following:

1 Guardianship of Minors and Estates of Minors; Periodic Court Review; Home Visit Required. Amend RSA 463:17 to read as follows:

463:17 Periodic Court Review.

I. The status of all minors for whom guardianship or co-guardianship has been granted shall be reviewed by the court at 6, 12, and 24 months and annually thereafter, except that the court may waive (1) any or all reviews in cases in which a parent or the parents are co-guardians and (2) any or all reviews in all other cases after the 24-month review upon good cause shown. The guardian shall file a report with the court on or before each review date. The parent may file a statement or report with the court on or before each review date. The court may also, as part of the review, conduct a hearing on its own motion, or upon the request of a parent or guardian who seeks to substantially change the existing orders upon a showing by the parent that he or she has a reasonable likelihood of prevailing, if allowed a hearing. If termination of the guardianship is sought as part of the review proceeding, the burdens and standards of proof set forth in RSA 463:15 shall apply. Failure of any party to appear at any hearing held under this section without good cause, shall not cause the hearing to be continued.

II.(a) Every guardian appointed by the court under RSA 169-C or RSA 463 shall, within 60 days of the guardianship appointment, receive a home safety visit by a childcare agency ("agency") approved and licensed by the department of health and human services. The home safety visit may be waived if the parent or parents give consent of the guardianship.

(b) The cost of the agency visit shall be paid for by the guardian. The agency shall within 30 days, issue a report to the court and guardian, indicating the home is a safe environment for the minor child or if unsafe, list the unsafe issue or issues to be corrected. Proof of the corrected issue or issues shall be submitted by the guardian to the court and agency within 30 days of the date of the agency report.

(c) In the event the guardian fails to remedy safety issues as referenced in subparagraph b), the agency shall promptly notify the court and the guardian for appropriate judicial action. Failure of any party to comply with this section without good cause shall be grounds for judicial review.

AMENDED ANALYSIS

This bill establishes the requirement for guardians appointed by the court to receive a home visit within 60 days of their appointment to verify the safety and adequacy of the home for the minor and the consequences for failing to do so.

Committee amendment adopted.

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

HB 1612-FN, relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the Majority of Children and Family Law. The majority of the committee believes that any person knowingly or in bad faith making a false claim to the Department of Health and Human Services (DHHS) should be held accountable. Encouraging DHHS to inform people making complaints that false reports may be subject to civil penalties may dissuade some people from making those false reports. This bill also sets up a requirement that the identity of the people who make a report shall be confidentially retained unless the complaint is found to have been made maliciously or in bad faith. Vote 8-7.

Rep. Debra Altschiller for the Minority of Children and Family Law. Under the New Hampshire Child Protection statute (RSA 169-C), every person over the age of 18 in New Hampshire is a mandated reporter if they suspect a child is being abused or neglected. This reporting law is inclusive as to ensure children are safe and protected and immediate interventions can take place if they are in danger. As the law states, reports made under this existing, and working statute, are presumed to be done in good faith. Many people experiencing domestic violence at home have made these anonymous reports about their own family members. This bill would take the anonymity away from those people seeking help, potentially endangering them further. Worse still, it will stop people from making reports altogether for fear of potentially lethal retribution from the abuser. The reports made to the Department of Children, Youth and Families (DCYF) currently can be made anonymously, however if after further investigation a case goes to court, all information is revealed in discovery. This bill would give users permission and leverage in suing people who are making reports to protect abused children. If passed, this bill has dangerous implications for the protections of abused children in New Hampshire.

Majority Amendment (0842h)

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

AN ACT relative to the confidentiality of reports made to the division for children, youth, and families.

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

Amend RSA 169-C:30 as inserted by section 1 of the bill by replacing it with the following:

169-C:30 Nature and Content of Report. An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the department. ***Reports made to the department may include the name, address, or phone number of the person or persons making the report of suspected abuse or neglect of a child under this chapter. The department may inform the complainant that should the complaint be made maliciously or with intent to harm, the complainant may be subject to criminal and civil penalties.***

Amend the bill by replacing section 4 with the following:

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

AMENDED ANALYSIS

This bill provides that reports of suspected abuse and neglect may include the name of the person making the report and provides that the person's identity shall be fully confidential unless such a person makes such a report in bad faith or maliciously and with intent to cause harm, in which case the person may be subject to civil and criminal penalties.

Majority committee amendment adopted.

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

Rep. Altschiller spoke against.

Rep. Yokela spoke in favor.

On a division vote, with 175 members having voted in the affirmative, and 161 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 1614-FN, requiring the recording and storing of digital video in all state-funded juvenile detention facilities. **OUGHT TO PASS.**

Rep. Cody Belanger for Children and Family Law. The majority supports the retention of recordings where minors are detained for the full length of the statute of limitations so that the evidence may be used in any case that arises. Vote 12-3.

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

HB 1019, establishing a committee to study the replacement of certain professional licenses with mandatory minimum liability insurance requirements. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Max Abramson for the Majority of Commerce and Consumer Affairs. The majority found that, while concerned with the effects on various statutes, state occupational licensing has grown from 8% of workers to 30% of workers requiring permission to ply their trade. During public hearings, it was stated that occupational licensing was one of the great, lesser-known contributors to poverty, unemployment, and hopelessness for millions of America's working poor. Private insurance companies often require private testing, training, certification, and licensing that offers much better bang for the buck and adapts much better to changes in technology, workplace safety, and consumer demand. The majority of the committee therefore felt that this issue deserved in-depth committee study on the House side. Vote 10-8.

Rep. Christy Bartlett for the Minority of Commerce and Consumer Affairs. This bill would establish a study committee to study the replacement of certain professional licenses with mandatory minimum liability insurance requirements. There are many professional licenses, but there is no guidance from the bill which should be studied and this six-member committee would have to review all the state-issued licenses, determine which licenses are unnecessary and make recommendations for each profession to be completed by November 1, 2022. In addition, those supporting this bill do not understand what insurance provides. It implies that an insurance company, through underwriting, would require the training and monitoring and enforcement of professions to be covered by the insurance premium. Insurance liability is for a sudden and unexpected occurrence. This bill does not need to be studied further.

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

Rep. Bartlett spoke against.

Rep. Abramson spoke in favor.

Majority committee report adopted.

HB 1028-FN, relative to the form of individual health insurance policies. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Max Abramson for the Majority of Commerce and Consumer Affairs. The Insurance Department reported that this bill would allow short term medical insurance policies to be renewed, an option not currently available to America's 30 million uninsured, including over 7 million who lost their coverage when the Affordable Care Act ("ObamaCare") took effect. RSA 415:5 actually bans those on a short-term policy from renewing their coverage, resulting in some granite staters finding themselves with no coverage. The majority did not agree that everyone who applied for Medicaid gets it nor that Medicaid covers everything that private insurance does. The majority respects the right of patients and their doctors to make their own medical decisions based on their current medical and economic circumstances and decided to study these issues in greater depth to consider future legislation. Vote 15-3.

Rep. Joyce Weston for the Minority of Commerce and Consumer Affairs. The short-term plans proposed by this legislation are known as "skinny" or "skimpy" plans for a reason. In spite of higher premiums, they are allowed to deny coverage for pre-existing conditions, including cancer, diabetes, and mental illness, and they are allowed to charge higher premiums based on gender and age. A study by the Kaiser Family Foundation found that 71% did not cover prescription drugs and none covered maternity care. The fine print of these plans will lure the unsuspecting consumer into buying a junk plan that will leave them truly under-insured.

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

Majority committee report adopted.

HB 1380, relative to installation of solar photovoltaic energy systems by owners subject to deed restrictions in a homeowners association. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the Majority of Commerce and Consumer Affairs. Despite the sponsor's contention that this bill is enabling and not mandatory, it would require any homeowner's association to permit a solar panel to be placed on a homeowner's home if they desire them. Even though homeowners' associations are usually stand-alone units, they usually also have requirements for uniformity of the look of the units. The majority felt that since homeowners' associations have the ability to waive these requirements by vote of the homeowners, this legislation is an inappropriate intrusion on residents' property rights even if is for a worthy cause. Vote 14-4.

Rep. Constance Van Houten for the Minority of Commerce and Consumer Affairs. This bill is an enabling bill. It would only apply to homeowners' associations, which are associations in which owners actually own and

control their buildings and land, and not to condominiums, in which the buildings and land are common property. The bill is not a mandate. No owner would be required to do anything; however, owners could be allowed the freedom to tap into the sun's photovoltaic energy if enabled by their localities. No deed or homeowners' association documents would need to be nullified or rewritten; only restrictions on installation of solar would be impacted, and they would simply be rendered unenforceable. Currently some homeowner's associations do have a voting mechanism for changing rules and documents, but the bar is very high, and associations often have a difficult time just getting a simple majority of owners to their meetings. However, many homeowners' associations are now operating on the basis of deeds and documents that are many decades old, and solar installations have become more streamlined, less obtrusive, less expensive, and more cost efficient. The cost savings, efficiency, and environmental cleanliness of photovoltaic energy, energy provided by the sun, have become more and more evident and attainable, as well as more desirable, especially in the world of astronomical energy prices of today. Owners in homeowners' associations should be able to avail themselves of such benefits on property or land that they own and control. Passage of this bill would bring this one step closer.

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

On a division vote, with 200 members having voted in the affirmative, and 131 in the negative, the majority committee report was adopted.

(Representative Steven Smith in the Chair)

REGULAR CALENDAR CONT'D

HB 1413, relative to privacy of online customer information. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joyce Weston for the Majority of Commerce and Consumer Affairs. While acknowledging the good intent of this bill, the majority of the committee found it addressed the problem of maintaining personal privacy from the wrong angle. The provisions of the bill targeted internet service providers (ISPs), fundamentally misunderstanding the role of ISPs in the internet ecosystem. ISPs, in fact, have no access to one's personal data. In addition, the bill conflicts with federal law which already holds ISPs to account for privacy commitments. A nearly identical bill passed in Maine in 2019 is now the subject of ongoing litigation from the broadband providers. The majority of the committee agreed that the issue of privacy needs to be addressed at the federal level and directed to other areas of the internet ecosystem. Vote 17-1.

Rep. Max Abramson for the Minority of Commerce and Consumer Affairs. While the minority recognized the impossibility of the committee to mend structural problems with a bill before us, Internet service providers (ISPs) should not be selling personal information without the consent of or notice to their customers. The voters recently approved by a roughly ten to one margin a constitutional amendment strengthening the New Hampshire Bill of Rights, to wit: "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent." The minority believes that ISPs do have a good deal of personal and network information on their customers, and they should not be selling this to private nor governmental parties, foreign corporations, foreign governments, or any of the world's potential bad actors.

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

Rep. Weston spoke in favor.

Rep. Abramson spoke against and requested a roll call; not sufficiently seconded.

On a division vote, with 289 members having voted in the affirmative, and 47 in the negative, the majority committee report was adopted.

HB 1503-FN, exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Keith Ammon for the Majority of Commerce and Consumer Affairs. The first part of the bill, as amended (sections 1-4), exempts the developer, seller, or facilitator of the exchange of an open blockchain token from certain state securities laws. This part is modeled on legislation that became law in Wyoming in 2018. The bill exempts digital tokens with a "consumptive" purpose, meaning the token is used to access a service or other online content: like putting a coin in a vending machine, an example would be users paying electronic tokens on a video platform to watch content. This exemption will allow for innovation using blockchain technology without issuers having to fear running afoul of state securities laws. The issuer would need to file a notice of intent with the Secretary of State, and the issuer could not represent to buyers that the tokens are financial investments. Representatives of the state Securities Division helped make improvements to the language. The second part of the bill (section 5 onward) adopts the most current draft of Section 12 of the Uniform Commercial Code (UCC). Section 12 of the UCC accommodates emerging technologies in the field of "controllable electronic records" (CERs). Examples of CERs are: 1) so-called virtual currencies like Bitcoin, Ethereum, and stable coins such as USD Coin; 2) non-fungible tokens (NFTs) which can represent virtual or physical objects like specific works of art; and 3) electronic promissory notes, similar to electronic signatures. Adopting these changes to the UCC will facilitate modern commercial transactions involving these technologies and avoid

lack of clarity under current UCC law already in state statutes. UCC Section 12 has been in development for two years by the Universal Law Commission. The language is intentionally technology-neutral and can accommodate not only existing CER technologies but also CER technologies of the future. New Hampshire is in a unique position to become the first state to adopt Section 12 of the UCC, signaling to the rest of the country that we are forward-looking and open for business in a growing, trillion-dollar industry. Vote 14-4. Rep. Joyce Weston for the Minority of Commerce and Consumer Affairs. The amendment to this bill is an improvement to the original bill, but it does not negate the larger picture. The State of New Hampshire, though this legislation, will set up the structure necessary to make cryptocurrency a workable second currency in our state. This is a speculative industry built on market manipulation that has been banned entirely in China, with India and Pakistan soon to do the same. The majority of the committee wants New Hampshire to be the “first in the nation” to approve the new Uniform Commercial Code (UCC) Article 12, which has not even yet been finalized. Banks and financial firms want to pass the UCC article only to profit from the industry, while adding a layer of protection for themselves. While recognizing that all the states, being pressured by lobbyists, will probably adopt the UCC articles at some time in the future, the minority does not believe that this industry should be encouraged in New Hampshire, in the nation, or anywhere in the world economy.

Majority Amendment (0828h)

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

AN ACT exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws and adopting the Uniform Commercial Code relative to controllable electronic records.

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

1 New Paragraph; Uniform Securities Act; Definitions; Open Blockchain Token. Amend RSA 421-B:1-102 by inserting after paragraph (35) the following new paragraph:

(35-a) “Open blockchain token” means a digital unit which is:

(A) Created:

(i) In response to the verification or collection of a specified number of transactions relating to a digital ledger or database;

(ii) By deploying computer code to a blockchain network that allows for the creation of digital tokens or other units; or

(iii) Using any combination of the methods specified in subparagraphs (i) and (ii) of this paragraph;

(B) Recorded in a digital ledger or database which is chronological, consensus-based, decentralized and mathematically verified in nature, especially relating to the supply of units and their distribution; and

(C) Capable of being traded or transferred between persons without an intermediary or custodian of value.

2 New Paragraph; Uniform Securities Act; Exempt Transaction; Open Blockchain Token. Amend RSA 421-B:2-202 by inserting after paragraph (24) the following new paragraph:

(25) A purchase or sale of an open blockchain token if all of the following are met:

(A) The issuer or seller of the token, or the registered agent of the developer or seller, files a notice of intent with the secretary of state, as specified in subsection (D) of this section;

(B) The purpose of the token is for a consumptive purpose, which shall only be exchangeable for, or provided for the receipt of, goods, services or content, including rights of access to goods, services or content; and

(C) The issuer or seller of the token did not sell the token to the initial buyer as a financial investment. For purposes of this subsection, a developer seller of the token will be deemed not to have sold the token to the initial buyer as a financial investment if:

(i) The issuer or seller did not market the token as a financial investment; and

(ii) At least one of the following is true:

(a) The issuer or seller of the token reasonably believed that it sold the token to the initial buyer for a consumptive purpose;

(b) The token has a consumptive purpose that is available at the time of sale and can be used at or near the time of sale for use for a consumptive purpose;

(c) If the token does not have a consumptive purpose available at the time of sale, the initial buyer of the token is prevented from reselling the token until the token is available for use for a consumptive purpose; or

(d) The issuer or seller takes other reasonable precautions to prevent buyers from purchasing the token as a financial investment.

(D) The issuer, seller or person who facilitates the exchange of an open blockchain token, or the registered agent of the applicable person, files a notice of intent with the secretary of state prior to offering or selling the tokens in this state. The notice of intent shall contain the name of the person acting as an issuer, seller or facilitator, the contact information of the person or the registered agent of the person, and a statement

that any marketing or advertising materials, including web sites offering or selling open blockchain tokens, will contain a disclosure that the tokens are not registered as securities pursuant to a transaction exemption under RSA 421-B, the New Hampshire Uniform Securities Act. The notice shall also specify whether the person will be acting as an issuer, seller or facilitator. A form shall be made available by the office of the secretary of state on its Internet website for this purpose. The secretary of state shall charge a fee of \$100 per filing.

3 New Subparagraph; Uniform Securities Act; Broker-Dealer Registration Requirements and Exemption. Amend RSA 421-B:4-401(b) by inserting after subparagraph (2) the following new subparagraph:

(3)(A) Except as otherwise provided by RSA 421-B:5-511, a person who exclusively facilitates the exchange of an open blockchain token if all of the following are met:

(i) The person, or the registered agent of the person, files a notice of intent with the secretary of state, as specified in RSA 421-B:2-202(26)(d);

(ii) The person has a reasonable and good faith belief that a token subject to exchange conforms to the requirements of paragraphs RSA 421-B:2-202(25)(a)-(c); and

(iii) The person takes reasonably prompt action to terminate the exchange of a token that does not conform to the requirements of this subsection.

4 New Section; Uniform Securities Act; Liability of Issuers, Seller, and Others Who Facilitate Exchange of Open Blockchain Tokens. Amend RSA 421-B by inserting after section 5-510 the following new section:

421-B:5-511 Liability of Issuers, Sellers, and Others Who Facilitate Exchange of Open Blockchain Tokens. Notwithstanding any other provision of law, an issuer, seller, or a person who facilitates the exchange of an open blockchain token is subject to the provisions of RSA 421-B:5-501 through RSA 421-B:5-503 and RSA 421-B:5-505 through RSA 421-B:5-510 only to the extent necessary to carry out those sections. The secretary of state shall have the authority provided under RSA 421-B:6-601 through RSA 421-B:6-613 to determine compliance with the provisions of this section, including whether a person qualifies for the exemptions set forth in this section. The evidentiary burdens specified in RSA 421-B:5-503 shall apply in any proceeding initiated by the secretary of state pursuant to this subsection.

5 Statement of Intent.

I. The Joint Committee on the Uniform Commercial Code and Emerging Technologies of the Uniform Law Commission has developed draft Uniform Commercial Code provisions governing certain digital assets, specifically those that fall within the definition of “controllable electronic records.” The current draft has been extensively vetted by those who understand and participate in digital transactions.

II. Adoption of the Uniform Law Commission’s draft by the New Hampshire general court will create a considerable advantage for New Hampshire to lead in emerging industries utilizing blockchain, digital ledger technology, virtual currencies, and other digital assets and would provide a sensible framework and legal certainty for transactions of controllable electronic records. In subsequent sessions, if necessary, the New Hampshire general court will review and adopt conforming amendments to the provisions of the Uniform Commercial Code on controllable electronic records to remain consistent with the language and intent of the final proposal of the Joint Committee on the Uniform Commercial Code and Emerging Technologies of the Uniform Law Commission.

6 New Subdivision; Uniform Commercial Code; Article 12; Controllable Electronic Records. Amend RSA 382-A by inserting after section 9-809 the following new subdivision:

ARTICLE 12

CONTROLLABLE ELECTRONIC RECORDS

382-A:12-101 Short Title. This article may be cited as Uniform Commercial Code-Controllable Electronic Records.

382-A:12-102 Definitions.

(a) In this article:

(1) “Controllable electronic record” means an electronic record that can be subjected to control under RSA 382-A:12-105. Except as otherwise provided or the context otherwise requires, the term includes a controllable account or a controllable payment intangible evidenced by a controllable electronic record. The term does not include deposit accounts, electronic chattel paper, electronic documents of title, intangible money, investment property, or “transferable records”, as defined in the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7021(a)(1) or as defined in RSA 294-E:16, I.

(2) “Electronic record” means a record stored in an electronic medium.

(b) The definitions of “account debtor,” “authenticate,” “controllable account,” “controllable payment intangible,” “deposit account,” “electronic chattel paper,” “intangible money,” “investment property,” and “proceeds” in Article 9 apply to this article.

(c) “Value” has the meaning provided in RSA 382-A:3-303(a).

382-A:12-103 Scope.

(a) This article applies to controllable electronic records, controllable accounts, and controllable payment intangibles.

(b) If there is conflict between this article and Article 9, Article 9 governs.

(c) A transaction subject to this article is subject to any applicable rule of law that establishes a different rule for consumers and: (i) any other statute or regulation that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit and (ii) any consumer-protection statute or regulation.

382-A:12-104 Rights in Controllable Electronic Records.

(a) In this section, “qualifying purchaser” means a purchaser of a controllable electronic record or an interest in the controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(b) Except as provided in this section, law other than this article determines whether a person acquires a right in a controllable electronic record and the right, if any, the person acquires.

(c) A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer.

(d) A purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

(e) A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(f) Except as provided in subsection (e) or law other than this article, a qualifying purchaser takes a right to payment, right to performance, or interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(g) An action based on a claim of a property right in a controllable electronic record, whether framed in conversion, replevin, constructive trust, equitable lien, or other theory, may not be asserted against a qualifying purchaser of any controllable electronic record.

(h) Filing of a financing statement under Article 9 is not notice of a claim of a property right in a controllable electronic record.

382-A:12-105 Control of Controllable Electronic Record.

(a) A person has control of a controllable electronic record if:

(1) the controllable electronic record, a record attached to or logically associated with the controllable electronic record, or the system in which the controllable electronic record is recorded, if any, gives the person:

(A) the power to avail itself of substantially all the benefit from the controllable electronic record; and

(B) subject to subsection (b), the exclusive power to:

(i) prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(ii) transfer control of the controllable electronic record to another person or cause another person to obtain control of a controllable electronic record that is derived from the controllable electronic record; and

(2) the controllable electronic record, a record attached to or logically associated with the controllable electronic record, or the system in which the controllable electronic record is recorded, if any, enables the person to readily identify itself in any way as having the powers specified in paragraph (1), including by name, identifying number, cryptographic key, office, or account number.

(b) A power specified in subsection (a)(1) is exclusive, even if:

(1) the controllable electronic record or the system in which the controllable electronic record is recorded, if any, limits the use to which the controllable electronic record may be put or has a protocol that is programmed to result in a transfer of control; or

(2) the person has agreed to share the power with another person.

382-A:12-106 Discharge of Account Debtor on Controllable Account or Controllable Payment Intangible.

(a) Except as provided in this section, an account debtor on a controllable account or controllable payment intangible may discharge its obligation:

(1) by paying the person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(2) by paying a person that formerly had control of the controllable electronic record.

(b) Subject to subsections (d) and (h), an account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(1) is authenticated by a person that formerly had control or the person to which control was transferred;

(2) reasonably identifies the controllable account or controllable payment intangible;

(3) notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(4) identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and

(5) provides a commercially reasonable method by which the account debtor is to pay the transferee.

(c) After receipt of a notification that complies with subsection (b), the account debtor may discharge its obligation only by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(d) Subject to subsection (h), notification is ineffective under subsection (b):

(1) unless, before the notification is sent, the account debtor and the person that at that time had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in an authenticated record to a commercially reasonable method by which a person can furnish reasonable proof that control has been transferred;

(2) to the extent that an agreement between the account debtor and the seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) at the option of the account debtor, if the notification notifies the account debtor to divide a payment, make less than the full amount of any required payment, or pay any portions of a payment by more than one method or to more than one person.

(e) Subject to subsection (h), if requested by the account debtor, the person giving the notification shall seasonably furnish reasonable proof, using the agreed method, that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (b).

(f) A person furnishes reasonable proof that control has been transferred if the person demonstrates, using the agreed method, that the transferee has the power to avail itself of substantially all the benefit from the controllable electronic record, prevent others from availing themselves of substantially all the benefit from the controllable electronic record, and transfer these powers to another person.

(g) Subject to subsection (h), an account debtor may not waive or vary its option under subsection (d)(3).

(h) This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

382-A:12-107 Governing Law.

(a) Except as provided in subsection (b) and (d), the local law of a controllable electronic record's jurisdiction governs the matters covered by this article.

(b) The local law of a controllable electronic record's jurisdiction governs the matters covered by RSA 382-A:12-106 unless an agreement effective under RSA 382-A:1-301(a) determines that the local law of another jurisdiction governs such matters.

(c) The following rules determine a controllable electronic record's jurisdiction for purposes of this section:

(1) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record which is readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this article or the UCC, that jurisdiction is the controllable electronic record's jurisdiction.

(2) If paragraph (1) does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this article or the UCC, that jurisdiction is the controllable electronic record's jurisdiction.

(3) If none of the preceding paragraphs applies and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record which is readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(4) If none of the preceding paragraphs applies and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(5) If none of the preceding paragraphs applies, the controllable electronic record's jurisdiction is the jurisdiction in which the transferor is located.

(d) If paragraph (5) of subsection (c) applies and the location of the transferor cannot be readily determined, the transferor is deemed to be located in New Hampshire.

(e) Subsection (c) applies even if a transaction does not bear any relation to the controllable electronic record's jurisdiction determined under paragraphs (c)(1)-(4).

(f) Except as provided in subsection (d), the location of the transferor for purposes of paragraph (c)(5) is determined under RSA 382-A:9-307.

(g) The rights acquired by a purchaser or a qualifying purchaser under RSA 382-A:12-104 are governed by the law applicable under this section as determined at the time of that person's purchase.

7 Secured Transactions; Definitions; Account. Amend RSA 382-A:9-102(a)(2) to read as follows:

(2) “Account”, except as used in “account for”, means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a State, governmental unit of a State, or person licensed or authorized to operate the game by a State or governmental unit of a State. The term includes **controllable accounts and** health-care-insurance receivables. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

8 New Subparagraph; Secured Transactions; Definitions; Controllable Account; Controllable Payment Intangible. Amend RSA 382-A:9-102(a) by inserting after subparagraph (27) the following new subparagraphs:

(27A) “Controllable account” means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under RSA 382-A:12-105 of the controllable electronic record.

(27B) “Controllable payment intangible” means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under RSA 382-A:12-105 of the controllable electronic record.

9 Secured Transactions; Definitions; Payment Intangible. Amend RSA 382-A:9-102(a)(61) to read as follows:

(61) “Payment intangible” means a general intangible under which the account debtor’s principal obligation is a monetary obligation. ***This term includes controllable payment intangibles.***

10 Secured Transactions; Control; Other Articles. Amend RSA 382-A:9-102(b) to read as follows:

(b) “Control” as provided in Section 7-106 and the following definitions in other articles apply to this article:

“Applicant” Section 5-102.

“Beneficiary” Section 5-102.

“Broker” Section 8-102.

“Certificated security” Section 8-102.

“Check” Section 3-104.

“Clearing corporation” Section 8-102.

“Contract for sale” Section 2-106.

“Controllable electronic record” Section 12-102.

“Customer” Section 4-104.

“Entitlement holder” Section 8-102.

“Financial asset” Section 8-102.

“Holder in due course” Section 3-302.

“Issuer” (with respect to a letter of credit or letter-of-credit right) Section 5-102.

“Issuer” (with respect to a security) Section 8-201.

“Issuer” (with respect to documents of title) Section 7-102.

“Lease” Section 2A-103.

“Lease agreement” Section 2A-103.

“Lease contract” Section 2A-103.

“Leasehold interest” Section 2A-103.

“Lessee” Section 2A-103.

“Lessee in ordinary course of business” Section 2A-103.

“Lessor” Section 2A-103.

“Lessor’s residual interest” Section 2A-103.

“Letter of credit” Section 5-102.

“Merchant” Section 2-104.

“Negotiable instrument” Section 3-104.

“Nominated person” Section 5-102.

“Note” Section 3-104.

“Proceeds of a letter of credit” Section 5-114.

“Prove” Section 3-103.

“Qualifying purchaser” Section 12-104.

“Sale” Section 2-106.

“Securities account” Section 8-501.

“Securities intermediary” Section 8-102.

“Security” Section 8-102.

“Security certificate” Section 8-102.

“Security entitlement” Section 8-102.

“Uncertificated security” Section 8-102.

11 New Section; Secured Transactions; Control of Controllable Electronic Record. Amend RSA 382-A by inserting after section 9-107 the following new section:

382-A:9-107A Control of Controllable Electronic Record, Controllable Account, or Controllable Payment Intangible.

(a) A secured party has control of a controllable electronic record as provided in RSA 382-A:12-105.

(b) A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

12 Secured Transactions; Attachment and Enforceability of Security Interest. Amend the introductory paragraph of RSA 382-A:9-203(b) to read as follows:

(b) Enforceability. Except as otherwise provided in subsections (c) through [(i)] **(j)**, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

13 Secured Transactions; Attachment and Enforceability. Amend RSA 382-A:9-203(b)(3)(D) to read as follows:

(D) the collateral is deposit accounts, electronic chattel paper, **electronic documents**, investment property, **or** letter-of-credit rights, [~~or electronic documents;~~] and the secured party has control under Section 7-106, 9-104, 9-105, 9-106, [~~or~~] 9-107, **or 9-107A** pursuant to the debtor's security agreement.

14 New Subparagraph; Secured Transactions; Controllable Accounts. Amend RSA 382-A:9-203 by inserting after subparagraph (i) the following new subparagraph:

(j) Controllable account or controllable payment intangible. The attachment of a security interest in a controllable electronic record that evidences a controllable account or controllable payment intangible is also attachment of a security interest in the controllable account or controllable payment intangible.

15 Secured Transactions; Rights and Duties of Secured Party Having Possession or Control of Collateral. Amend the introductory paragraph of RSA 382-A:9-207(c) to read as follows:

(c) Duties and rights when secured party in possession or control. Except as otherwise provided in subsection (d), a secured party having possession of collateral or control of collateral under Section 7-106, 9-104, 9-105, 9-106, [~~or~~] 9-107, **or 9-107A**:

16 Secured Transactions; Additional Duties of Secured Party Having Control of Collateral. Amend RSA 382-A:9-208(b)(5)-(6) to read as follows:

(5) a secured party having control of a letter-of-credit right under Section 9-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; [~~and~~]

(6) a secured party having control of an electronic document shall:

(A) give control of the electronic document to the debtor or its designated custodian;

(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party[~~;~~]; **and**

(7) a secured party having control of a controllable electronic record shall transfer control of the controllable electronic record to the debtor or to a person designated by the debtor.

17 Secured Transactions; Law Governing Perfection and Priority of Security Interests. Amend the introductory paragraph of RSA 382-A:9-301 to read as follows:

Except as otherwise provided in Sections 9-303 through [~~9-306~~] **9-306A**, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

18 New Section; Law Governing Perfection and Priority of Security Interests in Controllable Electronic Records. Amend RSA 382-A by inserting after section 9-306 the following new section:

382-A:9-306A Law Governing Perfection and Priority of Security Interests in Controllable Electronic Records.

(a) Governing law; general rules. Except as provided in subsection (b), perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record is governed by:

(1) the local law of the controllable electronic record's jurisdiction as specified in RSA 382-A:12-107(c)(1) through (4); or

(2) if non of those paragraphs applies, the local law of the jurisdiction in which the debtor is located.

(b) Governing law; perfection by filing. The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in a controllable electronic record intangibles by filing.

(c) Location of the debtor. If the location of the debtor cannot readily be determined, the debtor is deemed to be in this state.

19 New Paragraph; Secured Transactions; When Security Interest or Agricultural Lien is Perfected. Amend RSA 382-A:9-308 by inserting after paragraph (g) the following new paragraph:

(h) Controllable account or controllable payment intangible. Perfection of a security interest in a controllable electronic record that evidences a controllable account or controllable payment intangible also perfects a security interest in the controllable account or controllable payment intangible.

20 Filing to Perfect Security Interest or Agricultural Lien. Amend RSA 382-A:9-310(b)(8) to read as follows:

(8) in **controllable electronic records**, deposit accounts, electronic chattel paper, electronic documents, investment property, or letter-of-credit rights which is perfected by control under Section 9-314;

21 Perfection of Security Interests in Chattel Paper. Amend the section heading of RSA 382-A:312 through 9-312(a) to read as follows:

382-A:9-312 Perfection of Security Interests in **Controllable Electronic Records**, Chattel Paper, Deposit Accounts, Documents, Goods Covered by Documents, Instruments, Investment Property, Letter-of-Credit Rights, and Money; Perfection by Permissive Filing; Temporary Perfection Without Filing or Transfer of Possession.

(a) Perfection by filing permitted. A security interest in chattel paper, **controllable electronic records**, negotiable documents, instruments, or investment property may be perfected by filing.

22 Secured Transactions; Perfection by Control. Amend RSA 382-A:9-314(a)-(b) to read as follows:

(a) Perfection by control. A security interest in investment property, deposit accounts, letter-of-credit rights, **controllable electronic records**, electronic chattel paper, or electronic documents may be perfected by control of the collateral under Section 7-106, 9-104, 9-105, 9-106, [or] 9-107, **or 9-107A**.

(b) Specified collateral: time of perfection by control; continuation of perfection. A security interest in **controllable electronic records**, deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents is perfected by control under Section 7-106, 9-104, 9-105, [or] 9-107, **or 9-107A** when the secured party obtains control and remains perfected by control only while the secured party retains control.

23 Secured Transactions; Effect of Change in Governing Law. Amend the introductory paragraph of RSA 382-A:9-316(a) to read as follows:

(a) General rule: effect on perfection of change in governing law. A security interest perfected pursuant to the law of the jurisdiction designated in Section 9-301(1), [or] 9-305(c), **or 9-306A(a)(2) or (b)** remains perfected until the earliest of:

24 New paragraphs; Secured Transactions; Change in Jurisdiction. Amend RSA 382-A:9-316 by inserting after paragraph (f) the following new paragraphs:

(fA) Change in jurisdiction of controllable accounts, controllable electronic records, or controllable payment intangibles. A security interest that is perfected pursuant to the law designated in Section 9-306A(a)(1) remains perfected until the expiration of four months after a change of the applicable law to another jurisdiction.

(fB) Subsection (fA) security interest perfected or unperfected under law of new jurisdiction. If a security interest described in subsection (fA) becomes perfected under the law of the other jurisdiction before the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

25 New Section; Priority of Security Interests in Controllable Electronic Record. Amend RSA 382-A by inserting after section 9-326 the following new section:

382-A:9-326A Priority of Security Interests in Controllable Electronic Record. A security interest in a controllable electronic record held by a secured party having control of the controllable electronic record has priority over a conflicting security interest held by a secured party that does not have control.

26 Secured Transactions; Priority of Rights of Purchasers. Amend RSA 382-A:9-331 to read as follows:

382-A:9-331 Priority of Rights of Purchasers of Instruments, Documents, and Securities Under Other Articles; Priority of Interests in Financial Assets and Security Entitlements Under Article 8 **and Controllable Electronic Records Under Article 12**.

(a) Rights under Articles 3, 7, [and] 8, **and 12** not limited. This article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, [or] a protected purchaser of a security **or a qualifying purchaser as defined in section 12-104 of a controllable electronic record**. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3, 7, [and] 8, **and 12**.

(b) Protection under Article 8 **and 12**. This article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8 **or 12**.

(c) Filing not notice. Filing under this article does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (a) and (b).

27 Secured Transactions; Discharge of Account Debtor. Amend RSA 382-A:9-406 to read as follows:

382-A:9-406 Discharge of Account Debtor; Notification of Assignment; Identification and Proof of Assignment; Restrictions on Assignment of Accounts, Chattel Paper, Payment Intangibles, and Promissory Notes Ineffective.

(a) Discharge of account debtor; effect of notification. Subject to subsections (b) through [(i)] **(k)**, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) When notification ineffective. Subject to subsection (h) **and (k)**, notification is ineffective under subsection (a):

(1) if it does not reasonably identify the rights assigned;

(2) to the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) a portion has been assigned to another assignee; or

(C) the account debtor knows that the assignment to that assignee is limited.

(c) Proof of assignment. Subject to subsection (h) **and (k)**, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) Term restricting assignment generally ineffective. Except as otherwise provided in subsection (e) and Sections 2A-303 and 9-407, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Inapplicability of subsection (d) to certain sales. Subsection (d) does not apply to the sale of a payment intangible or promissory note, other than a sale **of a controllable payment intangible and a sale** pursuant to a disposition under Section 9-610 or an acceptance of collateral under Section 9-620.

(f) Legal restrictions on assignment generally ineffective. Except as otherwise provided in Sections 2A-303 and 9-407 and subject to subsections (h) and (i), a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(1) prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subsection (b)(3) not waivable. Subject to subsection (h), an account debtor may not waive or vary its option under subsection (b)(3).

(h) Rule for individual under other law. This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) Inapplicability. This section does not apply to:

(1) an assignment of a health-care-insurance receivable; or

(2) an assignment or transfer of or creation of a security interest in:

(A) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Â section 104(a)(1) or (2), as amended from time to time; or

(B) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Â section 1396p(d)(4), as amended from time to time.

(j) Section prevails over inconsistent law. Except as otherwise provided in subsection (i), this section prevails over any inconsistent provision of an existing or future statute, rule, or regulation of this State unless the provision is contained in a statute of this State, refers expressly to this section, and states that the provision prevails over this section.

(k) Inapplicability of certain subsections. Subsections (a) through (c) and (g) do not apply to a controllable account or controllable payment intangible.

28 Secured Transactions; Restrictions on Assignment of Promissory Notes. Amend RSA 382-A:9-408(b) to read as follows:

(b) Applicability of subsection (a) to sales of certain rights to payment. Subsection (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale **of a controllable payment intangible and a sale** pursuant to a disposition under Section 9-610 or an acceptance of collateral under Section 9-620.

29 Secured Transactions; Rights After Default. Amend RSA 382-A:9-601(b) to read as follows:

(b) Rights and duties of secured party in possession or control. A secured party in possession of collateral or control of collateral under Section 7-106, 9-104, 9-105, 9-106, ~~or~~ 9-107, **or 9-107A** has the rights and duties provided in Section 9-207.

30 Secured Transactions; Unknown Debtor or Secondary Obligor. Amend RSA 382-A:9-605 to read as follows: 382-A:9-605 Unknown Debtor or Secondary Obligor.

(a) Subject to subsection (b), A secured party does not owe a duty based on its status as secured party:

(1) to a person that is a debtor or obligor, unless the secured party knows:

- (A) that the person is a debtor or obligor;
- (B) the identity of the person; and
- (C) how to communicate with the person; or

(2) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- (A) that the person is a debtor; and
- (B) the identity of the person.

(b) Subsection (a) does not apply to a secured party that, at the time the secured party's security interest attaches to a controllable electronic record has notice that the nature of the collateral or the system in which the collateral is recorded, if any, would prevent the secured party from acquiring the knowledge specified in that subsection.

31 Secured Transactions; Nonliability and Limitation on Liability of a Secured Party. Amend RSA 382-A:9-628 to read as follows:

382-A:9-628 Nonliability and Limitation on Liability of Secured Party; Liability of Secondary Obligor.

(a) Limitation of liability of secured party for noncompliance with article. Unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

(1) the secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this article; and

(2) the secured party's failure to comply with this article does not affect the liability of the person for a deficiency.

(b) Limitation of liability based on status as secured party. **Subject to section (f),** a secured party is not liable because of its status as secured party:

(1) to a person that is a debtor or obligor, unless the secured party knows:

- (A) that the person is a debtor or obligor;
- (B) the identity of the person; and
- (C) how to communicate with the person; or

(2) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- (A) that the person is a debtor; and
- (B) the identity of the person.

(c) Limitation of liability if reasonable belief that transaction not a consumer-goods transaction or consumer transaction. A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

(1) a debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or

(2) an obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) Limitation of liability for statutory damages. A secured party is not liable to any person under Section 9-625(c)(2) for its failure to comply with Section 9-616.

(e) Limitation of multiple liability for statutory damages. A secured party is not liable under Section 9-625(c)(2) more than once with respect to any one secured obligation.

(f) Section (b) does not apply to a secured party that, at the time the secured party's security interest attaches to a controllable electronic record has notice that the nature of the collateral or the system in which the collateral is recorded, if any, would prevent the secured party from acquiring the knowledge specified in that subsection.

32 General Provisions; Value. Amend the introductory paragraph of RSA 382-A:1-204 to read as follows: Except as otherwise provided in Articles 3, 4, [and] 5, **and 12** a person gives value for rights if the person acquires them:

33 Uniform Commercial Code; Article 12-Controllable Electronic Records; Department of State and Banking Department; Reporting Requirement. On or before November 1, 2022, the secretary of state, in consultation with the bank commissioner, shall submit a report to the general court regarding implementation of section 1 of this act and the status of Article 12 as finalized and adopted by the Uniform Law Commission. The report shall include any proposed legislation required to implement UCC article 12 in New Hampshire, including but not limited to changes to other UCC articles required by the addition. The report shall be submitted to the speaker of the house of representatives, the senate president, the chairperson of the house commerce and consumer affairs committee, the chairperson of the senate commerce committee, and the governor.

34 Effective Date.

I. Section 2 of this act shall take effect January 1, 2023.

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

AMENDED ANALYSIS

This bill exempts the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws.

This bill also adopts the Uniform Commercial Code on controllable electronic records.
Majority committee amendment adopted.

MOTION TO LAY ON THE TABLE

Rep. Van Houten moved that **HB 1503-FN**, exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws, be laid on the table.

Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 149 - NAYS 188

YEAS - 149

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

Marsh, William

CHESHIRE

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

Ames, Richard
Fenton, Donovan
Mann, John
Weber, Lucy

Bordenet, John
Fox, Dru
Parshall, Lucius
Welkowitz, Lawrence

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Laughton, Stacie-Marie
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Leishman, Peter
McGhee, Kat
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie

Beaulieu, Jane
Bradley, Amy
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klee, Patricia
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua
Newman, Sue

Sofikitis, Catherine
Toomey, Dan
Veilleux, Daniel

Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Smith, Timothy
Van Houten, Constance

Telerski, Laura
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Hall, Muriel
Pimentel, Roderick
Schultz, Kristina
Woods, Gary

Ebel, Karen
Lane, Connie
Rogers, Katherine
Shurtleff, Steve

Ellison, Arthur
Luneau, David
Schamberg, Thomas
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
Dolan, Tom
Grote, Jaci
Malloy, Dennis
Simpson, Alexis

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Meuse, David
Somssich, Peter

Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
Paige, Mark
Ward, Gerald

DiLorenzo, Charlotte
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Treleven, Susan

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

Conley, Casey
Kenney, Cam
Schmidt, Peter

Fargo, Kristina
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 188

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

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

CARROLL

Avellani, Lino
Deshaies, Brodie
McConkey, Mark

Nelson, Bill
MacDonald, John
Umberger, Karen

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McAleer, Chris

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Gordon, Edward

Berezhny, Lex
Greeson, Jeffrey

Binford, David
Ham, Bonnie

Folsom, Beth
Ladd, Rick
Sanborn, Gail
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Labranche, Tony
Marston, Dick
Nunez, Hershel
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lanzara, Tom
McLean, Mark
Pauer, Diane
Prout, Andrew
Sheehan, Vanessa

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lascelles, Richard
Mooney, Maureen
Perez, Maria
Renzullo, Andrew
Somero, Paul

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Lewicke, John
Notter, Jeanine
Plett, Fred
Rice, Kimberly
Lekas, Tony

MERRIMACK

Allard, James
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Bershtein, Alan
 Edwards, Jess
 Green, Dennis
 Hobson, Deborah
 Khan, Aboul
 Love, David
 McMahon, Charles
 Piemonte, Tony
 Read, Ellen
 Spillane, James
 Torosian, Peter
 Verville, Kevin
 Yokela, Josh

Abrami, Patrick
 Baxter, Tim
 DeSimone, Debra
 Emerick, Tracy
 Guthrie, Joseph
 Nelson, Jodi
 Kimball, Mary Ann
 Lynn, Bob
 Melvin, Charles
 Potucek, John
 Roy, Terry
 Sweeney, Joe
 Tripp, Richard
 Vose, Michael

Abramson, Max
 Belanger, Cody
 Dodge, Dustin
 Ford, Oliver
 Harb, Robert
 Janigian, John
 Layon, Erica
 Pearson, Mark
 Milz, David
 Pratt, Kevin
 Pearson, Stephen
 Sytek, John
 True, Chris
 MacDonald, Wayne

Acton, Dennis
 Bernardy, JD
 Doucette, Fred
 Gay, Betty
 Harley, Tina
 Katsakiores, Phyllis
 Litchfield, Melissa
 Major, Norman
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Soti, Julius
 Thomas, Douglas
 Vandecasteele, Susan
 Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
 Groen, Fenton
 Kittredge, Mac
 Wuelper, Kurt

Bailey, Glenn
 Harrington, Michael
 Pitre, Joseph

Chase, Wendy
 Hayward, Peter
 Southworth, Thomas

DeLemus, Susan
 Kaczynski, Thomas
 Turcotte, Leonard

SULLIVAN

Aron, Judy
 Spilsbury, Walter

Callum, John
 Stapleton, Walter

Merchant, Gary

Rollins, Skip

and the motion failed.

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

Rep. Herbert spoke against and yielded to questions.

Rep. Abramson spoke in favor.

Rep. Weston spoke against.

Rep. Ammon spoke in favor and yielded to questions.

Rep. Potucek requested a roll call; sufficiently seconded.

YEAS 187 - NAYS 150**YEAS - 187****BELKNAP**

Aldrich, Glen
 Harvey-Bolia, Juliet
 Lang, Timothy
 Ploszaj, Tom

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

CARROLL

Avellani, Lino
 MacDonald, John
 Umberger, Karen

Cordelli, Glenn
 Smith, Jonathan

Crawford, Karel
 McAleer, Chris

Deshaies, Brodie
 McConkey, Mark

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Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

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Craig, Kevin
 Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
 Sanborn, Gail
 Ladd, Rick

Berezhny, Lex
 Gordon, Edward
 Simon, Matthew

Binford, David
 Greeson, Jeffrey

Folsom, Beth
 Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
 Griffin, Barbara
 Burt, John
 Smith, Denise
 Foster, William
 Gorski, Ted
 Healey, Robert
 Sanborn, Laurie
 Lewicke, John
 Notter, Jeanine

Alexander, Joe
 Berry, Ross
 Creighton, Jim
 Erf, Keith
 Freitas, Mary
 Gould, Linda
 Homola, Susan
 Labranche, Tony
 Marston, Dick
 Nunez, Hershel

Ammon, Keith
 Blasek, Melissa
 Cushman, Leah
 Espitia, Manny
 Griffin, Gerald
 Graham, John
 Kelsey, Niki
 Lanzara, Tom
 McLean, Mark
 Pauer, Diane

Boyd, Bill
 Boehm, Ralph
 Kelley, Diane
 Fedolfi, Jim
 Gagne, Larry
 Greene, Bob
 Kofalt, Jim
 Lascelles, Richard
 Mooney, Maureen
 Perez, Maria

Plett, Fred
Rice, Kimberly
Lekas, Tony

Post, Lisa
Rouillard, Claire
Ulery, Jordan

Prout, Andrew
Sheehan, Vanessa

Renzullo, Andrew
Somero, Paul

MERRIMACK

Bartlett, Christy
Klose, John
Pearl, Howard
Seaworth, Brian
Wolf, Dan

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Testerman, Dave
Yakubovich, Michael

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Kennedy, Margaret
Moffett, Michael
Schultz, Kristina
White, Nick

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Simpson, Alexis
Thomas, Douglas
Vandecasteele, Susan
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Harley, Tina
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Soti, Julius
Torosian, Peter
Verville, Kevin
Yokela, Josh

Abramson, Max
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Spillane, James
Tripp, Richard
Vose, Michael

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
Hamblet, Joan
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Levesque, Cassandra

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Kaczynski, Thomas
Turcotte, Leonard

Groen, Fenton
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Spilsbury, Walter

Callum, John
Stapleton, Walter

Merchant, Gary

Rollins, Skip

NAYS - 150

CARROLL

Nelson, Bill
Marsh, William

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

CHESHIRE

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

Ames, Richard
Fenton, Donovan
Mann, John
Weber, Lucy

Bordenet, John
Fox, Dru
Parshall, Lucius
Welkowitz, Lawrence

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua
Newman, Sue
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Goley, Jeffrey
Heath, Mary
Judy, Jean
Laughton, Stacie-Marie
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Toomey, Dan
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Beaulieu, Jane
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Schamberg, Thomas
Wallner, Mary Jane

Allard, James
Gallager, Eric
MacKay, James
Schuett, Dianne
Wazir, Safiya

Andrus, Louise
Hall, Muriel
Pimentel, Roderick
Shurtleff, Steve
Woods, Gary

Ebel, Karen
Lane, Connie
Rogers, Katherine
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Murray, Kate
Paige, Mark
Ward, Gerald

Cahill, Michael
Gilman, Julie
Maggiore, Jim
Pantelakos, Laura

Cali-Pitts, Jacqueline
Grossman, Gaby
Malloy, Dennis
Read, Ellen

DiLorenzo, Charlotte
Grote, Jaci
Meuse, David
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

Conley, Casey
Kenney, Cam
Rich, Cecilia

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

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

HB 1583-FN, relative to locations and days of operation of state liquor stores. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the Majority of Commerce and Consumer Affairs. As introduced, this bill changes the regulation on places of operation of state liquor stores and allows state liquor stores to be open on Easter. The committee amendment replaces the original bill and removes references to any one holiday. The current law allows the Liquor Commission to open on holidays with the agreement from the state employees already, so removing actual days from the statutes seems more appropriate. Vote 17-1.

Rep. Max Abramson for the Minority of Commerce and Consumer Affairs. As introduced, the bill proposed to allow a liquor store to be opened within 200 feet of a "church, chapel, or parish house," but said nothing about temples, mosques, nor synagogues. As amended, the bill would allow New Hampshire State Liquor & Wine Outlets to open "at any time" on Thanksgiving, Easter Sunday, or even Christmas, hallowed days for families from across the country return home to enjoy a quiet day of thanks, prayer, and reflection. The committee was then informed that liquor store managers aren't able to find people willing to work on Easter Sunday, Thanksgiving, or Christmas, anyway, and that it would probably cost more to open a store than to meet the almost non-existent demand for Easter Sunday sales when churches, chapels, and parish houses are full. The Ten Commandments tell us to "[h]onor the Sabbath and keep it holy." An improbable and negligible amount of state revenue did not seem reason enough to open up liquor stores on the holiest of days, nor to disturb the quiet enjoyment of families who might not see each other the more hectic 362 days a year.

Majority Amendment (0838h)

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

AN ACT relative to days of operation of state liquor stores.

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

1 Sunday and Holiday Openings. Amend RSA 177:5 to read as follows:

177:5 Sunday and Holiday Openings. Notwithstanding any other provision of law, the commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor store located on a main route where traffic is heavy; ~~provided, however, that no state liquor store may be opened for business at any time on Easter or Thanksgiving day, whenever appointed, and Christmas day].~~ Although full-time employees shall be given the option of working, no such employee shall be required to work on such days. The commission may employ part-time employees, subject to the rules of the director of personnel, to staff stores open on Sundays or holidays. Any full-time employee who works on such days shall be paid 1-1/2 times the employee's regular rate of pay for the actual number of hours worked.

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

AMENDED ANALYSIS

This bill authorizes the liquor commission to open certain state liquor stores on Sundays or legal holidays. Majority committee amendment adopted.

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

Rep. Abramson spoke against.

Rep. Potucek spoke in favor.

On a division vote, with 278 members having voted in the affirmative, and 58 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

CACR 20, relating to personal liberty. Providing that adults shall have the right to possess cannabis for personal consumption. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Dave Testerman for the Majority of Criminal Justice and Public Safety. This bill was going to place a right to possess an agricultural product for personal use in the New Hampshire Constitution. This is a trivial use of the constitution and does not rise to the level of implementation. It is suitable as a regular bill of which there are numerous attempts this year. Vote 15-5.

Rep. Casey Conley for the Minority of Criminal Justice and Public Safety. This bill would amend the state constitution to make clear that New Hampshire adults have the right to possess cannabis for personal consumption. Legalizing cannabis for adult use is supported by a large majority of New Hampshire residents. But year after year, lawmakers have not followed the will of their constituents. Although this chamber has passed one alternative for cannabis legalization this year, and is currently considering another, the minority supports putting the question before voters in case those other bills fail. Amending the constitution is a last resort, but it remains the only alternative in a state that does not allow referendum questions.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **CACR 20**, relating to personal liberty. Providing that adults shall have the right to possess cannabis for personal consumption, be laid on the table.

On a division vote, with 165 members having voted in the affirmative, and 166 in the negative, the motion failed.

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

Reps. Abramson and Conley spoke against.

On a division vote, with 214 members having voted in the affirmative, and 121 in the negative, the majority committee report was adopted.

CACR 34, relating to the use, sale, or cultivation of cannabis. Providing that the state shall make no law prohibiting the use, sale, or cultivation of cannabis for persons over 18 years of age. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dave Testerman for the Majority of Criminal Justice and Public Safety. This bill was going to place a right to own and cultivate an agricultural product in the New Hampshire Constitution. This is a trivial use of the constitution and does not rise to the level of implementation. It is suitable as a regular bill of which there are numerous attempts this year. Vote 13-7.

Rep. Chris True for the Minority of Criminal Justice and Public Safety. In committee we have heard anecdotal testimony concerning the majority of the voters in New Hampshire do favor the legalization of cannabis. This CACR simply will give the people the chance to clearly state their position on the legalization of cannabis.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **CACR 34**, relating to the use, sale, or cultivation of cannabis. Providing that the state shall make no law prohibiting the use, sale, or cultivation of cannabis for persons over 18 years of age, be laid on the table.

On a division vote, with 266 members having voted in the affirmative, and 67 in the negative, the motion was adopted.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

CACR 35, relating to cannabis. Providing that all adults have the right to possess, use, and cultivate cannabis, subject to regulation by the legislature. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dave Testerman for the Majority of Criminal Justice and Public Safety. This bill was going to place a right to possess an agricultural product for personal use in the New Hampshire Constitution. This is a trivial use of the constitution and does not rise to the level of implementation. It is also subject for legislative action and is suitable as a regular bill of which there are numerous attempts this year. Vote 14-6.

Rep. John Burt for the Minority of Criminal Justice and Public Safety. This constitutional amendment concurrent resolution would allow the people of New Hampshire to vote on if adults should be allowed to possess and/or cultivate cannabis for personal use. If approved by the legislature and the voters, a legal adult would have a constitutional right to use, possess and cultivate cannabis for non-commercial purposes. Commercial cannabis activity could be regulated or taxed by the legislature. This CACR would put the question to the voters on if cannabis prohibition should continue in New Hampshire. Despite its repeated failure to pass through the legislative process, polls consistently show public support for the legalization of cannabis is sufficient for voters to pass a constitutional amendment. The legislature should not stand in the way of the will of the people and allow them to directly vote on the issue by passing this CACR.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **CACR 35**, relating to cannabis. Providing that all adults have the right to possess, use, and cultivate cannabis, subject to regulation by the legislature, be laid on the table.

On a division vote, with 260 members having voted in the affirmative, and 75 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1004-FN, relative to penalties for failure to provide information after an animal injury. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. A majority of the Criminal Justice and Public Safety committee strongly opposed this bill. There were unintended consequences: the dog may or may not have been with the owner, therefore, the owner would be charged but not aware of the incident; the scene may not be conducive to the owner remaining there; a woman or a minor may not feel comfortable providing personal information to a stranger. The majority of the committee was against the misdemeanor charge and did not agree with the possibility of jail time. More importantly, the majority of the committee opposed the bill and agreed with the Dog Owners of the Granite State (D.O.G.S) that this is a bad bill, with vague language and unintended consequences. Vote 15-6.

Committee report adopted.

HB 1017-FN, establishing criminal penalties for harming or threatening to harm an essential worker. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the Majority of Criminal Justice and Public Safety. This bill would make a special class of people and the majority of the committee felt that current laws protect essential workers from harm from another person. This bill would also make it a class A Felony if you stole \$1.00 from essential workers while they are working. Vote 16-3.

Rep. Ray Newman for the Minority of Criminal Justice and Public Safety. A motion of inexpedient to legislate was passed in the executive session. The minority feels that a potential Ought to Pass motion could contain a floor amendment that would revise and improve the definition of "Essential Worker" and would also reduce the penalties contained in the bill.

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

Majority committee report adopted.

HB 1072, establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or events. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, recommend this bill Ought to Pass as Amended. This bill would make it a class B misdemeanor for any superintendent of school, school principal, or faculty member to deny access to any elected school board member, municipal budget committee member, or any other elected school district official, to school facilities or events or to access documents requested by said member. Contrary to what critics of the bill have proposed, this law would not supersede any existing law related to the releasability of documents or identity of students. This would also not allow unfettered access to the schools. The proposed statute only contemplates absolute denial and allows for the scheduling of visits and redaction of documents as required by other statutes. Regardless of party or position on a particular issue, elected officials responsible for budgeting and oversight of schools are the eyes and ears of the taxpayers in their communities and as such must be allowed see facilities and documents in order to perform their duties and make informed decisions in the best interest of the schools and the taxpayers. The absolute denial of such access is tantamount to interfering in the elected official carrying out their duties. Vote 11-10.

Rep. Ray Newman for the Minority of Criminal Justice and Public Safety. The original bill could hinder the ability of the school superintendent, principals, and school faculty members to run schools in an efficient and effective manner.

Majority Amendment (0893h)

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

AN ACT establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or school activities.

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

1 New Section; Schools; Access by Elected Persons to School Facilities, Documents, or School Activities.

Amend RSA 189 by inserting after section 1-e the following new section:

189:1-f Access by Elected Persons to School Facilities, Documents, or School Activities. No elected member of a school board, budget committee, or any other elected school district position, shall be denied access to any

school facilities, documents, or school activities by any superintendent of school, school principal, or faculty member while that person holds office. School activities shall include, but are not limited to sporting events, intramural events, events associated with student clubs or organizations, student assemblies, or any organized student activity occurring on or off school property. The access to documents shall be notwithstanding any state or federal prohibition and in accordance with RSA 91-A:5, III, V, or VII. The access to school facilities, documents, or school events shall not apply if the elected person has been charged pending disposition for, or convicted of, any violation or attempted violation as described in RSA 189:13-a, V. Any person denying access in violation of this section shall be guilty of a class B misdemeanor.

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

AMENDED ANALYSIS

This bill prohibits the denial of access to any school facilities, documents, or school activities to persons in elected school district positions. A violation is a class B misdemeanor.

MOTION TO LAY ON THE TABLE

Rep. Allard moved that **HB 1072**, establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or events, be laid on the table.

Rep. Cushman requested a roll call; sufficiently seconded.

YEAS 169 - NAYS 161

YEAS - 169

BELKNAP

Bordes, Mike

Nelson, Bill
Knirk, Jerry

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

CHESHIRE

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

Ames, Richard
Fenton, Donovan
Mann, John
Weber, Lucy

Bordenet, John
Fox, Dru
Parshall, Lucius
Welkowitz, Lawrence

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon
Theberge, Robert

Hatch, William
Tucker, Edith

Laflamme, Larry

Merner, Troy

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

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon

HILLSBOROUGH

Alexander, Joe
Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Bouldin, Amanda
Beaulieu, Jane
Bradley, Amy
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Bouldin, Andrew
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Graham, John
Heath, Mary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Boyd, Bill
Booras, Efstathia
Connors, Erika
Espitia, Manny
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Long, Patrick
McGhee, Kat
O'Brien, Michael
Porter, Marjorie
Rouillard, Claire
Smith, Timothy
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Allard, James
Ellison, Arthur
MacKay, James
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Gallager, Eric
Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

Caplan, Tony
Hall, Muriel
Rogers, Katherine
Shurtleff, Steve
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Guthrie, Joseph
Malloy, Dennis
Simpson, Alexis
Ward, Gerald

Cahill, Michael
Gilman, Julie
Hamblet, Joan
Meuse, David
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Murray, Kate
Paige, Mark
Sytek, John

DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Pantelakos, Laura
MacDonald, Wayne

STRAFFORD

Bixby, Peter
Fargo, Kristina
Oxaal, Ariel
Treleaven, Susan

Cannon, Gerri
Grassie, Chuck
Schmidt, Peter
Vincent, Kenneth

Chase, Wendy
Horrigan, Timothy
Rich, Cecilia
Wall, Janet

Conley, Casey
Levesque, Cassandra
Southworth, Thomas

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

NAYS - 161**BELKNAP**

Aldrich, Glen
Hough, Gregg
Littlefield, Richard
Silber, Norman

Bean, Harry
Howard, Raymond
Mackie, Jonathan
Terry, Paul

Comtois, Barbara
Johnson, Dawn
O'Hara, Travis

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

CARROLL

Avellani, Lino
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Crawford, Karel
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Gordon, Edward

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Kelsey, Niki
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Boehm, Ralph
Smith, Denise
Griffin, Gerald
Greene, Bob
Kofalt, Jim
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Ulery, Jordan

Griffin, Barbara
Burt, John
Erf, Keith
Gagne, Larry
Healey, Robert
Sanborn, Laurie
Lewicke, John
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa

Berry, Ross
Creighton, Jim
Fedolfi, Jim
Gorski, Ted
Homola, Susan
Labranche, Tony
Marston, Dick
Nunez, Hershel
Prout, Andrew
Somero, Paul

MERRIMACK

Andrus, Louise
Leavitt, John
Pitaro, Matthew
Wells, Natalie

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
White, Nick

Hill, Gregory
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Klose, John
Pearl, Howard
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Green, Dennis
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Potucek, John

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin

Abramson, Max
Belanger, Cody
Dolan, Tom
Ford, Oliver
Harley, Tina
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Gay, Betty
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Read, Ellen

Roy, Terry
Thomas, Douglas
Vandecasteele, Susan
Yokela, Josh

Pearson, Stephen
Torosian, Peter
Verville, Kevin

Soti, Julius
Tripp, Richard
Vose, Michael

Spillane, James
True, Chris
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy

Callum, John

Rollins, Skip

Spillsbury, Walter

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1085, relative to ignition lock requirements. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Manny Espitia for the Majority of Criminal Justice and Public Safety. This bill addresses the alcohol ignition interlock program and closes an existing loophole. Currently, participants are required to install the device on the vehicle they drive “on a regular basis.” The unintended consequence of this is a person could drive another vehicle, a rental car or a spouse’s vehicle, without an installed device. Removing “on a regular basis” clarifies that the participant must have a device installed on any vehicle that is driven. Vote 11-6.

Rep. Linda Harriott-Gathright for the Minority of Criminal Justice and Public Safety. This bill requires an ignition interlock device on any vehicle registered to that person. The committee agrees that the individual must not drive a vehicle without such a device while they are under that order. The committee does not sanction driving under the influence of any substances and advocates for public safety. We requested an amendment as an opportunity to house clean the bill. While the amended bill would be amicable, the underlying bill is not. The bill has the unintended consequences of 1) Punishing any other driver in the household by requiring them to use the same device because of a spouse or a child. 2) The penalty for violating this order would be a felony, some felt that a misdemeanor was more appropriate. 3) The bill discriminates against low income, financially challenged individuals particularly during this season of COVID-19.

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

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

The House recessed at 1:00 p.m.

RECESS

The House reconvened at 2:00 p.m.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

HB 1096-FN, prohibiting open carrying or display of a deadly weapon within 100 feet of a polling place. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the Majority of Criminal Justice and Public Safety. This bill creates a new misdemeanor offense for openly carrying or displaying a firearm at a polling place or within 100 feet of a polling place. The sponsors have not identified what, if any problems, this bill will solve. The committee is unaware of any problems with people carrying firearms while voting – which has been legal in New Hampshire for hundreds of years. New Hampshire citizens have a demonstrated track record of responsibility when carrying arms. A majority of the committee felt that this bill was a solution in search of a non-existent problem. Vote 13-7.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. This bill is a proactive attempt to strengthen New Hampshire’s voter intimidation statute to make our elections safer for all of our citizens. The bill would prohibit open carrying or displaying of a deadly weapon within 100 feet of a polling place on the days where federal, state, and/or municipal elections are taking place. The fundamental right to vote without fear of intimidation is vital to our democracy. Under current law, state and local authorities can’t prevent people from bringing guns into polling places, even those located in school buildings. With this bill, open carrying a deadly weapon in clear view of others in or within 100 feet of a polling place would be prohibited. However, the bill provides exceptions for voters and election officials legally carrying concealed weapons. This ensures the Second Amendment right to self-defense is also protected. Six states and the District of Columbia already explicitly prohibit guns at polling places. The minority believes that polling places should be welcoming and inviting places where Americans can exercise their sacred right to vote without fear of intimidation.

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

Rep. Meuse spoke against.

Rep. Abbas spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 153**YEAS - 190****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

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

CARROLL

Avellani, Lino
Deshaies, Brodie

Nelson, Bill
MacDonald, John

Cordelli, Glenn
McConkey, Mark

Crawford, Karel
Umberger, Karen

CHESHIRE

Bordenet, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold
Tucker, Edith

Hatch, William

Merner, Troy

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Gould, Linda
Homola, Susan
Kofalt, Jim
Laughton, Stacie-Marie
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Graham, John
Infantine, William
Sanborn, Laurie
Leishman, Peter
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Goley, Jeffrey
Greene, Bob
Jack, Martin
Lanzara, Tom
Lewicke, John
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Foster, William
Gorski, Ted
Healey, Robert
Kelsey, Niki
Lascelles, Richard
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa

MERRIMACK

Allard, James
Kennedy, Margaret
Moffett, Michael
Schamberg, Thomas
Wells, Natalie

Andrus, Louise
Klose, John
Pearl, Howard
Seaworth, Brian
White, Nick

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Testerman, Dave
Wolf, Dan

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Walsh, Thomas
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Yokela, Josh

Abramson, Max
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 153 CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Mann, John
Von Plinsky, Sparky

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

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

Faulkner, Barry
Maneval, Andrew
Toll, Amanda Elizabeth

COOS

Kelley, Eamon

Laflamme, Larry

Thompson, Dennis

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Toomey, Dan
Veilleux, Daniel

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Heath, Mary
Klee, Patricia
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Griffith, Willis
Herbert, Christopher
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Van Houten, Constance

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Rogers, Katherine
Soucy, Timothy

Bartlett, Christy
Gallager, Eric
MacKay, James
Schuett, Dianne
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schultz, Kristina
Wazir, Safiya

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Vincent, Kenneth

Chase, Wendy
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

Conley, Casey
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the majority committee report was adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 95 and 435 and Senate Bill numbered 307.

Rep. Osborne, Sen. Avard for the Committee

REGULAR CALENDAR CONT'D

HB 1105, relative to earned time credits. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, found that this bill should

be Referred for Interim Study. Witnesses from the Parole Board and the Department of Corrections testified that inmates are able to take certain tablet-based courses as credit for 60-day reductions in sentences. There was evidence presented that some of these courses could be completed in minutes by an inmate and that they could take several of these tablet-based courses per day, with each allowing for additional 60-day sentence reductions. The majority felt that the vagueness of what exactly these courses are, the work involved in taking them, and their value to the rehabilitation of the inmates, makes their unlimited use questionable at best. The majority agrees that using new technology and providing more opportunities for inmates to better themselves is extremely important. At the same time, it must be used judiciously in order to ensure that the justice served by their sentence is not so diminished as to overly minimize the punishment aspect of the incarceration or be used to “game” the system, thereby denying justice to victims and the public at large. This bill strikes a balance allowing these courses to be used as part of an overall program exchanging inmate achievement for sentence reduction but only allowing it to be used once towards the overall maximum reduction of 21 months. Vote 13-7. Rep. David Meuse for the Minority of Criminal Justice and Public Safety. The minority believes that this bill should be found inexpedient to legislate. Earned time credits recognize the fact that there is no cookie cutter approach to rehabilitation. The minority acknowledges that required notifications of reduced sentence time can be troubling for victims. But the way to improve the program is to refine the notification process as well as the criteria for programs that can be included—not to micromanage the Department of Corrections (DOC) or to make rehabilitation and sentence reduction harder to achieve. While the debate has been instructive for committee members, we believe it has also been instructive for the DOC. The DOC should have the opportunity to refine program content and eligibility without legislative interference.

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

Majority committee report adopted.

HB 1108, relative to the prescribed manner of posting land. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the Majority of Criminal Justice and Public Safety. New Hampshire has a long tradition of allowing pedestrian access to private property while enabling landowners to restrict access, or post, their land using signs that contain their names and contact information. This system has evolved over hundreds of years. Landowners know what is expected of them to exercise this right and those seeking access to private land know what property they can access. Simply, today’s system works. This bill sought to create another form of posting in New Hampshire, allowing landowners to apply purple paint to trees, stones, and posts along their property lines. Although a handful of states already allow this, it is not common in the northeast. In fact, the committee heard testimony from the New Hampshire Fish and Game Department that their peers in Maine, a state that allows purple paint posting, say purple paint posting is utter chaos and often there are more people hunting on purple painted property than un-posted property because few people know what purple paint means. The committee also heard testimony from the New Hampshire Division of Forest and Lands that the current posting requirements with the landowner’s name and contact information on the sign is a good practice for a number of reasons, i.e., retrieving game animals, notifying landowners of fire suppression activity. Lastly, the committee heard from the New Hampshire Timberland Owners Association, a landowner organization whose members own/manage over one million acres of land, opposing the bill. The timberland owners said the current system of posting works and that this is a solution looking for a problem. Vote 12-7. Rep. Casey Conley for the Minority of Criminal Justice and Public Safety. New Hampshire has a longstanding tradition of open access to private land for hunting and other purposes, unless that property owner posts their land. The process for posting is described in statute, and requires the landowner to purchase signs, walk their property installing these signs, and repeat this process year after year if they do not want strangers entering their property. This bill would have created an alternative whereby the property owner could have used purple paint to mark property lines, instead of defacing trees with nails and plastic signs. Use of purple paint for this purpose is common and well understood in other parts of the country. The minority considers this a property rights issue and believes property owners should have a choice when it comes to posting their own property.

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

Rep. Conley spoke against.

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

YEAS 239 - NAYS 102

YEAS - 239

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

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

CARROLL

Avellani, Lino
Crawford, Karel
McAleer, Chris

Nelson, Bill
Deshaies, Brodie
McConkey, Mark

Buco, Thomas
MacDonald, John
Umberger, Karen

Cordelli, Glenn
Knirk, Jerry

CHESHIRE

Faulkner, Barry
Rhodes, Jennifer

Fox, Dru
Santonastaso, Matthew

Mann, John

Qualey, James

COOS

Craig, Kevin
Merner, Troy

Davis, Arnold
Tucker, Edith

Kelley, Eamon

Hatch, William

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick
Weston, Joyce

Berezhny, Lex
Gordon, Edward
Massimilla, Linda

Fellows, Sallie
Greeson, Jeffrey
Nordgren, Sharon

Folsom, Beth
Ham, Bonnie
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Erf, Keith
Gagne, Larry
Graham, John
Heath, Mary
Kelsey, Niki
Langley, Diane
Lewicke, John
McLean, Mark
Nunez, Hershel
Perez, Maria
Porter, Marjorie
Rice, Kimberly
Lekas, Tony
Wilhelm, Matthew

Alexander, Joe
Baroody, Benjamin
Burt, John
Smith, Denise
Fedolfi, Jim
Goley, Jeffrey
Greene, Bob
Homola, Susan
Klee, Patricia
Lascelles, Richard
Long, Patrick
Mooney, Maureen
O'Brien, Michael
Petrigno, Peter
Post, Lisa
Rouillard, Claire
Toomey, Dan

Ammon, Keith
Berry, Ross
Creighton, Jim
DiSilvestro, Linda
Foster, William
Gorski, Ted
Griffith, Willis
Infantine, William
Kofalt, Jim
Laughton, Stacie-Marie
Marston, Dick
Mullen, Sue
Pauer, Diane
Piedra, Israel
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Dutzy, Sherry
Griffin, Gerald
Gould, Linda
Healey, Robert
Jack, Martin
Sanborn, Laurie
Leishman, Peter
McGhee, Kat
Notter, Jeanine
Pedersen, Michael
Plett, Fred
Renzullo, Andrew
Somero, Paul
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Cambrils, Jose
Klose, John
Pearl, Howard
Schamberg, Thomas
Soucy, Timothy
Wells, Natalie
Yakovovich, Michael

Allard, James
Hall, Muriel
Leavitt, John
Pimentel, Roderick
Schuett, Dianne
Testerman, Dave
White, Nick

Andrus, Louise
Hill, Gregory
McGuire, Carol
Pitaro, Matthew
Seaworth, Brian
Walsh, Thomas
Wolf, Dan

Bartlett, Christy
Kennedy, Margaret
Moffett, Michael
Boyd, Stephen
Shurtleff, Steve
Wazir, Safiya
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Dodge, Dustin
Edwards, Jess
Green, Dennis
Hobson, Deborah
Katsakiores, Phyllis
Litchfield, Melissa
Maggiore, Jim
Melvin, Charles
Piemonte, Tony
Somssich, Peter
Sytek, John
True, Chris
MacDonald, Wayne

Abrami, Patrick
Baxter, Tim
Cahill, Michael
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Love, David
Major, Norman
Milz, David
Potucek, John
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Welch, David

Abramson, Max
Belanger, Cody
Cali-Pitts, Jacqueline
Doucette, Fred
Ford, Oliver
Harb, Robert
Janigian, John
Kimball, Mary Ann
Lynn, Bob
Malloy, Dennis
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
DeSimone, Debra
Edgar, Michael
Gay, Betty
Harley, Tina
Murray, Kate
Layon, Erica
Pearson, Mark
McMahon, Charles
Paige, Mark
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Vose, Michael
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Groen, Fenton
Kittredge, Mac
Wuelper, Kurt

Bailey, Glenn
Harrington, Michael
Pitre, Joseph

DeLemus, Susan
Hayward, Peter
Southworth, Thomas

Fargo, Kristina
Kaczynski, Thomas
Vincent, Kenneth

SULLIVAN

Aron, Judy
O'Hearne, Andrew
Stapleton, Walter

Callum, John
Oxenham, Lee
Smith, Steven

Cloutier, John
Rollins, Skip
Sullivan, Brian

Gottling, Suzanne
Spilsbury, Walter
Tanner, Linda

NAYS - 102**CARROLL**

Burroughs, Anita
Abbott, Michael
Gomarlo, Jennie
Toll, Amanda Elizabeth

Marsh, William
Ames, Richard
Maneval, Andrew
Von Plinsky, Sparky

Woodcock, Stephen
Bordenet, John
Parshall, Lucius
Weber, Lucy

CHESHIRE
Fenton, Donovan
Schapiro, Joe
Welkowitz, Lawrence

COOS

Laflamme, Larry

Theberge, Robert

Thompson, Dennis

GRAFTON

Abel, Richard
Dontonville, Roger
Murphy, James

Adjutant, Joshua
Egan, Timothy
Smith, Suzanne

Almy, Susan
Hakken-Phillips, Mary
Sykes, George

Binford, David
Muirhead, Russell

HILLSBOROUGH

Bouldin, Amanda
Bouchard, Donald
Cornell, Patricia
Harriott-Gathright, Linda
Klein-Knight, Nicole
Murray, Megan
Query, Joshua
Newman, Sue
Vail, Suzanne

Bouldin, Andrew
Bradley, Amy
Espitia, Manny
Herbert, Christopher
Labranche, Tony
Mangipudi, Latha
Newman, Ray
Sofikitis, Catherine
Van Houten, Constance

Beaulieu, Jane
Cohen, Bruce
Freitas, Mary
Schmidt, Janice
Lanzara, Tom
Nutter-Upham, Frances
Rombeau, Catherine
Stevens, Deb
Vann, Ivy

Bergeron, Paul
Connors, Erika
Hamer, Heidi
Judy, Jean
King, Mark
Nutting-Wong, Allison
Rung, Rosemarie
Telerski, Laura

MERRIMACK

Caplan, Tony
Lane, Connie
Rogers, Katherine

Ebel, Karen
Luneau, David
Schultz, Kristina

Ellison, Arthur
MacKay, James
Wallner, Mary Jane

Gallager, Eric
McWilliams, Rebecca

ROCKINGHAM

Altschiller, Debra
Grote, Jaci
Pratt, Kevin
Ward, Gerald

DiLorenzo, Charlotte
Hamblet, Joan
Read, Ellen

Gilman, Julie
Meuse, David
Roy, Terry

Grossman, Gaby
Pantelakos, Laura
Simpson, Alexis

STRAFFORD

Bixby, Peter
Grassie, Chuck
Oxaal, Ariel
Wall, Janet

Cannon, Gerri
Horriggan, Timothy
Schmidt, Peter

Chase, Wendy
Levesque, Cassandra
Rich, Cecilia

Conley, Casey
Smith, Marjorie
Turcotte, Leonard

SULLIVAN

Merchant, Gary

and the majority committee report was adopted.

HB 1117, relative to the circumstances constituting criminal threatening. **INEXPEDIENT TO LEGISLATE.** Rep. Terry Roy for Criminal Justice and Public Safety. The committee heard testimony from the sponsor of the bill as well as several other representatives and members of the public. The majority, after considering the testimony, came to the conclusion that the bill is unnecessary as the specified groups in the bill, that the sponsor asked for special recognition for, are already protected in the current law.

The current law states, "any person." The sponsor wishes to add certain groups of persons by name as though they were not covered by the term "any person." The majority found this redundant and unnecessary as we believe that all New Hampshire citizens are equal under the law and statutes should be written in the most inclusive language possible. It is difficult to imagine any term more inclusive than "any person," therefore the committee recommends that the bill be found inexpedient to legislate. Vote 11-10.

Rep. Espitia spoke against.

Rep. Abbas spoke in favor.

On a division vote, with 187 members having voted in the affirmative, and 154 in the negative, the committee report was adopted.

HB 1127, relative to posthumous exonerations and annulments. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. John Bordenet for the Majority of Criminal Justice and Public Safety. This bill would provide a grant of posthumous exoneration or annulment for Willard Uphaus and Eunice “Goody” Cole. The committee is not opposed to the intent of this bill; it is concerned about the technical legalities involved. During testimony, details that had not been discussed previously made the way forward unclear. For example, when Eunice Cole was tried and executed it was done under the law of the Commonwealth of Massachusetts. New Hampshire has no authority to annul the conviction of someone convicted in another state. The committee wants to explore the right venue for correcting these matters. Vote 16-5.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. If this bill looks familiar, it is identical to one passed unanimously in the 2020 session by this committee that went on consent, but died because of COVID-19. It acknowledges that mistakes are occasionally made in our criminal justice process that sometimes don’t become apparent until the accused has passed away. While the bill doesn’t allow us to go back in time to correct miscarriages of justice, what the bill does do is make it possible for us to acknowledge that an injustice occurred. It also corrects the record for two specific individuals: Willard Uphaus and Goody Cole. Cole was convicted, flogged and imprisoned for witchcraft and “familiarity with the devil.” Uphaus was imprisoned for standing up to a different sort of witch hunt in the 1950’s by refusing to comply with a subpoena from the New Hampshire Attorney General, who had subpoenaed him to turn over lists of guests and staff of Uphaus’s World Fellowship Organization so they could be combed through for connections with subversive organizations, including the Communist Party. After several appeals, Uphaus was sentenced to a year in jail for refusing to comply as a matter of conscience. Both of these convictions are stains on New Hampshire’s reputation for justice and fairness. This bill would acknowledge that injustices occurred in both of these cases and confirm that we are able to set the record straight and admit our past mistakes.

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

Rep. Meuse spoke against.

Rep. Bordenet spoke in favor.

On a division vote, with 251 members having voted in the affirmative, and 88 in the negative, the majority committee report was adopted.

HB 1178, prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Burt for Criminal Justice and Public Safety. Under the provisions of this bill, state and local government officials will be under order to not enforce federal gun laws. Over the years, on many topics, both democrat and republican attorneys general have opined that New Hampshire law enforcement should not be enforcing federal laws. This is a simple concept, state and local police are hired, trained, and compensated with state and local tax dollars. It makes no sense to divert those scant resources to enforce federal laws that, if they are to be enforced, should properly be enforced by federal law enforcement officers. This bill is wholly consistent with U.S. Supreme Court rulings. In 1997 the Supreme Court ruled in *Printz v. United States* that Congress cannot make states enforce the federal Brady gun control law which attempted to require local Sheriffs or police to carry out gun background checks. And the *Printz* case was not an outlier, in the late 1800s, some northern states, such as Pennsylvania, passed personal liberty laws which made it illegal for citizens of the commonwealth to help enforce the Fugitive Slave Act. Likewise, in the eighteenth century, Virginia and Kentucky threatened to nullify the Alien & Sedition Acts of 1798, which essentially jailed people for criticizing government officials. American states have a long history of pushing back against federal mandates and federal oversight. This bill is consistent with that history. Vote 12-7.

Amendment (0479h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right to Keep and Bear Arms. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E

**PRESIDENTIAL EXECUTIVE ORDERS AND STATUTORY LAW
RELATING TO THE RIGHT TO KEEP AND BEAR ARMS**

159-E:1 Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right to Keep and Bear Arms. Pursuant to the general court’s authority under Part II, Article 5 of the New Hampshire Constitution, the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law shall be prohibited from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding

the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives. Silence in the New Hampshire Revised Statutes Annotated pertaining to a matter regulated by federal law shall be construed as an inconsistency for the purposes of this chapter.

159-E:2 Application. In light of the long-standing practice of cooperation between federal, state, and local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local official from cooperating with or rendering aid or assistance to federal officials in any circumstance where there is reasonable suspicion to believe that a person who is the subject of an investigation for violation of federal firearms law covered by RSA 159-E:1 also has committed, is committing, or is about to commit a violation of New Hampshire law or a violation of a federal law, regulation, order, or practice not covered by RSA 159-E:1. Nothing in this chapter shall prevent a state, county, or local official from providing authorized federal officials, upon their request, with official state, county, or local records that are available to the public or which constitute criminal history records maintained by an agency of state, county, or local government, or taking any other action necessary to fulfill or comply with the state's obligations under the National Crime Prevention and Privacy Compact approved and ratified in RSA 106-B:14, III, provided that the provisions of this chapter shall not provide for the distribution of information required to be destroyed pursuant to 18 U.S.C. section 922(t)(2)(C).

159-E:3 Severability. 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 the 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.

MOTION TO LAY ON THE TABLE

Rep. Harriott-Gathright moved that **HB 1178**, prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms, be laid on the table.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 153 - NAYS 187

YEAS - 153 CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Mann, John
Von Plinsky, Sparky

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

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

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Maneval, Andrew
Toll, Amanda Elizabeth

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Kelley, Eamon

Hatch, William

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Tucker, Edith

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Murphy, James
Weston, Joyce

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Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

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Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Laughton, Stacie-Marie
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bradley, Amy
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Jeudy, Jean
Leishman, Peter
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne

Baroody, Benjamin
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Long, Patrick
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Van Houten, Constance

Bergeron, Paul
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Vann, Ivy

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Gallager, Eric

Caplan, Tony
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Luneau, David
Schamberg, Thomas
Soucy, Timothy

MacKay, James
Schuett, Dianne
Wallner, Mary Jane

Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

Rogers, Katherine
Shurtleff, Steve
Woods, Gary

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Somssich, Peter

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Gilman, Julie
Murray, Kate
Paige, Mark
Ward, Gerald

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Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Simpson, Alexis

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Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

Conley, Casey
Levesque, Cassandra
Rich, Cecilia
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 187

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Littlefield, Richard
Silber, Norman

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom

CARROLL

Avellani, Lino
Deshaies, Brodie

Nelson, Bill
MacDonald, John

Cordelli, Glenn
McConkey, Mark

Crawford, Karel
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Beaulieu, Jane
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Labranche, Tony
King, Mark
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lanzara, Tom
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Veilleux, Daniel

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

MERRIMACK

Allard, James
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Doucette, Fred

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess

Abramson, Max
Belanger, Cody
Dodge, Dustin
Emerick, Tracy

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver

Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Welch, David

Green, Dennis
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Read, Ellen
Spillane, James
Torosian, Peter
Verville, Kevin
Weyler, Kenneth

Guthrie, Joseph
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Potucek, John
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Yokela, Josh

Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter
and the motion failed.

The question being adoption of the committee amendment (0479h).
Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Meuse spoke against.

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

YEAS 190 - NAYS 147

YEAS - 190

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Littlefield, Richard
Silber, Norman

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom

CARROLL

Avellani, Lino
Deshaies, Brodie

Nelson, Bill
MacDonald, John

Cordelli, Glenn
McConkey, Mark

Crawford, Karel
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Theberge, Robert

Davis, Arnold
Thompson, Dennis

Kelley, Eamon

Merner, Troy

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Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Gordon, Edward

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Kofalt, Jim
Lascelles, Richard
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Veilleux, Daniel

Alexander, Joe
Baroody, Benjamin
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Sanborn, Laurie
Loughton, Stacie-Marie
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Jack, Martin
Labranche, Tony
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kelsey, Niki
Lanzara, Tom
King, Mark
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

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Osborne, Jason
Prudhomme-O'Brien, Katherine
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Welch, David

Abrami, Patrick
Baxter, Tim
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Edwards, Jess
Green, Dennis
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Khan, Aboul
Love, David
McMahon, Charles
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Read, Ellen
Spillane, James
Torosian, Peter
Verville, Kevin
Weyler, Kenneth

Abramson, Max
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Potucek, John
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Yokela, Josh

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
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Pearson, Mark
Milz, David
Pratt, Kevin
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Bailey, Glenn
Harrington, Michael
Pitre, Joseph

Conley, Casey
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Spilsbury, Walter

Callum, John
Stapleton, Walter

Cloutier, John
Smith, Steven

Rollins, Skip

NAYS - 147

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Mann, John
Von Plinsky, Sparky

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

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

Faulkner, Barry
Maneval, Andrew
Toll, Amanda Elizabeth

COOS

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Tucker, Edith

GRAFTON

Abel, Richard
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Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Heath, Mary
Klee, Patricia
Long, Patrick
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Van Houten, Constance

Bouldin, Andrew
Bradley, Amy
DiSilvestro, Linda
Griffith, Willis
Herbert, Christopher
Klein-Knight, Nicole
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Vann, Ivy

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Toomey, Dan
Wilhelm, Matthew

Bergeron, Paul
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne

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Alicea, Caroletta
Ellison, Arthur
Luneau, David
Rogers, Katherine
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Bartlett, Christy
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MacKay, James
Schamberg, Thomas
Wallner, Mary Jane

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Murray, Kate
Paige, Mark

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Simpson, Alexis

STRAFFORD

Bixby, Peter
Grassie, Chuck
Oxaal, Ariel
Treleven, Susan

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

Chase, Wendy
Levesque, Cassandra
Rich, Cecilia
Wall, Janet

Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

SULLIVAN

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

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

MOTION TO PRINT DEBATE

Rep. Bartlett moved that the debate on **HB 1178**, prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms, be printed in the Permanent Journal.

On a division vote, with 197 members having voted in the affirmative, and 141 in the negative, the motion was adopted.

DEBATE ON HB 1178

Representative Harriott-Gathright: My motion is to table HB 1178.

Speaker Packard: The motion before us is to table HB 1178. Roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. Members will take your seats. The House will be in order. The motion before us is the tabling motion on HB 1178. This is going to be a roll call vote. The Chair recognizes Rep. Bradley for a parliamentary inquiry.

Rep. Bradley: Thank you, Mister Speaker. If I know that keeping firearms and other deadly weapons out of the hands of criminal and criminal gangs is one of the most important duties of both our state and federal governments. And if I know that this bill makes the tough job of federal and state law enforcement officials even tougher, then would I press the green button to table?

Speaker Packard: The House recognizes Rep. Burt for a parliamentary inquiry.

Representative Burt: Thank you, Mister Speaker. Mister Speaker, if I know what is going on over in the Ukraine. And Mister Speaker if I know that both Democrat and Republican Attorney Generals have opined that New Hampshire law enforcement should not have been enforcing any federal laws. Mister Speaker, and lastly, if I know that I would vote red on this motion? Thank you, Mister Speaker.

Speaker Packard: The motion before us is to table HB 1178. 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. 153 voting Yea, 187 voting Nay, the motion to table fails. The question is now on the amendment, (0479h) printed in House Record 10A, page 17. Are you ready for the question on the amendment? The question is on the amendment. If you are in favor, say Aye. If you are opposed, say Nay. The amendment passes. The question now is on the Ought to Pass with Amendment. The Chair recognizes Rep. Meuse to speak against the committee report.

Representative Meuse: Thank you, Mister Speaker. As amended, HB 1178 is bad public policy that would prohibit state, local and county police from enforcing and cooperating with the enforcement of any US firearms law, federal regulation or Presidential executive order that we also don't have on the books here in New Hampshire. What often gets lost in this debate is that there are relatively few federal gun laws on the books anyway. The ones that we do have on the books are similar to the laws that we have in New Hampshire that make it illegal to straw purchase a firearm on behalf of another person or to provide a gun to someone who is banned from having one. The problem is that existing state and federal laws alone have not been enough to stop criminals specializing in trafficking guns across state lines to other criminals and criminal gangs. That's where the recent efforts of the Biden administration come in. In 2021, the President announced the formation of strike forces intended to sharply curtail significant firearms trafficking corridors that have diverted guns to five major urban areas. Also announced were programs to work with states to gather data on firearms trafficking for policy makers as well as rules that have yet to be finalized to stop the proliferation of ghost guns. Ghost guns for those of you who may not be familiar with them are unmarked guns without serial numbers that are sold as components in kit form. These kits are easy to assemble. Often, they come 80% preassembled and are currently exempt from background checks making them hugely attractive to criminals. Well HB 1178 may have the stated purpose of protecting Second Amendment rights, what it would also do is undermine cooperation between state and federal law enforcement in

a very critical area. The result is easy to predict. More guns winding up in the hands of more dangerous criminals. HB 1178 is not about protecting gun rights. Our state and federal constitutions already do a pretty good job of that. What HB 1178 is about is scoring political points by driving a divisive and unnecessary wedge between the state and federal government when it comes to keeping guns out of the hands of criminals. It also has the very real potential of greatly increasing the flow of illegal firearms, including ghost guns into and out of our state. The bottom line is HB 1178 does not make New Hampshire any safer for our residents, our law enforcement personnel or our visitors. Please press the red button so another motion may be made. Thank you.

Speaker Packard: The Chair recognizes Rep. Lynn to speak to the committee report.

Representative Lynn: Thank you, Mister Speaker. We are fortunate to live in a state that strongly supports the right to keep and bear arms. Unfortunately, at the federal level, under the current administration, that is not the case. Indeed, based upon its actions to date, it seems clear that the present administration in Washington regards the Second Amendment as a pesky nuisance, that it would repeal in a heartbeat if it had the power to do so. But since it doesn't have that power, it has set about a course of legislative and regulatory proposals the aim of which is to effectively emasculate the Second Amendment through the strategy of death by a thousand cuts. HB 1178 is designed to ensure that New Hampshire never becomes complacent in that strategy. The provisions of the bill are simple and straight forward. Section one of the bill says that no personnel or financial resources of this state or its political subdivisions shall be used to force, administer or cooperate with the federal government in the enforcement of any federal law, regulation or executive order regarding the regulation of firearms, ammunition, firearms components, etc. that is inconsistent with New Hampshire law regarding the same subject matters. Because, in most states, New Hampshire law enforcement has a long history of cooperating with federal authorities in many areas of mutual interest. Section two of the bill makes it clear that the prohibitions in section one do not apply when federal authorities are investigating someone as to whom there is reasonable suspicion to believe he or she has committed a violation of state law or a violation of a federal law, not covered by section one. Section two also allows state authorities to provide their federal counterparts with publicly available information, criminal history information or information needed to fulfill New Hampshire's responsibilities under the national crime prevention and privacy contract. Under the leadership of the chair and the prime sponsor, the Representative from Goffstown of the Criminal Justice Committee, that committee worked very hard to achieve consensus on this legislation among various stakeholders. It includes provisions, for example, suggested by the New Hampshire Attorney General and by the NRA and gunowners of America, all of whom have reviewed the bills language and are onboard with it. I respectfully ask that you support this bill by pressing the green button. Thank you and Mister Speaker I would request a roll call vote on this.

Speaker Packard: A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. Members will take their seats. This will be a roll call vote. The question before is Ought to Pass with Amendment motion on HB 1178. This is a roll call vote. The Chair recognizes Rep. Bradley for a parliamentary inquiry.

Representative Bradley: Thank you, Mister Speaker. If I know that keeping firearms and other deadly materials out of the hands of criminals and criminal gangs is one of the most important duties of both our state and federal governments. And if I know that the bill makes this tough on federal and state law enforcements and it makes it even tougher then would I press the red button so another motion can be made?

Speaker Packard: The Chair recognizes Rep. Burt for a parliamentary inquiry.

Representative Burt: Thank you, Mister Speaker. Mister Speaker, if I know HB 1178 would prohibit the state from enforcing any federal statute, regulations or Presidential executive orders that restrict or regulates the right of the people to keep and bear arms. Mister Speaker, if I know over the years on many topics both Democrat and Republican Attorney Generals have opined that New Hampshire law enforcement should not have been enforcing federal laws. And, lastly Mister Speaker, if I know this is a simple concept. State and local police are hired, trained and compensated with the state and local tax dollars. It makes no sense to divert those scant resources to enforce federal laws that if they are to be enforced, should properly be enforced by federal law enforcement, would I now press that very bright green button and pass this common sense Second Amendment bill? Thank you, Mister Speaker.

Speaker Packard: The motion before us is the committee report of Ought to Pass with Amendment on HB 1178. 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. 190 voting Yea, 147 voting Nay, the committee report is adopted.

REGULAR CALENDAR CONT'D

HB 1266, relative to restrictions on enforcement of federal immigration laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be found Ought to Pass. This bill makes a simple change to the law to prohibit the state or any political subdivision thereof from making a policy that would prohibit law enforcement from working with federal immigration enforcement related to someone who is already in custody for a violation of state law. This bill does not allow

state or local law enforcement to enforce federal immigration law or to even inquire about someone's immigration status either in public or once in custody. It simply allows them, should they so choose, to respond to a detainer request issued by federal immigration authorities if one is discovered during the booking process. Vote 11-10. Rep. Linda Harriott-Gathright for the Minority of Criminal Justice and Public Safety. The amendment as well as the underlying bill is a far reach for an issue that's not there. At the moment, the Fair and Impartial Police Policy adopted by various departments state that they will cooperate with Immigration and Customs Enforcement (ICE) if there has been a valid warrant. Therefore, the amendment creates another issue around valid warrants vs. requests. The bill is confusing, vague and oppressive to many. This bill requires municipalities to violate the fourth and fourteenth amendments and will subject those entities to liability for those violations. Remember that a person's presence in the United States in violation of immigration laws, standing alone, is not a crime; immigration violations are mostly civil, not criminal, in nature. ICE detainers are issued by ICE agents themselves without any authorization or oversight by a judge or other neutral decision-maker. ICE detainers are not warrants but a mere request. It is not a crime for an undocumented person to remain in the United States. This bill contributes to the rise in hate and injustice perpetuated by national anti-immigrant organizations. This bill undermines community trust in law enforcement and will make New Hampshire less safe. Persons may be less likely to report a crime or even testify as a witness to crime, even for domestic violence. It may make the job of law enforcement harder, people afraid to talk, and afraid of being deported after assisting law enforcement. This bill makes it illegal for a state or local agency to exercise its discretion, threatening local control again. The bill expects cities and towns to expend resources to enforce federal immigration laws, without reimbursement from the state or federal government. The state should not be about controlling the decisions of cities or towns. We love our motto: Live Free or Die and that's what most immigrants are attempting to do.

Majority Amendment (0914h)

Amend RSA 103-A:1 as inserted by section 1 of the bill by replacing it with the following:

103-A:1 Enforcement of Federal Immigration Law. The state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law shall not adopt or enforce any law or policy that prohibits the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law from cooperating with the enforcement of federal immigration laws, including but not limited to 8 U.S.C. 1373 with respect to a person who has been detained by or is already in the custody of the state, county, or local law enforcement agency for a suspected violation of state law to include the enforcement of arrest warrants issued by the courts.

Majority committee amendment adopted.

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

Rep. Harriott-Gathright spoke against.

Rep. Abbas spoke in favor.

Rep. Conley requested a roll call; sufficiently seconded.

YEAS 172 - NAYS 162

YEAS - 172 BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bean, Harry
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom

Harvey-Bolia, Juliet
Littlefield, Richard
Silber, Norman

CARROLL

Avellani, Lino
Deshaies, Brodie

Nelson, Bill
MacDonald, John

Cordelli, Glenn
McConkey, Mark

Crawford, Karel
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

COOS

Davis, Arnold

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Gordon, Edward
Simon, Matthew

Berezhny, Lex
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

Sanborn, Gail
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara

Alexander, Joe
Berry, Ross

Ammon, Keith
Blasek, Melissa

Boyd, Bill
Boehm, Ralph

Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa

Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

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

Andrus, Louise
Klose, John
Pearl, Howard
Walsh, Thomas

MERRIMACK

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

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

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne

Abrami, Patrick
Baxter, Tim
Dolan, Tom
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Welch, David

Abramson, Max
Belanger, Cody
Doucette, Fred
Ford, Oliver
Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Edgar, Michael
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

STRAFFORD

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

SULLIVAN

Rollins, Skip

Spilsbury, Walter

NAYS - 162

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

Abbott, Michael
Fenton, Donovan
Mann, John
Toll, Amanda Elizabeth

Ames, Richard
Fox, Dru
Parshall, Lucius
Von Plinsky, Sparky

CHESHIRE

Bordenet, John
Gomarlo, Jennie
Santonastaso, Matthew
Weber, Lucy

Faulkner, Barry
Maneval, Andrew
Schapiro, Joe
Welkowitz, Lawrence

COOS

Craig, Kevin
Tucker, Edith

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

Adjutant, Joshua
Egan, Timothy
Muirhead, Russell
Sykes, George

Almy, Susan
Fellows, Sallie
Murphy, James
Weston, Joyce

Binford, David
Hakken-Phillips, Mary
Nordgren, Sharon

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Judy, Jean

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Kelsey, Niki

Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Smith, Timothy
Van Houten, Constance

Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

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

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen
Yokela, Josh

Bershtein, Alan
Dodge, Dustin
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

STRAFFORD

Bixby, Peter
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Oxaal, Ariel
Treleven, Susan

Cannon, Gerri
Grassie, Chuck
Schmidt, Peter
Vincent, Kenneth

Chase, Wendy
Horriggan, Timothy
Rich, Cecilia
Wall, Janet

Conley, Casey
Kenney, Cam
Southworth, Thomas

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

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

MOTION TO PRINT DEBATE

Rep. Pantelakos, on March 17, 2022, moved that the debate on **HB 1266**, relative to restrictions on enforcement of federal immigration laws, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 1266

Speaker Packard: The Chair recognizes Rep. Harriott-Gathright to speak against the committee report.

Representative Harriott-Gathright: Thank you, Mister Speaker. The amendment as well as the underlying bill is a far reach for an issue that's not there. At the moment, the fair and impartial police policy adopted by various departments state that they will cooperate with Immigration and Customs Enforcement (ICE), if there has been a valid warrant. Therefore, the amendment creates another issue around valid warrants versus requests. The bill is confusing, vague, and oppressive to many. This bill requires municipalities to violate the 4th and 14th Amendments and will subject these entities to liability for those violations. Remember that a person's presence in the United States in violation of immigration laws standing alone is not a crime. Immigration violations are mostly civil, not criminal in nature. ICE detainers are issued by ICE agents themselves without any authorization or oversight by a judge or other neutral decision makers. ICE detainers are not warrants, but are mere requests. It is not a crime for an undocumented person to remain in the United States. The bill contributes to the rise in hate and injustice perpetuated by national anti-immigrant organizations. This bill undermines community trust in law enforcement and will make New Hampshire less safe, perhaps, maybe less likely, to report a crime or even testify as a witness to a crime, even for domestic violence. It may make the job of law enforcement harder, people afraid to talk and afraid of being deported after assisting law enforcement. This bill makes it illegal for a state or local agency to exercise its discretion, threatening local control again. The bill expects cities and towns to expend resources to enforce federal immigration laws without reimbursement from the state or federal government. The state should not be about controlling the decisions of cities or towns. We love our motto, "Live Free or Die" and that's what most immigrants are attempting to do.

Speaker Packard: We are going to take up the final speaker in a second. First of all, we've had a request for a roll call by Representative Conley. Is that sufficiently seconded? It is sufficiently seconded. Members will take their seats. This will be a roll call vote. The Chair recognizes Rep. Abbas.

Representative Abbas: Thank you, Mister Speaker. I rise in support of the committee's recommendation of Ought to Pass as Amended on HB 1266. For some points of clarification, HB 1266 does not mandate that the police or local law enforcement officials enforce federal laws. It also does not mandate or force or require

law enforcement to comply with, cooperate with any detainer requests by the federal government. It allows police to use their discretion when a person is already in custody, someone who has been arrested and charged with a crime. In that situation, it leaves the discretion to that law enforcement agency whether they wish to cooperate with a detainer request. During the public hearing we heard a lot of compelling testimony talking about discretion, discretion and to allow the police to have discretion. The amendment that was just adopted did exactly that. It gave the law enforcement the discretion to make a sound decision on a case-by-case basis. Some communities in New Hampshire have adopted local ordinances or policies where no matter what the circumstance is, the law enforcement body is not permitted to actually cooperate with or honor any type of detainer request by the federal government. And, to put that into perspective, think of a hypothetical situation. You can have a person who is arrested for a misdemeanor under state law and upon investigation while the person is already in custody, can be literally wanted by the federal government for acts of terrorism. However, because of the policy adopted by some communities, that person would be released despite the threat to public safety they may pose. So, please join me in pushing that green button supporting the committee's recommendation of Ought to Pass as Amended. Thank you, Mister Speaker.

Speaker Packard: Does the member yield to questions? Member does not yield. The motion before us is Ought to Pass as Amended on HB 1266. This is a roll call vote. Members will be in their seats. The Chair recognizes Rep. Conley for a parliamentary inquiry.

Representative Conley: Thank you, Mister Speaker. If I know this bill puts local and state police in New Hampshire in the position of enforcing federal immigration laws. And, if I know this bill contains no penalty whatsoever for violating it and therefore is completely symbolic. If I agree with my colleague from Goffstown, that federal authorities should enforce federal laws and state police should enforce state laws, would I then press the red button to defeat this motion?

Speaker Packard: The Chair recognizes Rep. Roy for a parliamentary inquiry.

Representative Roy: Thank you, Mister Speaker. Mister Speaker, if I know that this law would not cause the enforcement of any law, state, federal or otherwise. And, if I further know that all that this would do is that during the booking process, if a detainer popped up, the police would have the option to contact ICE and not be forbidden, would I then agree with the committee and press the green button for Ought to Pass as Amended? Thank you.

Speaker Packard: The motion before us is Ought to Pass as Amended on HB 1266. 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. 172 voting Yea, 162 voting Nay, the committee report is adopted.

REGULAR CALENDAR CONT'D

HB 1296-FN, relative to money, coin, or currency which may be forfeited in connection with a drug offense.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. John Burt for the Majority of Criminal Justice and Public Safety. In 2016 this legislature made a major step toward changing the process of civil asset forfeiture. That step required a criminal conviction in most cases prior to the forfeiture case proceeding. This bill, as amended, brings more efficiency and justice to the process. Instead of two separate but related cases, this bill ties the seized asset to the criminal case. It provides that in the event the prosecution fails to convict, the asset is released. In the event of a conviction on a felony charge, the forfeiture of the asset is treated as a part of sentencing. This bill also limits the process of adopting seized assets to the federal government for civil asset forfeiture. It will require that seizures made under state law remain within our criminal asset forfeiture laws. Vote 11-10.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. While the time has come for a closer examination of New Hampshire's civil asset forfeiture laws, the minority feels that this bill goes too far and has the potential to lead to unintended consequences. Chief among them is the requirement for an attorney acting as a public defender for a defendant in a criminal case to also represent the accused during a post-seizure forfeiture hearing. While these hearings can be held separately or in conjunction with a probable cause determination hearing, post-arraignment hearing, or other pre-trial hearing, they will need to be handled by already overburdened courts and public defenders. This is problematic because the bill includes no provision to provide additional resources from the state to ease the burden. Also worth noting is the committee received an 11-page amendment superseding another 11-page (non-germane) amendment to the original 1/3-page original bill. The amendment includes significant procedural changes. The minority feels that more time is needed to properly vet the amendment, obtain stakeholder feedback, and quantify potential costs, which is why we cannot support the bill at this time.

Majority Amendment (0874h)

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

AN ACT relative to the forfeiture of items used in connection with a drug offense.

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

1 Controlled Drug Act; Forfeiture of Items Used in Connection With Drug Offenses. Amend RSA 318-B:17-b to read as follows:

318-B:17-b Forfeiture of Items Used in Connection With Drug Offense.

I. Interests in the following property, upon petition of the attorney general, shall be subject to forfeiture to the state and said property interest shall be vested in the state:

(a) All materials, products and equipment of any kind, including, but not limited to, firearms, scales, packaging equipment, surveillance equipment and grow lights, which are used or intended for use in procurement, manufacture, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter.

(b) Property interest in any conveyance, including but not limited to aircraft, vehicles, or vessels, which is used or intended for use in the procurement, manufacture, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter.

(c) Any moneys, coin, currency, negotiable instruments, securities or other investments knowingly used or intended for use in the procurement, manufacture, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter and all proceeds, including moneys, coin, currency, negotiable instruments, securities or other investments, and any real or personal property, traceable thereto. All moneys, coin, currency, negotiable instruments, securities and other investments found in proximity to controlled substances are presumed to be forfeitable under this paragraph. The claimant of the property shall bear the burden of rebutting this presumption.

(d) Any books, records, ledgers and research material, including formulae, microfilm, tapes and any other data which are used or intended for use in felonious violation of this chapter.

(e) Any real property, including any right, title, leasehold interest, and other interest in the whole of any lot or tract of land and any appurtenances or improvements, which real property is knowingly used or intended for use, in any manner or part, in the procurement, manufacture, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter.

I-a. The state shall have a lien on any property subject to forfeiture under this section upon seizure thereof. Upon forfeiture, the state's title to the property relates back to the date of seizure.

I-b. Property may be seized for forfeiture by any law enforcement agency designated by the department of justice, as follows:

(a) Upon process issued by any justice, associate justice or special justice of the circuit or superior court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for its forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The application for process and the issuance, execution and return of process shall be subject to applicable state law. The court may order that the property be seized and secured on such terms and conditions as are reasonable in the discretion of the court. Such order may include an order to a financial institution or to any fiduciary or bailee to require the entity to impound any property in its possession or control and not to release it except upon further order of the court. The order may be made on or in connection with a search warrant;

(b) Physically, without process on probable cause to believe that the property is subject to forfeiture under this chapter; or

(c) Constructively, without process on probable cause to believe that the property is subject to forfeiture under this chapter, by recording a notice of pending forfeiture in the registry of deeds in the county where the real property is located or at the town clerk's office where the personal property is located stating that the state intends to seek forfeiture of the identified property pursuant to this chapter.

(d) A seizure for forfeiture without process under subparagraph (b) or (c) is reasonable if made under circumstances in which a warrantless seizure or arrest would be valid in accordance with state law.

(e) United States currency totaling \$200 or less, or a motor vehicle of \$2,000 or less in market value shall be exempt from seizure and forfeiture. The department of justice shall notify state, county, and municipal law enforcement agencies of the publications that such agencies may use to establish the value of a motor vehicle in the prosecuting authority's jurisdiction.

I-c. Upon seizure of any items or property interests the property shall not be subject to alienation, sequestration or attachment but is deemed to be in the custody of the department of justice subject only to the order of the court.

I-d. No waiver shall be accepted by the court, for purpose of seizure or forfeiture, unless the court determines that it has been executed knowingly and voluntarily and has not been requested, induced or required by a law enforcement officer. A document purporting to waive interest or rights in seized property shall be void and inadmissible in court.

II.(a) Upon the seizure of any personal property under paragraph I, the person making or directing such seizure shall inventory the items or property interests and issue a copy of the resulting report to any person or persons having a recorded interest, or claiming an equitable interest in the item within 7 days of said seizure.

(b) Upon seizure of any real property under paragraph I, the person making or directing such seizure shall notify any person having a recorded interest or claiming an equitable interest in the property within 7 days of said seizure.

(c) The seizing agency shall cause an appraisal to be made of the property as soon as possible and shall promptly send to the department of justice a written request for forfeiture. This request shall include a statement of all facts and circumstances supporting forfeiture of the property, including the names of all witnesses then known, and the appraised value of the property.

(d) The department of justice shall examine the facts and applicable law of the cases referred pursuant to subparagraph (c), and if it is probable that the property is subject to forfeiture, shall cause the initiation of administrative or judicial proceedings against the property. If upon inquiry and examination, the department of justice determines that such proceedings probably cannot be sustained or that the ends of justice do not require the institution of such proceedings, the department shall make a written report of such findings and send a copy to the seizing agency, and, if appropriate, shall also authorize and direct the release of the property.

~~[(e) The department of justice shall, within 60 days of the seizure, file a petition in the superior court having jurisdiction under this section. If no such petition is filed within 60 days, the items or property interest seized shall be released or returned to the owners.]~~

II-a. Pending forfeiture and final disposition, the law enforcement agency making the seizure shall:

- (a) Place the property under seal; or
- (b) Remove the property to a storage area for safekeeping; or
- (c) Remove the property to a place designated by the court; or
- (d) Request another agency to take custody of the property and remove it to an appropriate location within the state; or

(e) In the case of moneys, file a motion for transfer of evidence under RSA 595-A:6. Upon the court's granting of the motion the moneys shall be immediately forwarded to an interest-bearing seized asset escrow account to be administered by the attorney general. Upon resolution of the forfeiture proceeding the moneys deposited shall be transferred to the drug forfeiture fund or returned to the owners thereof as directed by the court. Unless otherwise ordered by a court in a specific case, interest on all moneys deposited in the seized asset escrow account shall be deposited annually into the drug forfeiture fund established under RSA 318-B:17-c.

III. The court may order forfeiture of all items or property interests subject to the provisions of paragraph I, ~~except as follows:~~

~~(a) No item or property interest shall be subject to forfeiture unless the owner or owners thereof were consenting parties to a felonious violation of this chapter and had knowledge thereof.~~

~~(b) No items or property interests shall be subject to forfeiture unless involved in an offense which may be charged as a felony] as part of a criminal prosecution and following a conviction for a felony violation of this chapter pursuant to paragraph III-a.~~

III-a.(a)(1) If a defendant in a criminal matter is represented by a public defender or counsel appointed by the court, the public defender or appointed counsel shall represent the defendant in the forfeiture proceeding and any other related criminal proceeding.

(2) Following seizure, a defendant or any other person with an interest in the property shall have a right to a post-seizure hearing. The court shall give such post-seizure hearings priority on the court's docket.

(3) A person with an interest in the property may petition the court for a hearing.

(4) The court may hold a post-seizure hearing:

(A) As a separate hearing; or

(B) At the same time as a probable cause determination, a post-arraignment hearing, or other pretrial hearing.

(5) A party, by agreement or for good cause, may move for one extension of no more than 10 days. Any motion may be supported by affidavits or other submissions.

(6) The court shall order the return of property if it finds:

(A) The seizure was invalid;

(B) A criminal charge has not been filed and no extension of the filing period is available;

(C) The property is not reasonably required to be held as evidence; or

(D) The final judgment likely shall be in favor of the defendant or any other person with an interest in the property.

(7) The provisions of this section shall not apply to contraband.

(b) In a case in which the state seeks forfeiture of property the prosecuting authority shall file with the court a petition for forfeiture. The petition shall be a separate document and accompany the initial or a subsequent indictment or information. It shall include the following information:

(1) A description of the property seized;

(2) The time, date, and place of the seizure; and

(3) A description of how the property was used in or derived from the alleged crime.

(c)(1) The prosecuting authority may allege, in the petition, the forfeiture of property as a sanction related to the crime for which the defendant is charged, as part of sentencing consideration, or through other means for the court to oversee the forfeiture proceeding.

(2) The petition shall not be read to the jury.

(3) The prosecuting authority may amend the petition at any time before trial.

(4) The prosecuting authority shall serve the indictment or information, amendment, and petition as provided by the rules of the court.

(5) The court may grant an unlimited number of 30-day extensions for the filing of a petition if, for each extension, the court determines probable cause is shown and additional time is warranted.

(6) The court shall order the return of the property to the owner if the prosecuting authority does not file an indictment or information as provided by the court's rules, the period of an extension expires, or the court does not grant an extension.

(d) Discovery related to the forfeiture proceeding shall be subject to the rules of criminal procedure.

(e) The court shall consider the loss of property subject to forfeiture as a criminal sanction as part of and following the prosecution of the underlying crime. Property may be forfeited if:

(1) The state secures a conviction under this chapter; and

(2) The state establishes by a preponderance of the evidence that the property is an instrumentality of, or proceeds derived directly from, the crime for which the state secured a conviction.

(f) After the defendant's conviction, the court shall hold the forfeiture proceeding at its discretion. It shall be conducted by the court without a jury.

(g) Nothing in this paragraph shall prevent property from being forfeited as part of:

(1) A plea agreement; or

(2) A grant of immunity or reduced punishment, with or without the filing of a criminal charge, in exchange for testifying or assisting a law enforcement investigation or prosecution.

(h) The court may waive the conviction requirement and grant title to the property to the state if the prosecuting authority files a motion no fewer than 90 days after seizure and shows by a preponderance of the evidence that, before conviction, the defendant:

(1) Is deceased;

(2) Was deported by the United States government;

(3) Has abandoned the property; or

(4) Has fled the jurisdiction.

(i) The defendant may petition the court to determine, before trial, at trial or upon conviction, whether the forfeiture is unconstitutionally excessive under the state or federal constitution. The defendant shall bear the burden of establishing the forfeiture is unconstitutionally excessive by a preponderance of the evidence at a hearing conducted by the court without a jury. In determining whether the forfeiture is unconstitutionally excessive, the court shall not consider the value of the property to the state, but may consider other relevant factors including:

(1) The seriousness of the crime and its impact on the community, including the duration of the activity, use of a firearm, and harm caused by the defendant;

(2) The extent to which the defendant participated in the crime;

(3) The extent to which the property was used in committing the crime;

(4) Whether the crime was completed or attempted;

(5) The sentence or fine to be imposed for committing the crime;

(6) The hardship to the defendant if the forfeiture of a motor vehicle would deprive the defendant of the defendant's livelihood;

(7) An unjust hardship to the defendant's family if the property is forfeited; and

(8) All relevant factors related to the fair market value of the property.

(j)(1) Property encumbered by a security interest shall not be forfeited. The prosecuting authority shall return property to a secured interest holder, other than the defendant or rightful owner, up to the value of the interest. Contraband shall not be returned.

(2) If the property is not returned, the secured interest holder may petition the court at any time before the court enters judgment in the criminal prosecution or grants the motion in subparagraph (h).

(3) The court shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be held before the court without a jury. The court may consolidate the hearing on the petition with any other hearing before the court in the case.

(4) The secured interest holder shall establish by a preponderance of the evidence the validity of the security interest, mortgage, lien, leasehold, lease, rental agreement, or other agreement.

(5) If the secured interest holder alleges a valid interest but the prosecuting authority seeks to proceed, the prosecuting authority shall prove by a preponderance of the evidence that:

(A) The interest is invalid;

(B) The interest resulted from a fraudulent conveyance; or

(C) The secured interest holder consented to the use of the property in the crime for which the defendant is charged.

(6) If the state fails to meet its burden under subparagraph (5), the court shall order the state to relinquish claims to the property, up to the value of the interest, and return the interest to the secured interest holder.

(k)(1) Property of an innocent owner shall not be forfeited. The prosecuting authority summarily shall return property to such owner. Contraband shall not be returned.

(2) If the property is not summarily returned, an innocent owner may petition the court at any time before the court enters judgment in the criminal prosecution or grants the motion in subparagraph (h).

(3) An innocent owner shall file with the court a simple statement that sets forth:

(A) The owner's interest or regular use of the property;

(B) Additional facts supporting the owner's claim; and

(C) The relief sought by the owner.

(4) The court shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be held before the court alone without a jury. The court may consolidate the hearing on the petition with any other hearing before the court in the case.

(5) The innocent owner shall establish by a preponderance of the evidence the validity of interest or regular use of the property.

(6) If the innocent owner meets the burden under subparagraph (5) and the prosecuting authority seeks to proceed, the prosecuting authority shall prove by a preponderance of the evidence that the innocent owner is not entitled to the property because:

(A) The innocent owner's interest in the property is invalid;

(B) The innocent owner did not regularly use the property;

(C) The innocent owner had actual knowledge the property was used in or derived directly from the crime for which the defendant is charged;

(D) The innocent owner was willfully blind to the crime for which the defendant is charged; or

(E) The innocent owner was not a bona fide purchaser without notice of any defect in title and for valuable consideration.

(7) If the prosecuting authority fails to meet its burden in subparagraph (6), the court shall order the state to relinquish all claims and return the property to the innocent owner.

(8) No information in the innocent owner's statement shall be used as evidence in the criminal portion of the case.

(9) Nothing in this paragraph shall prohibit the innocent owner from providing information to any party or testifying in any trial as to facts the innocent owner knows.

(10) The defendant or convicted offender may invoke the right against self-incrimination or the marital privilege during the forfeiture proceeding. The trier of fact may draw an adverse inference from the invocation of the right or privilege.

(l)(1) If the prosecuting authority fails to meet its burden in the criminal or forfeiture proceeding, the court shall enter judgment dismissing the forfeiture proceeding and ordering the return of property to the innocent owner unless the owner's possession of the property is illegal.

(2) If the prosecuting authority meets its burden in the criminal and forfeiture proceeding, the court shall enter judgment forfeiting the property.

(3) A court may enter judgment following a hearing, pursuant to a stipulation or plea agreement, or at the court's discretion.

(m) Upon the prosecuting authority's motion following conviction or at the court's discretion, the court may order the forfeiture of substitute property owned solely by the defendant up to the value of property that is beyond the court's jurisdiction or cannot be located through due diligence, only if the state proves by a preponderance of the evidence that the defendant intentionally:

(1) Dissipated the property;

(2) Transferred, sold, or deposited property with a third party to avoid forfeiture;

(3) Diminished substantially the value of property; or

(4) Commingled property with other property that cannot be divided without difficulty.

(n) A defendant shall not be jointly and severally liable for forfeiture awards owed by other defendants. When ownership is unclear, a court may order each defendant to forfeit property on a pro rata basis or by another means the court finds equitable.

(o)(1) A party to forfeiture proceeding, other than the defendant, may appeal the court's decision.

(2) The defendant may appeal the court's decision regarding the seizure or forfeiture of property following final judgment in the forfeiture proceeding.

(p)(1) If the court orders the return of property, the law enforcement agency that holds the property shall return the property to the rightful owner within a reasonable period not to exceed 5 days after the date of the order.

(2) The rightful owner shall not be subject to any expenses related to towing, storage or preservation of the property.

(3) The law enforcement agency that holds the property shall be responsible for any damages, storage fees, and related costs applicable to property returned under this section.

(q) No law enforcement agency shall sell forfeited property directly or indirectly to any employee of the law enforcement agency, to a person related to an employee by blood or marriage, or to another law enforcement agency.

(r)(1) No state or local law enforcement agency shall transfer or offer for adoption property, seized under state law, to a federal agency for the purpose of forfeiture under the federal Controlled Substances Act, Public Law 91-513.

(2) Subparagraph (1) shall only apply to a seizure by state and or local law enforcement agencies pursuant to their own authority under state law and without involvement of the federal government. Nothing in this paragraph shall be construed to limit state and local agencies from participating in joint task forces with the federal government.

(3) No state, county, or local law enforcement agency shall accept payment of any kind or distribution of forfeiture proceeds from the federal government in violation of subparagraph (1). Any such law enforcement agency that violates this subparagraph shall forfeit such proceeds to the state's general fund.

IV. (a) The department of justice may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this chapter.

(b) Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception.

(c) The court shall issue summonses to all persons who have a recorded interest or claim an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within 90 days of the date specified by the court on the summonses.

(d) At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. No asset forfeiture may be maintained against a person's interest in property if that person has been found not guilty of the underlying felonious charge.

(e) At the hearing, the court shall hear evidence and make findings of fact and rulings of law as to whether the property is subject to forfeiture under this chapter. Except in the case of proceeds, upon a finding that the property is subject to forfeiture the court shall determine whether the forfeiture of the property is not excessive in relation to the underlying criminal offense. In making this determination the court shall consider whether in addition to any other pertinent considerations:

(1) There is a substantial connection between the property to be forfeited and the underlying drug offense;

(2) Criminal activities conducted by or through the use of the property were extensive; and

(3) The value of the property to be forfeited greatly outweighs the value of the drugs that were or would have been likely to be distributed, the costs of the investigation and prosecution, and the harm caused by the criminal conduct. The court shall, thereupon, make a final order, from which all parties shall have a right of appeal.

V.] Final orders for forfeiture of property under this section shall be implemented by the department of justice and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The department of justice shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs, and notice of sale from any money forfeited and from the proceeds of any sale or public auction of forfeited items. All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings from the proceeds of any sale or public auction of forfeited items. The balance remaining shall be distributed by the department of justice as follows:

(a) Of the first \$600,000, \$100,000 shall be credited to the police psychological stability screening fund established in RSA 106-L:16 and from the remainder:

(1) Forty-five percent shall be returned to the fiscal officer or officers of the municipal, county, state, or federal government which provided the law enforcement agency or agencies responsible for the seizure. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug-related investigations. Except

as provided in RSA 31:95-b, such funds shall be available for expenditure without further appropriation by the legislative body of the municipal, county, state or federal government, and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special non-lapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;

(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the department of health and human services; and

(3) Forty-five percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

(b) Of any balance remaining:

(1) Ten percent shall be deposited in the manner prescribed in subparagraph ~~V(a)(2)~~ **IV(a)(2)** of this section; and

(2) Ninety percent shall be deposited in the manner prescribed in subparagraph ~~V(a)(3)~~ **IV(a)(3)** of this section.

(c) The total amount of payments made to the special account for the department of health and human services pursuant to subparagraphs ~~V(a)(2) and V(b)(1)~~ **IV(a)(2) and IV(b)(1)** of this section shall not exceed \$400,000 in any fiscal year and any excess over \$400,000 which would otherwise be paid to such special account under this section shall be deposited in the general fund. The revolving drug forfeiture fund shall at no time exceed \$1,000,000. All sums in the revolving drug forfeiture fund in excess of \$1,000,000 shall be credited to the general fund.

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

AMENDED ANALYSIS

This bill establishes a procedure for the forfeiture of items used in connection with a drug offense.

Majority committee amendment adopted.

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

HB 1306-FN, relative to personal possession of marijuana. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill be held for Interim Study. The majority agreed that as there are already several bills that have been sent to the full House relating to the same subject matter, that adding this bill would be superfluous. Vote 18-3.

Rep. Linda Harriott-Gathright for the Minority of Criminal Justice and Public Safety. The minority of the Criminal Justice and Public Safety Committee were in agreement it is not necessary to Interim Study this bill. It's a bad bill that should have been inexpedient to legislate. The National Academy of Sciences says that the opioid crisis is worsening where marijuana has been legalized. This bill allows a person 18 years of age to purchase and use marijuana. We should not overlook the U.S. Surgeon General's warning on the risk associated with marijuana on the brain of adolescents up to age 25. We all know the truth: science tells us today that marijuana is addictive and leads to mental illnesses such as anxiety, depression, psychosis, paranoia and sadly suicidal ideation. These are the facts. The committee has already passed a marijuana bill, we definitely don't need or require another.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **HB 1306-FN**, relative to personal possession of marijuana, be laid on the table.

On a division vote, with 309 members having voted in the affirmative, and 28 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1348-FN, relative to the legalization of a certain amount of cannabis. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be held for Interim Study. The majority agreed that as there are already several bills that have been sent to the full House relating to the same subject matter, that adding this bill would be superfluous. Vote 17-4.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. This simple and thoughtful bill provides an alternative for cannabis legalization that does not create a monopoly for the New Hampshire Liquor Commission. Unlike some related bills also under consideration, it also makes a narrow provision to allow adults to home-grow small amounts of cannabis for personal consumption. With the cost of medical cannabis not covered by the Veterans Administration, a home-grow option would allow many veterans, who use cannabis for therapeutic reasons, to grow it at their primary residence at far less cost. Under the bill, public consumption as well as possession by minors also remain prohibited.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **HB 1348-FN**, relative to the legalization of a certain amount of cannabis, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1361-FN, establishing a penalty for any person who transports a controlled drug into New Hampshire with the intent to distribute. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEX-
PEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee after hearing testimony from the sponsor and law enforcement concluded that this bill should be found Ought to Pass. The years long opioid crisis in New Hampshire continues with an average of 407 deaths per year. That is a little over 3% of all deaths in New Hampshire every year being caused by opioids. Fentanyl and Carfentanyl are the most lethal of opioids and according to the Drug Enforcement Agency (DEA), almost all of these substances are being imported from outside of the U.S. Once in the U.S., New Hampshire law enforcement traces the vast majority of all opioids found in our State to have come from points outside of New Hampshire. While New Hampshire already has penalties for drug possession and distribution, there are no criminal statutes addressing the importation of drugs into New Hampshire with the intent to distribute them within our borders. The majority of the committee found that this bill would provide a powerful disincentive to those wishing to make a profit from the importation and sale of this poison in our state. In passing this, we would join many other states from Maine to California who have similar laws. The claim that interstate drug traffic is a federal matter, ignores the rarity with which U.S. Attorneys exercise jurisdiction in these matters. There are claims that this law is contradictory to the bipartisan attempt to lower incarceration rates in New Hampshire. To the contrary, strategically targeting importers and thus reducing the available supply, would reduce the number of New Hampshire citizens charged with possession and possibly save lives in the process. Passing this into law would give law enforcement and prosecutors one more tool in their uphill battle to protect Granite Staters from this costly scourge. Vote 12-8.

Rep. Amanda Bouldin for the Minority of Criminal Justice and Public Safety. This bill increases penalties for transporting across state lines any amount of any controlled drug listed under Chapter 318-B. The original bill applies to cannabis products in addition to all other substances named in Chapter 318-B, despite cannabis being legal or nearly legal in every state bordering this legislature's jurisdiction. The amendment excludes cannabis entirely and is an improvement supported by the minority, however, the amendment does not go far enough. The minority opposes increasing penalties and creating new mandatory minimum sentences after years of bipartisan efforts in this body to reduce and eliminate mandatory minimums in New Hampshire and reduce our prison population to a manageable, affordable level. This bill takes discretion away from our courts and disallows our judges from taking circumstance into account when determining sentencing. There is significant doubt that these increased penalties will reduce the importation of illegal substances into our state, and while testimony on this bill included repeated claims that non-residents would be stopped from bringing illegal substances into New Hampshire with the intent to distribute, there is actually no carve-out in the bill for New Hampshire residents. There is also significant doubt that this bill would impact "drug kingpins" whatsoever, as those tasked with transporting substances across state lines are typically unwitting small-time users, not "drug kingpins." When the unwitting user is arrested and given a mandatory minimum sentence regardless of circumstance, another will be available to replace them and make the next drive across the border. In conclusion, this bill will not accomplish its intended purpose of reducing the importation of illegal substances into the state. However, it will increase our prison population and, accordingly, our taxes.

Majority Amendment (0087h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph XIII the following new paragraph:

XIV. In addition to any other penalty imposed under this section, any person who enters this state while possessing any substance prohibited by this chapter with the intent to distribute the substance shall be guilty of a class A felony and shall be sentenced to a minimum of 5 years imprisonment. Any vehicle or other conveyance used to transport a controlled substance into the state shall be subject to forfeiture. This paragraph shall not apply to any cannabis-type drug.

AMENDED ANALYSIS

This bill establishes an additional penalty for transportation of a controlled drug into New Hampshire with the intent to distribute. The bill excludes any cannabis-type drug.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Abramson and Conley spoke against.

Rep. Roy spoke in favor.

On a division vote, with 153 members having voted in the affirmative, and 187 in the negative, the majority committee report failed.

Rep. Conley moved the minority committee report of Inexpedient to Legislate.

On a division vote, with 207 members having voted in the affirmative, and 131 in the negative, the minority committee report was adopted.

(Representative Steven Smith in the Chair)

REGULAR CALENDAR CONT'D

HB 1400, prohibiting law enforcement from using the scent of marijuana as probable cause for a search. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be found inexpedient to legislate. The bill seeks to fix a problem that does not exist. Courts have already ruled that the smell of marijuana alone cannot be used as a basis for probable cause to search. This is referred to as "case law" and has the same effect as a law passed by the legislature and it has been so for a number of years. All New Hampshire law enforcement agencies receive training on new changes to the law and court rulings every year and are well aware of this ruling. Vote 12-8.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **HB 1400**, prohibiting law enforcement from using the scent of marijuana as probable cause for a search, be laid on the table.

On a division vote, with 168 members having voted in the affirmative, and 157 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1414, requiring the state police to submit an annual report on traffic violations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The committee heard testimony from the sponsor, members of law enforcement and several lobbyists. The majority agreed with law enforcement that the bill as drafted requires law enforcement to produce information that is not within its control. Specifically, the bill requires the State Police to provide information on the payment status of citations as well as other geographic and biographic information on vehicle operators. The information regarding the payment of citations resides with the courts. Furthermore, the bill targets the State Police. It does not require any information on accidents or citations issued by any other law enforcement agency in the state. If, as the sponsor suggests, information regarding the public interacting with law enforcement while operating motor vehicles would be valuable to help making decisions regarding traffic and road planning, the majority could not understand why only the State Police would be required to submit such information as the vast majority of intersections and road signage for traffic control is done within local municipalities. With regard to the biographical information requested concerning the operators, the bill puts the law enforcement officer in the awkward position of either guessing a person's race or asking the operator about their race. The majority finds that officers guessing about peoples' races will not provide accurate data and asking people their race during a law enforcement action roadside could lead to unfounded claims of racism against an officer as well as possibly escalating a simple traffic stop into something more. The majority found that if race is ever going to be a data point collected related to law enforcement interaction with the public, it should only be done through a system where citizens self-identify their race during the motor vehicle licensing process. As written, the majority found this bill inexpedient to legislate. Vote 12-8. Rep. Casey Conley for the Minority of Criminal Justice and Public Safety. This bill would require the New Hampshire State Police to collect data on traffic violations issued by that agency, including data on the race of persons issued citations. The State Police has indicated that the data required under this report represents an improvement over current reporting. However, the agency raised questions about the efficacy of race data without an objective source of collecting that information. That point has been echoed by members of the majority with this and other bills over the last two terms. The minority believes this hurdle can easily be addressed by placing that data on a driver's license to surmount this hurdle once and for all.

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

HB 1476-FN, relative to persons arrested while out on bail. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for the Majority of Criminal Justice and Public Safety. This bill is a bipartisan bill that maintains the core tenets of the 2018 bail reform law while addressing critical gaps that have emerged since

that measure took effect. Specifically, it aims to address cases where the same person is arrested repeatedly while on bail. As amended, the bill would require someone who is arrested for a class A misdemeanor or felony, while already out on bail for a separate offense, to be held in jail until they could go before a judge to set bail. Similarly, it would require a judge to set bail in cases where someone is charged with two class B misdemeanors while free on bail. That judicial hearing would be required to occur within 36 hours, except when the arrest happens on weekends or holidays. A primary purpose of bail reform was to ensure nobody is jailed pending trial solely because they cannot afford bail. That provision remains in effect. But, as amended, the bill creates a mechanism to address the small fraction of cases where people reoffend multiple times while waiting for their initial criminal case to be adjudicated. People subject to this new standard are often in need of mental health or addiction services, and coming before a judge could begin that process much sooner than under the current system. Vote 13-7.

Rep. Ray Newman for the Minority of Criminal Justice and Public Safety. This bill has a good intent which is to prevent people, that are released on bail, and are charged with a class B misdemeanor or with a third or subsequent offense, be held in preventive detention without bail pending a hearing before a judge. Also, the court shall not order personal recognizance bail in such cases. The bill accomplishes this by omitting the permissive word "may" and inserts the mandatory word "shall." The result of this change is to mandate that the decision on bail and release must be made by a judge. It also reduces the detention period from 72 to 36 hours. This sounds like a good solution and it is, during regular court hours when a judge is usually available and the charged person's due process rights can usually be preserved. However, on weekends, judges are not available. So, the change means that during those hours a charged person potentially can be detained for much longer than 36 hours. Charged people may also be detained for charges that may all be minor with no possibility of jail time. A charged person is innocent until proven guilty. However, they are deprived of their access to due process, during non-court hours, because they will no longer have access to bail commissioners. A large percentage of people that find themselves in this predicament have mental illnesses, homelessness, or substance abuse problems and jail time is not the proper solution. And now everyone meeting these conditions, who is charged during non-court hours, will be subjected to the same diminished due process.

Majority Amendment (0895h)

Amend the bill by replacing section 1 with the following:

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

VIII.(a) 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;~~ **or a person charged with a class B misdemeanor, third or subsequent offense, shall** be detained for a period of not more than [72] **36** 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. 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 be subject to arrest and detention as probation and parole violators.]~~ **and, notwithstanding paragraph III, shall be held in preventive detention without bail pending a hearing before a judge. The court shall not order personal recognizance bail in such cases.**

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. True moved that **HB 1476-FN**, relative to persons arrested while out on bail, be laid on the table.

Rep. Berry requested a roll call; sufficiently seconded.

YEAS 161 - NAYS 168

**YEAS - 161
BELKNAP**

CARROLL

Comtois, Barbara

Sylvia, Michael

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Marsh, William

McAleer, Chris

CHESHIRE

Abbott, Michael
Fox, Dru
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Gomarlo, Jennie
Toll, Amanda Elizabeth

Faulkner, Barry
Parshall, Lucius
Von Plinsky, Sparky

Fenton, Donovan
Santonastaso, Matthew
Weber, Lucy

COOS

Craig, Kevin
Thompson, Dennis

Kelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Binford, David
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Berezhny, Lex
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cohen, Bruce
DiSilvestro, Linda
Griffith, Willis
Judy, Jean
Murray, Megan
Nunez, Hershel
Pedersen, Michael
Porter, Marjorie
Rombeau, Catherine
Sofikitis, Catherine
Telerski, Laura
Veilleux, Daniel

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Dutzy, Sherry
Harriott-Gathright, Linda
Klee, Patricia
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Prout, Andrew
Rouillard, Claire
Stevens, Deb
Toomey, Dan
Wilhelm, Matthew

Baroody, Benjamin
Bradley, Amy
Cornell, Patricia
Espitia, Manny
Heath, Mary
Leishman, Peter
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Lekas, Tony
Vail, Suzanne

Beaulieu, Jane
Burt, John
Cushman, Leah
Griffin, Gerald
Schmidt, Janice
King, Mark
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Ray
Newman, Sue
Smith, Timothy
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Pimentel, Roderick
Schultz, Kristina
Wallner, Mary Jane
Yakubovich, Michael

Caplan, Tony
Hall, Muriel
McGuire, Carol
Rogers, Katherine
Shurtleff, Steve
Wazir, Safiya

Ebel, Karen
Lane, Connie
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
White, Nick

Ellison, Arthur
Luneau, David
Moffett, Michael
Schuett, Dianne
Testerman, Dave
Woods, Gary

ROCKINGHAM

Abramson, Max
Dodge, Dustin
Grote, Jaci
Maggiore, Jim
Paige, Mark
True, Chris

Cahill, Michael
Edgar, Michael
Guthrie, Joseph
Malloy, Dennis
Simpson, Alexis
Ward, Gerald

Cali-Pitts, Jacqueline
Gilman, Julie
Hamblet, Joan
Meuse, David
Soti, Julius

DiLorenzo, Charlotte
Grossman, Gaby
Murray, Kate
Milz, David
Torousian, Peter

STRAFFORD

Bailey, Glenn
Harrington, Michael
Smith, Marjorie
Vincent, Kenneth

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Cannon, Gerri
Kenney, Cam
Rich, Cecilia

Fargo, Kristina
Levesque, Cassandra
Treleaven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

NAYS - 168**BELKNAP**

Aldrich, Glen
Howard, Raymond
Silber, Norman

Bean, Harry
Johnson, Dawn
Terry, Paul

Harvey-Bolia, Juliet
O'Hara, Travis

Hough, Gregg
Ploszaj, Tom

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

Deshaies, Brodie

CHESHIRE

Bordenet, John

Maneval, Andrew

Qualey, James

Rhodes, Jennifer

COOS

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Egan, Timothy
Gordon, Edward
Simon, Matthew

Fellows, Sallie
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Smith, Denise
Freitas, Mary
Gould, Linda
Healey, Robert
Jack, Martin
Sanborn, Laurie
Lewicke, John
Mooney, Maureen
Post, Lisa
Somero, Paul

Alexander, Joe
Berry, Ross
Erf, Keith
Gagne, Larry
Graham, John
Herbert, Christopher
Kelsey, Niki
Labranche, Tony
Long, Patrick
Notter, Jeanine
Renzullo, Andrew
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Fedolfi, Jim
Goley, Jeffrey
Greene, Bob
Homola, Susan
Klein-Knight, Nicole
Lanzara, Tom
Marston, Dick
Pauer, Diane
Rice, Kimberly

Boyd, Bill
Creighton, Jim
Foster, William
Gorski, Ted
Hamer, Heidi
Infantine, William
Kofalt, Jim
Lascelles, Richard
McLean, Mark
Plett, Fred
Sheehan, Vanessa

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Wells, Natalie

Andrus, Louise
Kennedy, Margaret
Boyd, Stephen
Wolf, Dan

Bartlett, Christy
Klose, John
Seaworth, Brian

Cambrils, Jose
Leavitt, John
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Edwards, Jess
Green, Dennis
Janigian, John
Layon, Erica
Pearson, Mark
Osborne, Jason
Pratt, Kevin
Pearson, Stephen
Sytek, John
Verville, Kevin
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Emerick, Tracy
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Pantelakos, Laura
Prudhomme-O'Brien, Katherine
Somssich, Peter
Thomas, Douglas
MacDonald, Wayne
Yokela, Josh

Acton, Dennis
Belanger, Cody
Dolan, Tom
Ford, Oliver
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Piemonte, Tony
Read, Ellen
Spillane, James
Tripp, Richard
Wallace, Scott

Altschiller, Debra
Bernardy, JD
Doucette, Fred
Gay, Betty
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Melvin, Charles
Potucek, John
Roy, Terry
Sweeney, Joe
Vandecasteele, Susan
Welch, David

STRAFFORD

Ankarberg, Aidan
Grassie, Chuck
Kittredge, Mac
Turcotte, Leonard

Chase, Wendy
Groen, Fenton
Oxaal, Ariel
Wuelper, Kurt

Conley, Casey
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Kaczynski, Thomas
Southworth, Thomas

SULLIVAN

Aron, Judy
Spilsbury, Walter

Callum, John
Stapleton, Walter

O'Hearne, Andrew

Rollins, Skip

and the motion failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. True, Andrew Bouldin and Harriott-Gathright spoke against.
Reps. Berry and Long spoke in favor.
Rep. Deshaies requested a roll call; sufficiently seconded.

YEAS 199 - NAYS 134**YEAS - 199****BELKNAP**

Aldrich, Glen
Howard, Raymond

Bean, Harry
Johnson, Dawn

Harvey-Bolia, Juliet
O'Hara, Travis

Hough, Gregg
Ploszaj, Tom

CARROLL

Nelson, Bill
MacDonald, John
Woodcock, Stephen

Burroughs, Anita
Knirk, Jerry

Cordelli, Glenn
Marsh, William

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Abbott, Michael
Gomarlo, Jennie

Bordenet, John
Maneval, Andrew

Fenton, Donovan
Qualey, James

Fox, Dru
Rhodes, Jennifer

COOS

Davis, Arnold
Thompson, Dennis

Hatch, William

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie
Smith, Suzanne

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Egan, Timothy
Gordon, Edward
Massimilla, Linda

Fellows, Sallie
Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Connors, Erika
Kelley, Diane
Foster, William
Gorski, Ted
Hamer, Heidi
Homola, Susan
Klein-Knight, Nicole
Lanzara, Tom
King, Mark
Notter, Jeanine
Post, Lisa
Somero, Paul

Boyd, Bill
Berry, Ross
Cornell, Patricia
Smith, Denise
Freitas, Mary
Gould, Linda
Healey, Robert
Infantine, William
Kofalt, Jim
Lascelles, Richard
Marston, Dick
O'Brien, Michael
Rice, Kimberly
Ulery, Jordan

Griffin, Barbara
Boehm, Ralph
Creighton, Jim
DiSilvestro, Linda
Gagne, Larry
Graham, John
Heath, Mary
Schmidt, Janice
Sanborn, Laurie
Leishman, Peter
McLean, Mark
Petrigno, Peter
Rung, Rosemarie
Van Houten, Constance

Baroody, Benjamin
Bouchard, Donald
Cushman, Leah
Fedolfi, Jim
Goley, Jeffrey
Greene, Bob
Herbert, Christopher
Klee, Patricia
Langley, Diane
Long, Patrick
Mooney, Maureen
Plett, Fred
Sheehan, Vanessa

MERRIMACK

Allard, James
Caplan, Tony
Leavitt, John
Moffett, Michael
Schuett, Dianne
Walsh, Thomas

Andrus, Louise
Hill, Gregory
Luneau, David
Pearl, Howard
Seaworth, Brian
Wazir, Safiya

Bartlett, Christy
Kennedy, Margaret
MacKay, James
Pitaro, Matthew
Shurtleff, Steve
Wells, Natalie

Cambrils, Jose
Klose, John
McGuire, Carol
Boyd, Stephen
Soucy, Timothy

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Cahill, Michael
Doucette, Fred
Ford, Oliver
Hamblet, Joan
Murray, Kate
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Vandecasteele, Susan
Welch, David

Abrami, Patrick
Baxter, Tim
Cali-Pitts, Jacqueline
Edgar, Michael
Gay, Betty
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Pantelakos, Laura
Roy, Terry
Sytek, John
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
MacDonald, Wayne

Altschiller, Debra
Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Grote, Jaci
Janigian, John
Kimball, Mary Ann
Lynn, Bob
Milz, David
Pratt, Kevin
Spillane, James
Tripp, Richard
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Fargo, Kristina
Kittredge, Mac
Turcotte, Leonard

Chase, Wendy
Grassie, Chuck
Oxaal, Ariel
Vincent, Kenneth

Conley, Casey
Groen, Fenton
Pitre, Joseph
Wall, Janet

DeLemus, Susan
Hayward, Peter
Southworth, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Spilsbury, Walter

Merchant, Gary
Stapleton, Walter

O'Hearne, Andrew
Tanner, Linda

NAYS - 134**BELKNAP**

Comtois, Barbara

Silber, Norman

Sylvia, Michael

Terry, Paul

CARROLL

Avellani, Lino

Buco, Thomas

McAleer, Chris

CHESHIRE

Ames, Richard
Schapiro, Joe
Welkowitz, Lawrence

Faulkner, Barry
Toll, Amanda Elizabeth

Parshall, Lucius
Von Plinsky, Sparky

Santonastaso, Matthew
Weber, Lucy

COOS

Craig, Kevin

Kelley, Eamon

Laflamme, Larry

Tucker, Edith

GRAFTONAbel, Richard
Dontonville, Roger
Sykes, GeorgeAdjutant, Joshua
Hakken-Phillips, Mary
Weston, JoyceAlmy, Susan
Muirhead, RussellBinford, David
Murphy, James**HILLSBOROUGH**Lekas, Alicia
Bergeron, Paul
Cohen, Bruce
Griffin, Gerald
Judy, Jean
Murray, Megan
Nunez, Hershel
Pedersen, Michael
Prout, Andrew
Rombeau, Catherine
Lekas, Tony
Vail, SuzanneBouldin, Amanda
Blasek, Melissa
Dutzy, Sherry
Griffith, Willis
Kelsey, Niki
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Smith, Timothy
Vann, IvyAmmon, Keith
Bradley, Amy
Erf, Keith
Harriott-Gathright, Linda
Labranche, Tony
McGhee, Kat
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Sofikitis, Catherine
Telerski, Laura
Veilleux, DanielBouldin, Andrew
Burt, John
Espitia, Manny
Jack, Martin
Lewicke, John
Mullen, Sue
Pauer, Diane
Porter, Marjorie
Renzullo, Andrew
Stevens, Deb
Toomey, Dan
Wilhelm, Matthew**MERRIMACK**Alicea, Caroletta
Hall, Muriel
Rogers, Katherine
Wallner, Mary Jane
Yakubovich, MichaelEbel, Karen
Lane, Connie
Schamberg, Thomas
White, NickEllison, Arthur
McWilliams, Rebecca
Schultz, Kristina
Wolf, DanGallager, Eric
Pimentel, Roderick
Testerman, Dave
Woods, Gary**ROCKINGHAM**Abramson, Max
Gilman, Julie
Maggiore, Jim
Paige, Mark
Somssich, Peter
Vose, MichaelBelanger, Cody
Grossman, Gaby
Malloy, Dennis
Piemonte, Tony
Soti, Julius
Ward, GeraldDiLorenzo, Charlotte
Guthrie, Joseph
McMahon, Charles
Read, Ellen
Torosian, Peter
Yokela, JoshDodge, Dustin
Nelson, Jodi
Meuse, David
Simpson, Alexis
True, Chris**STRAFFORD**Bailey, Glenn
Horrigan, Timothy
Smith, MarjorieBixby, Peter
Kaczynski, Thomas
Schmidt, PeterCannon, Gerri
Kenney, Cam
Rich, CeciliaHarrington, Michael
Levesque, Cassandra
Treleven, Susan**SULLIVAN**

Cloutier, John

Gottling, Suzanne

Oxenham, Lee

Sullivan, Brian

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

MOTION TO PRINT DEBATE

Rep. Pantelakos, on March 17, 2022, moved that the debate on **HB 1479-FN**, relative to persons arrested while out on bail, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 1476-FN

Speaker Steven Smith: For what reason does the member rise? State your motion.

Representative True: I move HB 1476 be placed on the table.

Speaker Steven Smith: Who requested a roll call? Rep. Berry requests 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. The question is whether to lay HB 1476 on the table. Rep. Bouldin is recognized for a parliamentary inquiry.

Representative Andrew Bouldin: Thank you, Mister Speaker. Mister Speaker, if I believe that this bill nearly eliminates bail reform and is strongly opposed by people across the political spectrum. And, if I know that there's a bill coming over from the other body, which is preferable to this bill. And, if I know that we have another 177 bills to get through in the next couple of days, would I now press the green button to lay this bill upon the table?

Speaker Steven Smith: Rep. Berry is recognized for a parliamentary inquiry.

Representative Berry: Thank you, Mister Speaker. Mister Speaker, if I know that this bill is the culmination of a bipartisan effort over the last six months to address bail reform. And, Mister Speaker, if I know that this bill does in fact leave the core principles of existing bail reform in law. And, Mister Speaker, if I know that this bill, at a minimum, deserves a debate so that we may be heard, would I now press the red button to oppose the tabling motion?

Speaker Steven Smith: The question is whether to lay HB 1476 on the table. If you are in favor, you'll be pressing the green button. If you are opposed, you'll be pressing 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. 161 having voted in the affirmative, 168 in the negative, the motion fails. The question now is on the majority committee report of Ought to Pass with Amendment. The Member from Sandown, Rep. True is recognized to speak against the committee report.

Representative True: Thank you, Mister Speaker. Mister Speaker, HB 1476 says that any person who is out on bail and is arrested a third time for a class B misdemeanor shall be held in jail for no more than 36 hours, pending a hearing before a judge. Well, let's say held no more than 3 or 4 days because no more than 36 hours is not including any holidays or weekends. I ask you Mister Speaker, what type of person do you think would possibly be charged with a class B misdemeanor 3 or 4 times in a row before they are even taken before a judge? I suggest that they could possibly be a person with drug problems or they could be a homeless person or they could be a person with serious mental health issues. I suggest that the people this bill will affect are those among us who have the very least. Please know that anyone found guilty of a class B misdemeanor will only be subject to a fine. No jail time is associated at all with a class B misdemeanor. Mister Speaker, where is the justice in throwing the person in jail for 2 or 3 or 4 days when, if they were eventually found guilty, the judge simply says guilty with a \$100 fine, no jail time? Does that make any sense to you? Throwing a person with mental health or addiction issues in jail is not therapy. HB 1476 creates an unfunded mandate by adding approximately \$110 to \$130 a day for incarceration costs, per day, per person and that cost is forced on the cities and counties as an unfunded mandate. HB 1476 violates the due process rights of the accused and does away with innocent until proven guilty. In closing, please allow me to quote from one of our countries greatest disco bands of all time, The Bobby Fuller Four, "I fought the law and the law won." Please vote against this motion of OTP/A so that the law and American jurisprudence will win. Please press the red button. Thank you, Mister Speaker.

Speaker Steven Smith: The Member from Manchester, Rep. Bouldin is recognized to speak against the committee report.

Representative Andrew Bouldin: Thank you, Mister Speaker. I've been quiet on this bill up until now and that's because I'm in an awkward position as Chairman of the Manchester delegation as the City of Manchester supports this bill. However, when I put on this name tag and enter this chamber, I don't represent the city or its departments. I represent the residents of my district and for that reason, I rise to speak against the committee report of HB 1476 because I know the people of Manchester support bail reform. This bill purports to fix what is characterized as a catch and release system. Supporters of this legislation claim that dangerous individuals are being released on bail where they then continue to victimize people. If that were true, how is that crime rates in nearly every category have decreased since bail reform was passed in 2018? In fact, the overall crime rate is down 14%. The reality is that under bail reform, offenders who are dangerous are already held in jail without bail, regardless of the crime they have committed. It's called preventive detention and it exists under current law and it is implemented on a regular basis. In spite of the overall success that bail reform has delivered, this legislation would have us move backward to an era of higher crime and mass incarceration. It brings back income-based discrimination. It brings back holding individuals in a jail cell merely because they can't afford to buy their freedom. It brings back a system where a wealthy criminal goes home and a poor man stays in jail. That's not justice. That's an injustice. If this bill becomes law, individuals who are arrested while out on bail, even for a simple misdemeanor such as trespassing, must be held in jail for up to 36 hours, not including weekends or holidays, until they can see a judge. So, if they are arrested on a Friday evening, they could sit in jail until Wednesday. This bill also binds the hands of the judge by removing personal recognizances as a bail option. This means the judge must order cash bail and what if the defendant can't afford it? Well, they sit in jail, probably for months just like people did before bail reform was passed in 2018. Therefore, in effect, HB 1476 guts bail reform. This bill is going to harm homeless people. It is going to harm people with mental illnesses. It is going to harm people suffering from addiction and it is going to affect minorities disproportionately. Data from the FBI shows that black people in New Hampshire are more than 3 1/4 times more likely to be arrested than white people. In fact, local leaders of Black Lives Matter published an Op-ed in the *Union Leader* this week opposing this bill and I quote, "As we work to achieve a national reckoning around systemic racism, it is unconscionable that legislators would expand the already disproportionate incarceration of black people in New Hampshire. We urge our lawmakers to oppose HB 1476." Supporters of this legislation also claim that people suffering from substance misuse disorder can get treatment in jail while they wait for their trial. Well that just isn't true. Individuals held pretrial are not eligible for treatment services. The list of organizations that are fervently opposed to this bill is long and includes Rights & Democracy, American Friends Service Committee, The New Hampshire Council of Churches, Granite State Organizing Project, The New Hampshire Youth Movement, The New Hampshire High School Democrats, Black Lives Matter Manchester, Black Lives Matter Seacoast, The New Hampshire ACLU as well as various conservative groups such as Americans for Prosperity, The New Hampshire Liberty Alliance and the House Republican Alliance. These organizations certainly don't agree very often, but they all agree that we need to kill this bill. Why does this bill draw the ire of such a bipartisan and diverse coalition of organizations and activists? It's because they all see it for what it is, a return to the barbaric practice of the cash bail system, a return to a system that

addresses mental illness, homelessness and poverty with shackles and cages. I urge all my colleagues to vote red and oppose this bill because it will have very real and very dire consequence for minorities, homeless individuals and those suffering from mental health issues. Thank you, Mister Speaker.

Speaker Steven Smith: The Member from Manchester, Rep. Long is recognized to speak in support of the committee report.

Representative Long: Thank you, Mister Speaker. I rise in support of the Ought to Pass as Amended question. I agree, people should not be detained in jail simply because they can't afford to pay the bail amount. In 2018, I supported the current statute, however, I have learned that the experience in Manchester is the unintended consequences of multiple arrests of the same people on bail. As an Alderman in Manchester, I receive arrest statements frequently and noticed early on that the same people were being arrested again for the same crime. I needed to explain to my constituents why the same person, for example, that damaged your car last week trying to take things out of it, was arrested again for damaging a neighbor's vehicle the following week. I, too, represent my constituents, which are both my state rep hat and my aldermanic hat. I've also witnessed discussion within specific groups that were mentioned by the prior speaker that have made their colleagues aware of the criminal activity, not to be concerned about going around breaking into cars. We are going to get arrested and I'm guaranteeing you within 2 to 3 hours we are going to get released. That's the conversation they are having. This is what we have been hearing in the City of Manchester, let alone the extra resources spent on our police force repeatedly picking up these people week after week after week. This has no benefit to the person arrested or to the neighborhoods involved, let alone resources spent. HB 1476 is a start in addressing the consequences realized today with bail reform and I will be supporting Ought to Pass as Amended. Thank you, Mister Speaker.

Speaker Steven Smith: The Member from Nashua, Rep. Harriott-Gathright is recognized to speak against the committee report.

Representative Harriott-Gathright: Thank you, Mister Speaker. HB 1476, as amended, a mandate for the pretrial incarceration of any individual charged with any felony or class A misdemeanor offense if they were on release from any offense at the time, including a class B misdemeanor offense that carries no jail time if convicted. This legislation will not make our communities safer. Current law already allows the court to detain individuals pretrial if they are flight risks or a danger to the community. This one size fits all legislation will deprive potentially thousands of Granite Staters of their freedom without any evidence that any of the individuals pose a threat to our communities. This legislation is based in fear, not evidence. Despite the fear-based rhetoric and limited anecdotal stories from our law enforcement leaders, proponents of this legislation have provided no data to support their claims that the current bail system makes New Hampshire less safe. This legislation will disproportionately harm black people. New Hampshire's criminal laws are enforced with staggering racial bias. For example, in 2020, black people were 3.29 times more likely to be arrested compared with white people. For many low-level discretionary offences, this disparity was even more troubling, including 4.8 times for marijuana possession despite both groups using marijuana at roughly the same rate. 5.9 times for disorderly conduct. 6.52 times for vagrancy. Because black people are disproportionately arrested, they will also be disproportionately incarcerated under this legislation's mandatory incarceration regime. In the midst of a national reckoning around systemic racism and police violence, it is unconscionable that legislators would expand the already disproportionate incarceration of black people in New Hampshire. This legislation will expand the criminalization of poverty in New Hampshire. Personal recognizance bail was implemented to ensure that people that could not afford bail could be released assuming the court did not find them to be a danger or flight risk. Under this proposed legislation, people who are arrested while on pretrial release will be denied personal recognizance bail, thus setting up a new wealth-based incarceration system where those with wealth can purchase their freedom. So I implore my colleagues that you vote against the Ought to Pass motion for HB 1476. Thank you, Mister Speaker.

Speaker Steven Smith: We are down to the final speaker. This isn't going to be a voice vote so maybe find our seats. The Member from Manchester, Rep. Berry is recognized to speak in support of the committee report.

Representative Berry: Thank you, Mister Speaker. Thank you to the body for allowing this debate to take place. I know it's been a long day and we've got more to go. I represent the southside of Manchester, wards 6 and 8. When I door knocked and campaigned, I knocked on over 4,500 doors and when you do that, you meet a lot of voters and you would expect to hear the traditional issues, guns, abortion, education. An overwhelming vast majority of my constituents cited bail reform because it is a Manchester problem. For those of you who pay attention to politics know that me and my mayor don't always get along, but we agree on this. The very first thing I did upon winning my election, before we were even sworn in, was meet with our police department to try to look at ways to fix PR bail or bail reform in general and everyone was pointing fingers because the reform that this body just passed was still taking effect. I was told to wait, so we waited. Mister Speaker, Manchester is done waiting. The other communities that are affected by this are done waiting. Last year, we just had our crime report out, and one of the other Members from Manchester referenced that report. Property crime in Manchester is up 10%. It's up 10% in Manchester in one year. I want to talk about the specifics of this bill because they often get overlooked. Does anyone want to guess what the current standard is for being held? It's 72 hours. So what did we do to try to bring in as many people as possible on this? We compromised and we shortened it to 36 hours. You heard that correct.

If you vote for this bill, you are shortening the amount of time that someone can legally be held from the law as it is today. Mister Speaker, we are not trying to overturn the bail reform that this body passed. We are talking about people who are already out on bail. They are already out on bail and they have been arrested again. But again, the other side came to us and said can you compromise and we said yes, we will because we want you on board so we reduced it for 3 times for class B misdemeanors. You have to be arrested three times for a class B misdemeanor before this kicks in. DWI is a class B misdemeanor. Mister Speaker, Manchester is done waiting. Our communities are done waiting and I urge you, and they are still innocent? Thank you.

Speaker Steven Smith: Rep. Conley is recognized for a parliamentary inquiry.

Representative Conley: Thank you, Mister Speaker. If I know that this bill retains the core tenets of New Hampshire's 2018 bail reform bill while addressing cases when the same person is arrested multiple times while already out on bail. If I know that this is not just a Manchester problem, but a statewide problem that affects even my City of Dover and other Seacoast communities. If I know this bill is supported by New Hampshire's Police Chiefs and our elected sheriffs and county attorneys of both parties who know this issue better than anyone, would I then press the green button to support this important bill? Thank you.

Speaker Steven Smith: The question is on the majority committee report of Ought to Pass as Amended. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 199 having voted in the affirmative, 134 in the negative, the committee report is adopted.

REGULAR CALENDAR CONT'D

HB 1512-FN, relative to the parole of certain prisoner. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be found inexpedient to legislate. The majority found that the changes to the parole system proposed in the bill would have a detrimental effect on both the courts and the parole board, possibly causing an extended backlog and delays in parole hearings which would achieve the very opposite effect of the bill's goal. Further, the bill does not contemplate the negative impact on victims and their families, who would for all intents and purposes, be required to re-live the original trial of the convicted, even though they were sentenced to life without parole. Vote 12-8.

Rep. Linda Harriott-Gathright for the Minority of Criminal Justice and Public Safety. The minority of the committee, believe that this is a good bill. It adds a paragraph in RSA 651-A:6 inserting after paragraph IV: V.(a) "The commissioner shall grant a parole hearing to any person who has been incarcerated in a state correctional facility for at least 25 years. The commissioner shall schedule such hearings as soon as practicable after the prisoner reaches his or her 25th year of incarceration." It is not retroactive to capital murder or those convicted of murder. For far too long we have ignored the facts listed in the bill in section one paragraphs one through ten. We must begin to repeal laws that imprison with the old mentality of "lock them up and throw away the key," and that men and women are incapable of rehabilitation. Statistics show persons convicted of violent offenses are among those with the lowest recidivism rates. It also shows that nearly 40% of people serving the longest prison terms were incarcerated prior to age 25 and that people age out of violence. It also shows that a significant proportion of people who have committed violent crimes have been victims of crime or serious trauma themselves. As a state we must start to address the total person. Yes punishment, however, we must invest in prevention and rehabilitation rather than incarceration. Today in New Hampshire it costs \$54,386 a year to house an inmate, that does not include medical.

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

Rep. Roy spoke in favor.

Rep. Abramson spoke against and requested a roll call; not sufficiently seconded.

On a division vote, with 182 members having voted in the affirmative, and 127 in the negative, the majority committee report was adopted.

HB 1539, relative to the removal of certain information from the New Hampshire state police website. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill would remove certain information from the New Hampshire State Police website. While the bill was well intentioned, it was created without an understanding of the situation. The State Police on a weekly basis post a blotter of people accused of crimes. The posting is done as a PDF. The next week a new posting is made for that week's activity. The bill wanted to remove a name from a previous posting. The first posting was replaced with a new posting; if in the meanwhile, a third party had grabbed the original posting and moved it to their website. The State Police have no control of that site and they could not edit it or remove a record from it. Vote 10-7.

Committee report adopted.

HB 1600, relative to the use of body cameras by law enforcement during an interview or interrogation. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. The committee heard testimony from the sponsor, various members of state and local law enforcement, and members of academia as well as several interest groups. The majority did not find the idea without merit. However, there is no funding provided for in the bill as written and the witnesses from law enforcement testified that there would be expenses required for both equipment purchase and record retention and thus the bill amounts to an unfunded mandate as prohibited by part 1, article 28-a of the New Hampshire Constitution, ratified in 1984, which states: 'The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state ...' Further, without a standardized method across the state of recording and storing the data from such recordings adds both to the legal complexities and cost associated with this bill. As stated, there is merit to the concept as it would both provide greater protection of the rights of our citizens and assist with the proper enforcement and prosecution of criminal activity. The only push back the committee heard from law enforcement was related to cost and logistics. Accordingly, the majority found that interim study of this bill is appropriate so that the issues discussed can be addressed. Vote 17-3.

Rep. Ray Newman for the Minority of Criminal Justice and Public Safety. This bill prohibits the use of a body worn camera (BWC) to record the following: "an interview or interrogation of any person whether audio, video, or both, performed by a law enforcement officer inside a law enforcement agency building if no other means of recording is available in the building." The minority believes that all interviews and interrogations should be recorded. When a BWC is the last resort for a recording; interviews and interrogations recorded with a BWC are preferable to interviews and interrogations that are not recorded.

MOTION TO LAY ON THE TABLE

Rep. Abbas moved that **HB 1600**, relative to the use of body cameras by law enforcement during an interview or interrogation, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1668, requiring a background check prior to any commercial firearm sale. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the Majority of Criminal Justice and Public Safety. This bill will make the gifts or loaning of firearms between friends, family members, and neighbors into crimes. The sponsor has offered the same bill several times in the past and it has always been rejected as a huge government overreach into private activities that are none of the government's business. To be sure, those who violate the provisions of this bill, either knowingly or unknowingly will be arrested and charged with a misdemeanor. Those who came to the committee to support this bill did not explain how it would have stopped any of the tragedies that the country has witnessed in recent years such as Newtown, CT, the criminal murdered his own mother and stole her gun, Aurora, CO, the murderer passed a background check, Tucson, AZ, another murderer who passed a background check, and practically every other modern American tragedy. Until someone commits a crime, they are not a criminal and the background checks, which are being promoted by the sponsor of this bill, will not stop them. The murderer in South Carolina was enabled by a failure of the FBI – background checks cannot be made to work because there are hundreds of millions of firearms in America and criminals will do what criminals do. Under provisions of federal law, private parties, not gun dealers, can only sell guns to one another if both parties to the transaction are residents of the same state. The sponsor's assertion that out-of-state criminals are obtaining guns in New Hampshire is incorrect. For these reasons, the majority of the committee recommends that this be voted inexpedient to legislate. Vote 11-9.

Rep. Casey Conley for the Minority of Criminal Justice and Public Safety. This bill would require all commercial firearms sales to be handled by a licensed firearms dealer, who would be required to perform a background check on the buyer before finalizing the sale. The bill addresses private sales between adults, during which background checks are typically not conducted. Up to 22 percent of gun sales occur this way, potentially letting people prohibited from acquiring a firearm to get one. These prohibited persons can, and do, include felons, people guilty of domestic violence, and the mentally ill. This kind of legislation aims to keep guns away from people who should not have them while protecting the Second Amendment rights of everyone. Requiring background checks for firearm purchases is supported by huge majorities of New Hampshire residents, and the minority believes we should follow their will and pass this legislation.

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

Rep. Bradley spoke against.

Rep. Abbas spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 144**YEAS - 179****BELKNAP**

Aldrich, Glen
Hough, Gregg
Ploszaj, Tom

Bean, Harry
Howard, Raymond
Silber, Norman

Comtois, Barbara
Johnson, Dawn
Sylvia, Michael

Harvey-Bolia, Juliet
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Umberger, Karen

Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Gould, Linda
Homola, Susan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Graham, John
Infantine, William
Sanborn, Laurie
King, Mark
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolli, Jim
Goley, Jeffrey
Greene, Bob
Jack, Martin
Lanzara, Tom
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Foster, William
Gorski, Ted
Healey, Robert
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

MERRIMACK

Allard, James
Kennedy, Margaret
Moffett, Michael
Schamberg, Thomas
Walsh, Thomas
Yakubovich, Michael

Andrus, Louise
Klose, John
Pearl, Howard
Seaworth, Brian
Wells, Natalie

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Soucy, Timothy
White, Nick

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Testerman, Dave
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Abramson, Max
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 144**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

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

Bordenet, John
Gomarlo, Jennie
Toll, Amanda Elizabeth

Faulkner, Barry
Maneval, Andrew
Von Plinsky, Sparky

COOS

Kelley, Eamon

Hatch, William

Tucker, Edith

GRAFTON

Abel, Richard
Fellows, Sallie
Murphy, James
Weston, Joyce

Adjutant, Joshua
Hakken-Phillips, Mary
Nordgren, Sharon

Almy, Susan
Massimilla, Linda
Smith, Suzanne

Dontonville, Roger
Muirhead, Russell
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Connors, Erika
Espitia, Manny
Herbert, Christopher
Labranche, Tony
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Griffith, Willis
Schmidt, Janice
Langley, Diane
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Jeady, Jean
Leishman, Peter
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Harriott-Gathright, Linda
Klee, Patricia
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Gallager, Eric
MacKay, James
Schuett, Dianne
Wazir, Safiya

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schultz, Kristina
Woods, Gary

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

Conley, Casey
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew
and

the majority committee report was adopted.

HB 1047, relative to the chartered public school joint legislative oversight committee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph Boehm for the Majority of Education. This bill is not needed. Another bill, HB 1236, reinstates the Legislative Oversight Committee for the Education Improvement and Assessment Program. This committee gives oversight for education in all public schools which includes charter schools. Vote 10-9.

Rep. Linda Tanner for the Minority of Education. The current Charter School Legislative Oversight Committee (RSA 194-B:21) has not met since 2016 and their last report was in 2011. At the same time, there has been a significant increase in the number and variety of charter schools. This bill streamlines and broadens the membership of the oversight committee to facilitate and revitalize the committee. The bill also requires a yearly report that will help provide legislative oversight, guide the development of the charter school programs, and share the innovations from charter schools with other public schools.

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

On a division vote, with 173 members having voted in the affirmative, and 152 in the negative, the majority committee report was adopted.

HB 1051, relative to state board of education rules for credit for alternative, extended learning, and work-based programs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick Ladd for the Majority of Education. The State Board of Education pursuant to RSA 541-A currently have authority relative to the approval of alternative programs for granting credit leading to graduation. This bill is unneeded as the department and state board already have a process for the application, vetting, and approval of vendors offering alternative, extended learning and work-based offerings leading to high school graduation credit. This bill would allow local school boards authority to reject credit earned through approved alternative education learning experiences that meet or exceed state approved academic standards. Graduation credit should be awarded based upon a student's meeting academic competencies regardless of where the graduation credit was earned. Education responsibility in New Hampshire is a shared responsibility and in the best interest of the student. Vote 10-9.

Rep. Linda Tanner for the Minority of Education. Parents are now faced with a myriad of educational choices through the Learn Everywhere Program. Public schools are faced with the task of examining the requests for credits for graduation. It would help both schools and parents to have a central location, the Department of Education, to have their professional staff review and publish the profiles of vendors offering alternative, extended learning, and work-based programs which may be accepted by the local school board for credit leading to graduation in any school district in this state.

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

Rep. Tanner spoke against.

Rep. Ladd spoke in favor.

On a division vote, with 174 members having voted in the affirmative, and 147 in the negative, the majority committee report was adopted.

(Speaker Packard in the Chair)

HB 1090, relative to teaching on discrimination in the public schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick Ladd for the Majority of Education. If passed, this bill would repeal provisions of the law relating to the right to freedom from discrimination in public workplaces and education, RSA 354-A:29 through RSA 354-A:34 (Freedom from Discrimination in Public Workplaces and Education). This statutory language was established and signed into law one year ago in HB 2, reinforcing the responsibility that the whole history of the United States needs to be taught; however, to directly or indirectly imply or teach or convey personal opinion that an individual is inherently racist because of one's skin color or teach unproved theory stating that one is an oppressor or the oppressed due to an inherent characteristic should not occur in any workplace or classroom. This is a primary reason for the majority's recommendation of Inexpedient to Legislate. Vote 10-9.

Rep. Sue Mullen for the Minority of Education. This bill repeals the prohibition on teaching about discrimination and replaces it with language that ensures that the instruction of both historical facts and current experiences of protected classes is permitted in New Hampshire classrooms, and that teachers may teach without fear of civil liability. The only true way to understand prejudice and discrimination is through open, honest discussion. The committee heard impassioned testimony from current New Hampshire teachers about the stifling effect of potentially career ending penalties in violating a law that they do not understand. The vague parameters of the law have created confusion in the classroom. The minority supports the repeal, as well as the repeal of the prohibition of free exchange between public employers, government programs, and employees.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1090**, relative to teaching on discrimination in the public schools, be laid on the table.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 165 - NAYS 153

YEAS - 165

BELKNAP

Aldrich, Glen
Hough, Gregg
Ploszaj, Tom

Bean, Harry
Howard, Raymond
Silber, Norman

Comtois, Barbara
Johnson, Dawn
Sylvia, Michael

Harvey-Bolia, Juliet
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Umberger, Karen

Cordelli, Glenn

Deshaies, Brodie

CHESHIRE

Qualey, James	Rhodes, Jennifer	Santonastaso, Matthew
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COOS

Craig, Kevin	Davis, Arnold	Merner, Troy	Theberge, Robert
Thompson, Dennis			

GRAFTON

Alliegro, Mark	Berezhny, Lex	Binford, David	Folsom, Beth
Sanborn, Gail	Gordon, Edward	Greeson, Jeffrey	Ham, Bonnie
Ladd, Rick	Simon, Matthew		

HILLSBOROUGH

Alexander, Joe	Ammon, Keith	Boyd, Bill	Griffin, Barbara
Berry, Ross	Blasek, Melissa	Boehm, Ralph	Burt, John
Creighton, Jim	Cushman, Leah	Kelley, Diane	Smith, Denise
Erf, Keith	Foster, William	Griffin, Gerald	Gagne, Larry
Gorski, Ted	Gould, Linda	Graham, John	Greene, Bob
Healey, Robert	Homola, Susan	Kelsey, Niki	Sanborn, Laurie
Lanzara, Tom	Lascelles, Richard	Lewicke, John	Marston, Dick
McLean, Mark	Mooney, Maureen	Notter, Jeanine	Nunez, Hershel
Pauer, Diane	Post, Lisa	Prout, Andrew	Renzullo, Andrew
Rice, Kimberly	Rouillard, Claire	Sheehan, Vanessa	Somero, Paul
Lekas, Tony	Ulery, Jordan		

MERRIMACK

Allard, James	Andrus, Louise	Cambrils, Jose	Hill, Gregory
Klose, John	Leavitt, John	McGuire, Carol	Moffett, Michael
Pearl, Howard	Pitaro, Matthew	Seaworth, Brian	Testerman, Dave
Walsh, Thomas	Wells, Natalie	White, Nick	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Baxter, Tim	Belanger, Cody	Bernardy, JD
Bershtein, Alan	DeSimone, Debra	Dodge, Dustin	Dolan, Tom
Doucette, Fred	Edwards, Jess	Ford, Oliver	Gay, Betty
Green, Dennis	Guthrie, Joseph	Harb, Robert	Hobson, Deborah
Nelson, Jodi	Janigian, John	Katsakiores, Phyllis	Khan, Aboul
Kimball, Mary Ann	Layon, Erica	Litchfield, Melissa	Love, David
Lynn, Bob	Pearson, Mark	Major, Norman	McMahon, Charles
Milz, David	Osborne, Jason	Piemonte, Tony	Potucek, John
Pratt, Kevin	Prudhomme-O'Brien, Katherine	Pearson, Stephen	Soti, Julius
Spillane, James	Sweeney, Joe	Sytek, John	Thomas, Douglas
Torosian, Peter	Tripp, Richard	True, Chris	Vandecasteele, Susan
Verville, Kevin	Vose, Michael	MacDonald, Wayne	Wallace, Scott
Welch, David	Weyler, Kenneth	Yokela, Josh	

STRAFFORD

Ankarberg, Aidan	Bailey, Glenn	DeLemus, Susan	Groen, Fenton
Harrington, Michael	Hayward, Peter	Kaczynski, Thomas	Kittredge, Mac
Pitre, Joseph	Turcotte, Leonard	Wuelper, Kurt	

SULLIVAN

Aron, Judy	Callum, John	Rollins, Skip	Spilsbury, Walter
Stapleton, Walter			

NAYS - 153**CARROLL**

Buco, Thomas	Burroughs, Anita	Knirk, Jerry	Marsh, William
McAleer, Chris	Woodcock, Stephen		

CHESHIRE

Abbott, Michael	Ames, Richard	Bordenet, John	Faulkner, Barry
Fenton, Donovan	Fox, Dru	Gomarlo, Jennie	Maneval, Andrew
Parshall, Lucius	Schapiro, Joe	Toll, Amanda Elizabeth	Von Plinsky, Sparky
Weber, Lucy	Welkowitz, Lawrence		

COOS

Kelley, Eamon	Hatch, William	Laflamme, Larry	Tucker, Edith
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GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Lekas, Alicia
Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Jack, Martin
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Bouldin, Amanda
Bergeron, Paul
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Goley, Jeffrey
Herbert, Christopher
Klee, Patricia
Leishman, Peter
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Griffith, Willis
Schmidt, Janice
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Wolf, Dan

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

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Grassie, Chuck
Oxaal, Ariel
Wall, Janet

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter

Chase, Wendy
Levesque, Cassandra
Southworth, Thomas

Fargo, Kristina
Smith, Marjorie
Treleven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1113, prohibiting the department of education and the state board of education from directing or limiting school instructional options, such as remote learning. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the Majority of Education. Remote instruction and student learning loss are huge issues. Our math proficiency scores have dropped from 48% to 38% of students proficient. Studies have reported learning loss of over one-half a school year. This bill would prohibit the Department of Education from limiting school options such as closing or going to remote learning. It is an attempt to overturn the new rules just passed by the state Board of Education and the Joint Legislative Committee on Administrative Rules. These rules do not prohibit closures and specifically allow for closures due to weather or a parental request for remote instruction. They provide for parental options rather than school mandates. We should do all we can to keep our schools open and providing in-person instruction. Vote 10-9.

Rep. Marjorie Porter for the Minority of Education. Throughout the pandemic, the state, saying one size does not fit all, left it up to individual school districts to determine the best way to keep their students, staff, and the community they serve safe and healthy. When emergency orders were in place, schools went to remote learning as a way to keep kids safe and learning, and staff and families as well; as things progressed, remote, hybrid, and in person options were used. Districts were nimble, pivoting quickly from one to the other as conditions required. However, even though the pandemic is not over, a recent rule change at the Department of Education takes away the remote option as a way to meet the 180-day school year requirement. Under the current rule, days of remote instruction must be made up at the end of the year, except if used for a snow day. The bill, as amended, allows schools to use remote instruction as an emergency option for up to five days per

school year, and to petition the Department of Education for a waiver if more than five days are needed. The minority believes that systems and tools are in place and staff have gained the skills to make remote learning a viable option in times of emergency, and that schools should be able to stay nimble if they need to be.

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

On a division vote, with 166 members having voted in the affirmative, and 154 in the negative, the majority committee report was adopted.

HB 1114, relative to education service providers under the education freedom account program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the Majority of Education. This bill is well intended, but not necessary. It requires the scholarship organization that manages the education freedom account (EFA) program to maintain a list of educational service providers on their website. But they already have a list posted on their site. In addition, new administrative rules recently passed require the scholarship organization to include education service provider name, eligible services, fee amounts received for services, and number of EFA students served. They also have to post a list of any disqualified providers. The rules also require a list to be posted on the Department of Education website. If anything additional is needed, the EFA Parent and Education Service Provider Advisory Commission can make that recommendation. Vote 10-9.

Rep. Patricia Cornell for the Minority of Education. The minority felt that putting into statute the requirement that the scholarship organization compile a directory of public profiles for each education service provider that is publicly available through various sources would provide a useful, easy, and convenient tool for parents. Parents would be able to use the listed profiles to make the most appropriate choice for their child. The majority felt it unnecessary as this was going to be put into place by rules, but the minority felt that it should be put into law to ensure it would continue to be done.

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

Majority committee report adopted.

HB 1115, relative to record of educational attainment under the educational freedom account program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deborah Hobson for the Majority of Education. This bill requires education freedom account (EFA) students to take the annual statewide assessment. The majority of the committee heard testimony that students participating in EFAs, often homeschool students, compile information throughout the school year into a portfolio. This method has been approved and for some is a better method to measure progress. These portfolios need to be assessed by a credentialed teacher. Under current legislation, EFAs are provided three options for assessment that are in line with the requirements in statute. This bill would take away two options, forcing parents into a single assessment option that is inconsistent with our currently approved options. This creates an unnecessary burden on families that are trying to stay compliant with assessments. Providing multiple ways for assessment allows families to choose the best test fit for them. There is really no reason to test students participating in the EFA program differently than public school students. Vote 10-9.

Rep. Patricia Cornell for the Minority of Education. The minority unanimously felt that this bill, requiring students who participate in the education freedom account (EFA) program to take the same annual statewide assessment as public and charter school students do, would provide accountability and transparency to taxpayers. This bill addresses concerns that we heard during public hearings. The statewide annual test is set up to measure the skills and knowledge deemed necessary to an adequate education. Only by using the same assessment can it be determined that EFA providers are meeting the same accountability requirements.

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

On a division vote, with 163 members having voted in the affirmative, and 150 in the negative, the majority committee report was adopted.

HB 1120, relative to education service providers under the education freedom accounts program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the Majority of Education. This bill is based upon a mistaken understanding of education freedom account program and the range of education options open to families. It would require education service providers to have been in operation for at least one year and have a proven record of academic success. What about providers that are not schools – like therapists and other allowable expenses like computers, curriculum, or fees for assessments? The intent goes back to the false concept that this program provides vouchers to schools so we must again correct program opponents – this is not a voucher program. The bill also requires criminal background checks which are already done by non-public schools. This provision, however, would also apply to a mom home schooling neighborhood children. We are going to force somebody to run a background check on that mom? We think not. Vote 10-9.

Rep. Sue Mullen for the Minority of Education. This bill addresses the quality of instruction and safety of students participating in the education freedom accounts program. By requiring education service providers

to present evidence of financial stability and academic success, along with completing the vetting process established by the Department of Education (DOE) for approval and oversight of non-public schools, we take important steps towards guaranteeing that taxpayer dollars are being well spent. By requiring all education service providers to go through the DOE specified background check and adhere to applicable health and safety regulations, we begin to construct a safety net designed to be just as comprehensive as the one we have established, and continue to improve, for students enrolled in our public schools. The minority regrets the fact that there was no opportunity to address these concerns prior to the implementation of the program, as it is a struggle to get the horse back in front of the cart.

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

Rep. Cordelli spoke in favor.

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

YEAS 165 - NAYS 155

YEAS - 165

BELKNAP

Aldrich, Glen	Bean, Harry	Comtois, Barbara	Harvey-Bolia, Juliet
Hough, Gregg	Howard, Raymond	Johnson, Dawn	O'Hara, Travis
Ploszaj, Tom	Silber, Norman	Sylvia, Michael	Terry, Paul

CARROLL

Avellani, Lino	Nelson, Bill	Cordelli, Glenn	Deshaies, Brodie
MacDonald, John	Umberger, Karen		

CHESHIRE

Qualey, James	Rhodes, Jennifer	Santonastaso, Matthew
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COOS

Craig, Kevin	Davis, Arnold	Merner, Troy	Theberge, Robert
Thompson, Dennis			

GRAFTON

Alliegro, Mark	Berezhny, Lex	Folsom, Beth	Sanborn, Gail
Gordon, Edward	Greeson, Jeffrey	Simon, Matthew	

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Ammon, Keith	Boyd, Bill
Berry, Ross	Blasek, Melissa	Boehm, Ralph	Burt, John
Creighton, Jim	Cushman, Leah	Kelley, Diane	Smith, Denise
Erf, Keith	Foster, William	Griffin, Gerald	Gagne, Larry
Gorski, Ted	Gould, Linda	Graham, John	Greene, Bob
Healey, Robert	Homola, Susan	Infantine, William	Kelsey, Niki
Sanborn, Laurie	Lanzara, Tom	Lascelles, Richard	Lewicke, John
Marston, Dick	McLean, Mark	Mooney, Maureen	Notter, Jeanine
Nunez, Hershel	Pauer, Diane	Plett, Fred	Post, Lisa
Prout, Andrew	Renzullo, Andrew	Rice, Kimberly	Rouillard, Claire
Sheehan, Vanessa	Somero, Paul	Lekas, Tony	Ulery, Jordan

MERRIMACK

Andrus, Louise	Cambrils, Jose	Hill, Gregory	Klose, John
Leavitt, John	McGuire, Carol	Moffett, Michael	Pearl, Howard
Pitaro, Matthew	Boyd, Stephen	Seaworth, Brian	Testerman, Dave
Walsh, Thomas	Wells, Natalie	White, Nick	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Baxter, Tim	Belanger, Cody	Bernardy, JD
Bershtein, Alan	DeSimone, Debra	Dodge, Dustin	Dolan, Tom
Doucette, Fred	Edwards, Jess	Ford, Oliver	Gay, Betty
Green, Dennis	Guthrie, Joseph	Harb, Robert	Hobson, Deborah
Nelson, Jodi	Janigian, John	Katsakiores, Phyllis	Khan, Aboul
Kimball, Mary Ann	Layon, Erica	Litchfield, Melissa	Love, David
Lynn, Bob	Pearson, Mark	Major, Norman	McMahon, Charles
Milz, David	Osborne, Jason	Piemonte, Tony	Potucek, John
Pratt, Kevin	Prudhomme-O'Brien, Katherine	Roy, Terry	Pearson, Stephen
Soti, Julius	Spillane, James	Sweeney, Joe	Sytek, John
Thomas, Douglas	Torosian, Peter	Tripp, Richard	True, Chris
Vandecasteele, Susan	Verville, Kevin	Vose, Michael	MacDonald, Wayne
Wallace, Scott	Welch, David	Weyler, Kenneth	Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Smith, Steven

Rollins, Skip

Spilsbury, Walter

Stapleton, Walter

NAYS - 155**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

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

Bordenet, John
Gomarlo, Jennie
Toll, Amanda Elizabeth

Faulkner, Barry
Maneval, Andrew
Von Plinsky, Sparky

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Sykes, George

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Murphy, James
Weston, Joyce

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon

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Bouldin, Amanda
Bergeron, Paul
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Espitia, Manny
Herbert, Christopher
Klee, Patricia
Leishman, Peter
McGhee, Kat
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Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Goley, Jeffrey
Schmidt, Janice
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Jack, Martin
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

Allard, James
Ellison, Arthur
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Wolf, Dan

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen

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Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Conley, Casey
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Callum, John
O'Hearne, Andrew

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

and the majority committee report was adopted.

MOTION TO PRINT DEBATE

Rep. Espitia moved that the debate on **HB 1120**, relative to education service providers under the education freedom accounts program, be printed in the Permanent Journal.
Without objection, the Speaker ordered.

DEBATE ON HB 1120

Representative Mullen: Thank you, Mister Speaker. Mister Speaker I rise today in opposition to House Education's majority recommendation of ITL for HB 1120. This bill is really about two things, quality of instruction and student safety, as they apply to students participating in the Education Freedom Account Program. Many minority members of House Ed, along with their constituents have expressed numerous concerns regarding the qualification and background checks of service providers who are paid with state funds to teach our children in nontraditional settings. HB 1120 addresses a number of these concerns, most specifically assuring that education service providers have a proven track record of both academic success and financial viability, that instructional providers referring to themselves as a school are offering a comprehensive program seek nonpublic school approval as outlined in our current Ed 400 rules. That individuals and programs comply with all the applicable local health and safety standards and codes, particularly those outlined by the 2016 Governors School Safety Preparedness Task Force and that all providers who have direct contact with our children complete, pass and submit the criminal history background check required under RSA 189:13a to the Department of Education. What the bill requires would not be unique to New Hampshire. Georgia, Oklahoma, Utah, Mississippi, Washington DC, Wisconsin and North Carolina all have required some version of provision one in an attempt to preempt financial loss or fraud. Arkansas, Indiana, Mississippi, Oklahoma, DC, Louisiana, Ohio, Maine, Maryland, Vermont and Wisconsin all require some form of accreditation or state approval of proposed curriculum to be used that meets states standards. Arkansas has been the guiding light in terms of health and safety standards in response to some horror stories coming out of DC and Indiana. Our own Joint Legislative Committee on Administrative Rules when discussing the Education Freedom Accounts Program, said there is no provision in the statute to require that education service providers get a criminal background check and no stipulation that a negative background check will result in a bar from participation in the EFA program. If these are needed, the statute will need to be amended. So, I stand before you today because EFAs are here and they need some work. Regardless of how any of us feel about the impact of the program on our ability to fund our existing public schools, we currently have almost 2,000 kids participating in a program that has inadequate guardrails, financial stability, measurable educational standards, health and safety first, no criminals with kids. Surely these are not revolutionary or objectionable goals. My concern is that we have put the cart before the horse and that this program went into effect before we had the opportunity to work out all the kinks. It's now going to take all of us to move that horse. Please vote no on the majority recommendation of ITL so that another motion may be made. Thank you, Mister Speaker.

Speaker Packard: We are on the final speaker. Rep. Mullen has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. Members will take their seats. We are on the final speaker. The Chair recognizes Rep. Cordelli.

Representative Cordelli: Thank you, Mister Speaker. This bill was written in relation to a voucher program, but we all know that there are no vouchers in New Hampshire. We have an Education Freedom Account Program that provides a variety of education options for parents, not just going to a different school. The litany of states you just heard, they were all in relation to voucher programs where a voucher is given to a student to go to a particular school. HB 1120 would require Education Freedom Account service providers to have a proven academic success record and have background checks. If an EFA student is going to let's say a private school, that would be the case. There would be background checks. It all sounds good, but with the Education Freedom Accounts, how does a service provider prove academic success or have a background check if they are providing computers to the student or selling curriculum to the student? How about a homeschool mom who is taking in Education Freedom Account kids from the neighborhood? How does she prove academic success for the past year? Is she going to have to get a background check? The necessary requirements for the service providers are in law and in rules, including information about background checks on service providers. The bill requires for service providers do not make sense for our Education Freedom Account Program. The committee voted ITL and so should you.

Speaker Packard: The motion before us is the majority report of Inexpedient to Legislate on HB 1120. This is a roll call vote. Members will take their seats. The Chair recognizes Rep. Hall for a parliamentary inquiry.

Representative Hall: Thank you, Mister Speaker. Mister Speaker, if I believe that all public and nonpublic school education programs funded by New Hampshire taxpayers' money must be approved by the New Hampshire Department of Education. And, Mister Speaker, if I believe that all Education Freedom Account providers must be able to demonstrate financial sustainability and measurable academic success. And, Mister Speaker, if I believe that criminal background checks must be mandatory in public and nonpublic schools in order to provide safe learning environments for all New Hampshire students, would I now vote no on the ITL motion and push the red button so another motion can be brought forward?

Speaker Packard: The Chair recognizes Rep. Ladd for a parliamentary inquiry.

Representative Ladd: Thank you, Mister Speaker. If I know this bill will require an EFA service provider to comply with a number of conditions that are already required by federal and state laws and recently approved rules. And if I know this bill would even require a mom who is homeschooling neighborhood children to have a background check and lastly, if I know this is one of many bills recently submitted to the education committee to obstruct the EFA program that is providing well over 1,800 New Hampshire students an education that best meets their needs, would I then support education choice by pressing the green button? Thank you.

Speaker Packard: The motion before us is the majority report of Inexpedient to Legislate on HB 1120. 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. Members will be in their seats. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 165 voting Yea, 155 voting Nay, the committee report is adopted.

REGULAR CALENDAR CONT'D

HB 1131, relative to facial covering policies for schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the Majority of Education. The Governor and the Departments of Health and Human Services and Education are no longer recommending universal face mask use and have stated that decisions on face mask use should be based on individual choice. This includes in schools. For too long, schools have ignored the educational impact of mandated wearing of masks on children. At the public hearing on this bill, we heard testimony on the educational impact and we have seen that impact here in New Hampshire. This amended bill will require all public schools to adopt a policy that states it will not implement a policy to require students or the public to wear masks on any school property. This will also apply to the public entering a school or attending a school board meeting. There is an exemption for facial coverings necessary for athletics or instructional purposes such as science experiments. There are also remedies provided for aggrieved persons. Masks can no longer be a school mandate; they will be an individual choice. Vote 10-8.

Rep. Linda Tanner for the Minority of Education. This bill bans school boards, school districts, and chief administrative officers of public schools from adopting, enforcing, or implementing a required mask policy. It provides a private right of action for anyone aggrieved through civil action in superior court. In addition, this radical and vindictive bill singles out teachers who would be following school district mask policies to make a choice between being fired for failing to follow policy or be reported to the Department of Education for violation of the Code of Conduct which could result in the loss of their teaching credentials and livelihoods. This bill attacks the very people who were trying to perform their jobs, keep children safe, follow public health guidelines, school board policies, and teach our children under extreme circumstances.

Majority Amendment (0998h)

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

1 New Section; Schools; Instruction of Pupils; Facial Coverings Policy. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Facial Covering Policy for Schools. The school board of a school district or the chief executive officer of a chartered public school or public academy shall not adopt, enforce, or implement a policy that requires students or members of the public to wear a facial covering for any purpose while on the school's property unless the facial covering is necessary for a specific extracurricular or instructional purpose, or is required by some other section of the law.

I. In this section, "facial covering" means any item worn on the face which covers a student's mouth, nose, or both. This provision shall not prohibit any public school board or governing person or body of a school from requiring participating students to wear athletic gear intended to protect against concussive or similar sports-related physical damage, or to wear protective equipment while handling chemicals, fire, or other similar hazardous elements for scientific or similar educational purposes.

II. Any person claiming to be aggrieved by a violation of this section, including the attorney general, may initiate a civil action against a school, school district, school board, or other public education agency in superior court for injunctive and other legal or equitable relief. Any person aggrieved by an act prohibited by this section may also pursue all of the remedies available under RSA 491, RSA 275-E, or any other applicable common law or statutory cause of action.

III. Violation of this section by an educator shall be considered a violation of the educator code of conduct that justifies disciplinary sanction by the state board of education. For the purposes of this section, "educator" means a professional employee of any school whose position requires certification by the state board pursuant to RSA 189:39.

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

AMENDED ANALYSIS

This bill prohibits school boards and other public education agencies from adopting, enforcing, or implementing a policy that requires students or members of the public to wear a facial covering.
Majority committee amendment adopted.

The question being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Tanner offered floor amendment (1083h).

Floor Amendment (1083h)

Amend RSA 189:10-a as inserted by section 1 of the bill by deleting paragraph III.

Rep. Tanner spoke in favor.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 152 - NAYS 168**YEAS - 152****CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

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

Bordenet, John
Gomarlo, Jennie
Toll, Amanda Elizabeth

Faulkner, Barry
Maneval, Andrew
Von Plinsky, Sparky

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Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Connors, Erika
Espitia, Manny
Herbert, Christopher
Klee, Patricia
Leishman, Peter
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Goley, Jeffrey
Schmidt, Janice
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Jack, Martin
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wolf, Dan

Allard, James
Ellison, Arthur
Luneau, David
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Bartlett, Christy
Gallager, Eric
MacKay, James
Schuett, Dianne
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schultz, Kristina
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

Conley, Casey
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 168**BELKNAP**

Aldrich, Glen
Hough, Gregg
Ploszaj, Tom

Bean, Harry
Howard, Raymond
Silber, Norman

Comtois, Barbara
Johnson, Dawn
Sylvia, Michael

Harvey-Bolia, Juliet
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Umberger, Karen

Cordelli, Glenn

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Gordon, Edward
Simon, Matthew

Berezhny, Lex
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

Sanborn, Gail
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lewicke, John
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Andrus, Louise
Leavitt, John
Pitaro, Matthew
Testerman, Dave

Cambrils, Jose
McGuire, Carol
Rogers, Katherine
Wells, Natalie

Kennedy, Margaret
Moffett, Michael
Boyd, Stephen
White, Nick

Klose, John
Pearl, Howard
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Green, Dennis
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Abramson, Max
Belanger, Cody
Dodge, Dustin
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and floor amendment (1083h) failed.

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

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

YEAS 166 - NAYS 157

YEAS - 166

BELKNAP

Aldrich, Glen
Hough, Gregg
Ploszaj, Tom

Bean, Harry
Howard, Raymond
Silber, Norman

Comtois, Barbara
Johnson, Dawn
Sylvia, Michael

Harvey-Bolia, Juliet
O'Hara, Travis
Terry, Paul

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Avellani, Lino
Umberger, Karen

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Cordelli, Glenn

MacDonald, John

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Rhodes, Jennifer

Santonastaso, Matthew

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Davis, Arnold

Merner, Troy

Theberge, Robert

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Gordon, Edward

Berezhny, Lex
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Folsom, Beth
Ladd, Rick

Sanborn, Gail
Simon, Matthew

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Lekas, Alicia
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Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Griffin, Barbara
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lewicke, John
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

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

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Walsh, Thomas

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

ROCKINGHAM

Abbas, Daryl
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Abrami, Patrick
Belanger, Cody
Dodge, Dustin
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Abramson, Max
Bernardy, JD
Dolan, Tom
Gay, Betty
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Green, Dennis
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

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Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 157**CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

Abbott, Michael
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

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

Bordenet, John
Gomarlo, Jennie
Toll, Amanda Elizabeth

Faulkner, Barry
Maneval, Andrew
Von Plinsky, Sparky

COOS

Kelley, Eamon

Hatch, William

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

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Stevens, Deb
Van Houten, Constance

Bouldin, Andrew
Bergeron, Paul
Connors, Erika
Espitia, Manny
Herbert, Christopher
Klee, Patricia
Leishman, Peter
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Telerski, Laura
Vann, Ivy

Boyd, Bill
Bouchard, Donald
Cornell, Patricia
Goley, Jeffrey
Schmidt, Janice
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Toomey, Dan
Veilleux, Daniel

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Jack, Martin
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

Allard, James
Ellison, Arthur
Luneau, David
Rogers, Katherine
Shurtleff, Steve
Wolf, Dan

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Acton, Dennis
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
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Meuse, David
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Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
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Grossman, Gaby
Maggiore, Jim
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Smith, Marjorie
Southworth, Thomas

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Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Conley, Casey
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the majority committee report was adopted.

MOTION TO PRINT DEBATE

Rep. Espitia moved that the debate on **HB 1131**, relative to facial covering policies for schools, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 1131

Speaker Packard: The bill being on second reading and open to further amendment, Rep. Tanner moves floor amendment (1083h). It is in your seat pockets and the Chair recognizes Rep. Tanner.

Representative Tanner: Thank you, Mister Speaker. I offer floor amendment (1083h). This bill is about the mask issue, which particularly in schools has been an extremely contentious and divisive issue. HB 1131, the main bill, offers a rigid solution by prohibiting school boards and other public agencies from adopting, enforcing or implementing a policy that requires students or members of the public to wear a facial covering. This amendment speaks to the third section of that bill, which requires teachers not to require masks and puts them in double jeopardy. Either they are following the school board policy, which if they do not follow that policy, they can be fired for insubordination or if they do the opposite and don't require the masks, or do require the masks, they are taken before the code of conduct by the Department of Education and they lose their teacher certification. This is double jeopardy and that's why I would like this part of the bill removed through this amendment so that teachers would not be put in the situation where they are damned if they do and damned if they don't. Thank you.

Speaker Packard: There is going to be a division vote on this amendment so members will be taking their seats. We are at the last speaker. The Chair recognizes Rep. Blasek.

Representative Blasek: This amendment would, as the previous speaker said, remove the responsibility of the educator to follow the law. So, essentially, a district would never actually make a mask policy if this bill passes because that would be illegal. So, therefore, if an educator, like a principal or a teacher decides to violate this law and implement a mask policy, they should be held accountable.

Speaker Packard: Rep. Blasek requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote on the amendment. Members take their seats. The motion before us is the floor amendment by Rep. Mullen. This is going to be a roll call vote. The Chair recognizes Rep. Mullen for a parliamentary inquiry.

Representative Mullen: Thank you, Mister Speaker. Mister Speaker, if I know that teachers are expected to follow the direction of their administrators, the superintendent and local school boards or they are considered insubordinate. And, if I know procedures and policies for supervision and disciplinary actions are the joint effort of school boards and bargaining units and not within the control of the individual teacher, would I now acknowledge the reality of the chain of command for our educators by pushing the green button to support the amendment? Thank you.

Speaker Packard: The Chair recognizes Rep. Cordelli for a parliamentary inquiry.

Representative Cordelli: Thank you, Mister Speaker. If I know that teachers who violate the law or are insubordinate should be held accountable and that this floor amendment would remove that accountability, would I now press the red button?

Speaker Packard: This is going to be a roll call vote on the floor amendment, the Tanner floor amendment. 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. 152 voting Yea, 168 voting Nay, the floor amendment fails. We are back to the original majority report of Ought to Pass as Amended. The Chair recognizes Rep. Tanner.

Representative Tanner: Thank you, Mister Speaker. I don't have to tell anyone here, no matter which side of the mask issue you are on, that's it's been extremely contentious and divisive like I said before. We have many bills that are dealing with masks in several different committees. Unfortunately, schools have taken the brunt of much of the controversy. With no clear requirement or support from the Department of Education on how to provide an adequate education, keep students and staff safe during COVID, the COVID pandemic, and at the same time deliver the support, provide the lunches, maintain a safety net, schools, public schools were on their own to come up with solutions and procedures. All of us did this the past two years. Schools tried to make the best decisions based on what information was given them from state agencies, the Governor's office, the State Chief Medical Officer. HB 1131 offers an extreme and rigid solution to the mask issue and then enforces it with a sledgehammer. This bill requires public schools to adopt the policy that will prohibit schools or school districts from adopting, enforcing or implementing a policy that requires students, members of the public attending meetings or coming onto school property from wearing a mask or facial covering. Enforcement of HB 1131 gives any person claiming to be aggrieved by a violation of this bill, including the Attorney General, the ability to initiate a civil action, a lawsuit, against the school, the school district, the school board or any other public education agency. Did I mention the sledgehammer? Did I have a floor amendment? In section three of this bill is a totally uncalled for attack on teachers. A teacher who follows a mask requirement that might be at the direction of the school, the Governor, the State Medical Officer or the Department of Education, risks being fired for not following employment procedures. If the teacher follows the measure outlined in this bill by not requiring a mask, they may risk losing their teaching credential, their license, their very livelihood by violating the code of conduct. This is making an employee choose between getting fired or losing their teaching license and not being able to teach. This is the true definition of double jeopardy. That is the sledgehammer approach. This is an extreme measure to block a common, proven public health procedure to slow the airborne transmission of diseases. This is an extreme measure that attacks schools and teachers who are doing their best under unprecedented circumstances. This is an extreme measure that puts schools in double jeopardy of meeting their responsibility of keeping students and staff as safe as they can under the guidance of the Chief Medical Officer of our state and the Governor's Emergency Orders and the Center for Disease Control for the Federal Government and complying with this restrictive policy. I urge you to vote red on the OTP for this so an ITL can be offered. Thank you.

Speaker Packard: Rep. Blasek has requested a roll call. We are down to our last speaker. Is that sufficiently seconded? It is sufficiently seconded. This is going to be a roll call vote. Members take your seats. The Chair recognizes Rep. Blasek.

Representative Blasek: Thank you, Mister Speaker. HB 1131, as amended, is first and foremost a parental rights bill. It allows parents and public schools to make the best choice for their child in regard to facial coverings. Proponents of universal mask mandates in schools have yet to conclusively prove that masks are helpful and that they do no harm. To date there have been no randomized clinical control trials of children in masks. Champions of mask mandates might cite the Bangladesh study that not only used, was riddled with severe design flaws, but also found that cloth masks, which are the masks used by the majority of students in schools, had no effect and surgical masks had statistically insignificantly effect. They might also cite the recent CDC promoted survey study of schools but again this study was severely flawed. Of 1,000 people surveyed, they only got 4/10ths of 1% response rate. COVID cases were based on contact tracing, but in many locations, if the student was masked, they were not traced and overall they found a significant rise in all infections in the masked mandated schools. The list of flawed studies goes on from there, but suffice it to say that there is no conclusive evidence that we are helping the students, the teachers or the community by forcing children to wear masks. But over the last two years, papers have started to emerge showing harms to children. There are now studies showing the physical, emotional, psychological and educational detriments to children from mask mandates. Testimony in the hearing for this bill was heart wrenching as parents shared their stories, including a child who attempted suicide and extreme mask anxiety was a contributing factor to her depression. Numerous speech pathologists wrote testimony about the severe speech development harms they are seeing from masking. This cannot be allowed to continue any longer. We are not conferring any benefit to these students by forcing them to wear a mask and we are potentially harming them. The DHHS recently changed their indoor masking guidance and DOE and the Governor announced that the school systems had to drop their mask mandates, but to date, some districts still have mask requirements and refuse to drop them. In addition, several school systems have pledged to mask the children every winter for cold and flu season. I urge you to vote Ought to Pass on this bill so that we can finally end the unscientific and potentially harmful mandates and allow parents to make the best decisions for their children.

Speaker Packard: This will be a roll call vote. Members will take their seats. The House will be in order. The Chair recognizes Rep. Mullen for a parliamentary inquiry.

Representative Mullen: Thank you, Mister Speaker. Mister Speaker, if I know that this bill, as written, eliminates the superintendent of schools from the chain of command of decision making. If I know that it ignores the board of directors at the chartered public school. And if I know that this bill opens up the possibility of civil litigation by any aggrieved party towards a school, school district, school board or other public education agency and weaponizes the teacher code of conduct. And if I believe that the unintended consequences of encouraging litigation over collaboration will shortchange both our students and our constituents, would I now push the red button to oppose the majority recommendation of OTP/A? Thank you.

Speaker Packard: The Chair recognizes Rep. Cordelli for a parliamentary inquiry.

Representative Cordelli: Thank you, Mister Speaker. If I know that the state has said that masks should be an individual choice. If I know that there was an error on the pink sheet on this bill. If I know that for too long schools have ignored the education impact and harm to children of wearing masks all day. And if agree with the recent headline, "The educational cost of face mask coverings is far better established than the benefits of mandates," would I now say enough is enough and press the green button?

Speaker Packard: The House will be in order. The motion before us is the majority report of Ought to Pass as Amended on HB 1131. 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. 166 voting Yea, 157 voting Nay, the committee report is adopted.

REGULAR CALENDAR CONT'D

HB 1132, relative to applications for a charter conversion school. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Lekas for the Majority of Education. This bill, as amended, removes certain vote requirements for conversion of a public school to a chartered public school and adds the requirement for a two-thirds vote of the school district at a regular annual meeting. The original bill requires a majority vote. The amendment changes it to a two-thirds vote. Vote 11-8.

Rep. Arthur Ellison for the Minority of Education. The minority believes that this bill provides for the opportunity to dismantle public schools by taking away the responsibility for local schools from locally elected school boards. This bill allows a local school district to convert their public school(s) to public charter schools without any input from the teaching/administrative staff of the existing public school. Such action would immediately terminate any existing contracts between teachers, administrators, and other school employees and the local school district. New agreements would have to be negotiated between these employees and the charter school trustees. Since only 50% of the teachers in the new charter conversion school need to be certified by the Department of Education, the quality of the educational experience for students in those schools is an open question.

Majority Amendment (0970h)

Amend RSA 194-B:3, VI(a) as amended by section 1 of the bill by replacing it with the following:

VI.(a) Any existing public school may by a vote of the school board *and a 2/3 majority vote taken by the school district at a regular annual meeting pursuant to RSA 195, RSA 197, or the governing charter, called for the purpose and provided that an article is inserted in the warrant for said meeting to* become a charter conversion school[, ~~provided that, in addition to all other requirements of this chapter for establishment of a chartered public school:~~

~~(1) A majority of its prospective teachers vote by ballot to approve such conversion in a district with more than one school, or 2/3 of the teachers so vote in a single school district.~~

~~(2) The school superintendent and principal both provide their approval in writing].~~

AMENDED ANALYSIS

This bill removes certain vote requirements for conversion of a public school to a chartered public school and adds the requirement for a two-thirds majority vote of the school district at a regular annual meeting. Majority committee amendment adopted.

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

Rep. Woodcock spoke against.

Rep. Alicia Lekas spoke in favor.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 164 - NAYS 148**YEAS - 164****BELKNAP**

Aldrich, Glen
Hough, Gregg
Silber, Norman

Bean, Harry
Howard, Raymond
Sylvia, Michael

Comtois, Barbara
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Ploszaj, Tom

CARROLL

Avellani, Lino

Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

Qualey, James

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Gordon, Edward
Simon, Matthew

Berezhny, Lex
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

Sanborn, Gail
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lewicke, John
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lascelles, Richard
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Walsh, Thomas

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Harb, Robert

Abrami, Patrick
Belanger, Cody
Dodge, Dustin
Ford, Oliver
Hobson, Deborah

Abramson, Max
Bernardy, JD
Dolan, Tom
Gay, Betty
Nelson, Jodi

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Bershtein, Alan
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Janigian, John

Katsakiores, Phyllis
Litchfield, Melissa
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Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

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Love, David
McMahon, Charles
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Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
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Kimball, Mary Ann
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Ankarberg, Aidan
Harrington, Michael
Turcotte, Leonard

Bailey, Glenn
Hayward, Peter
Wuelper, Kurt

DeLemus, Susan
Kaczynski, Thomas

Groen, Fenton
Pitre, Joseph

Aron, Judy
Spilsbury, Walter

Callum, John
Stapleton, Walter

Merchant, Gary
Smith, Steven

Rollins, Skip

STRAFFORD

SULLIVAN

NAYS - 148

CARROLL

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

Abbott, Michael
Fenton, Donovan
Parshall, Lucius
Von Plinsky, Sparky

Ames, Richard
Fox, Dru
Rhodes, Jennifer
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

Faulkner, Barry
Maneval, Andrew
Toll, Amanda Elizabeth

CHESHIRE

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Griffith, Willis
Schmidt, Janice
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Toomey, Dan
Veilleux, Daniel

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Jack, Martin
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Vail, Suzanne
Wilhelm, Matthew

Bergeron, Paul
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Stevens, Deb
Van Houten, Constance

Bouchard, Donald
Cornell, Patricia
Goley, Jeffrey
Herbert, Christopher
Klee, Patricia
Leishman, Peter
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Telerski, Laura
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Schamberg, Thomas
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Shurtleff, Steve
Wolf, Dan

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Soucy, Timothy
Woods, Gary

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Guthrie, Joseph
Malloy, Dennis
Read, Ellen

Cahill, Michael
Gilman, Julie
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Murray, Kate
Paige, Mark
Ward, Gerald

DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Pantelakos, Laura

STRAFFORD

Bixby, Peter
Fargo, Kristina
Oxaal, Ariel
Treleaven, Susan

Cannon, Gerri
Grassie, Chuck
Schmidt, Peter
Wall, Janet

Chase, Wendy
Horrigan, Timothy
Rich, Cecilia

Conley, Casey
Levesque, Cassandra
Southworth, Thomas

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

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

HB 1137, relative to the duty of school boards to provide education. **REFER FOR INTERIM STUDY.**

Rep. Ralph Boehm for Education. This bill provides more than the title provides. More research is needed for what is needed for school board duties concerning superintendents, parents, teachers, etc. In the past few years issues have been brought up on parental input, student teaching, etc. This Interim Study will allow us to research existing laws, rules, and policies and maybe suggest different laws and regulations. Vote 12-6. Committee report adopted.

HB 1152, relative to verification of eligible students under the education freedom account program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick Ladd for the Majority of Education. This bill requires that eligible students in the education freedom account (EFA) program continue to verify eligibility for free and reduced-price meals. To be eligible for an EFA, a student must be a resident of the state whose annual family income at the time of application to the program is less than 300 percent of the federal poverty guidelines. To be eligible for the portion of differentiated aid established for free or reduced-price meal program support, the student, as with students in the public school program, must annually complete a free or reduced-price meal program application. This application must be processed annually and in all subsequent years to determine eligibility for this portion of differentiated aid. The process is administered by the scholarship organization with reporting submitted to the Department of Education. Eligibility for participation as an EFA student is determined one time upon initial admittance to the program. There is no need for this legislation. Vote 10-9.

Rep. David Luneau for the Minority of Education. As of November 2021, the Department of Education reported just 879 of the total 1,635 education freedom account students meet income eligibility requirements in order to receive additional state funds. This bill requires annual verification before these additional taxpayer dollars are deposited to a student's account. Public school students must annually meet income eligibility requirements in order for their school district to receive this additional state aid as determined by RSA 198:40-a. The minority believes this bill is necessary to ensure compliance with current law.

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

HB 1190, relative to rulemaking by the state board of education for compliance with federal provisions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Hobson for the Majority of Education. Improper funding of state mandates in New Hampshire violates our New Hampshire Constitution under Part First, Bill of Rights, Article 28-a. These programs become local taxpayer responsibilities with only a rising property tax bill to let them know the program exists. This measure does not oppose the federal government, but does tell the state board they cannot create rules where there is a lack of federal funding. Similar bills have been heard in the Education Committee, and this committee has also voted down federal legislation that could not be fully funded. Vote 10-9.

Rep. Marjorie Porter for the Minority of Education. This bill prevents the State Board of Education from adopting administrative rules that require a school district to comply with a federally mandated curriculum or program of study not fully funded by federal or state funds. Simply not writing rules for compliance will not stop districts from having to follow those mandates. However, not following federal mandates could cost the state millions in federal aid districts and the Department of Education rely on to provide programs and services to students. Of particular concern are mandates surrounding the Individuals with Disabilities Education Act (IDEA) and special education services. This is a feel-good bill that accomplishes nothing, but could cause great harm to students who require special education services to thrive.

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

On a division vote, with 166 members having voted in the affirmative, and 146 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 1233, prohibiting higher education institutions receiving state funds from requiring face masks and COVID-19 vaccinations for attendance. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the Majority of Education. This bill prohibits higher education institutions from requiring a COVID-19 vaccination or face masks for enrollment or attendance. The majority recommends Interim Study as it has been determined that there are a number of higher education studies that rightfully so require masks for the purpose of safety to one's person or others within professions such as engineering, medical, chemistry, and more. This bill requires further study. Vote 11-7.

Rep. David Luneau for the Minority of Education. The bill prohibits state community colleges and universities from requiring students to be vaccinated against COVID-19. Without vaccination policies, deadly viruses like

measles, mumps, and rubella, that have been managed well for decades, could spread like wildfire. The bill doesn't deserve further study. Or maybe more frequent boosters should be recommended as protection against the increased risk of viral spread. Tell that to families who have lost loved ones to COVID-19. To recommend further study simply ignores how vaccines have reduced disease and increased life expectancy. Vaccination policy should be left to the institution trustees and one only needs to look at modern history to see this bill should be rendered Inexpedient to Legislate.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1233**, prohibiting higher education institutions receiving state funds from requiring face masks and COVID-19 vaccinations for attendance, be laid on the table.
Motion adopted.

REGULAR CALENDAR CONT'D

HB 1241, prohibiting a school district from mandating a COVID-19 vaccination for school attendance.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Glenn Cordelli for the Majority of Education. A member of the FDA Advisory Committee concerning COVID-19 vaccines for children ages 5 to 11 has stated, "we're never going to learn about how safe the vaccine is until we start giving it. That's just the way it goes." Children have a 99.997% survivability from COVID-19, but we are going to mandate vaccinations? We have had legislation this year to require COVID-19 vaccinations in order to attend school; do we really want to deny an education to children if they choose not to get vaccinated? This is more about control than it is about science. This bill prohibits any school district from mandating vaccinations as a condition to attend school. Why would we allow these mandates? Why would we play into the control agenda? We should follow the science, not the political science, and prohibit these mandates. Vote 10-8.

Rep. Stephen Woodcock for the Minority of Education. This bill is superfluous as the Department of Health and Human Services controls the vaccinations required to attend public schools. As passed, it has zero legal weight and will be overruled when and if the Department of Health and Human Services deems COVID-19 vaccinations are required for public school attendance.

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

On a division vote, with 166 members having voted in the affirmative, and 148 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 1261, prohibiting the use of Native American mascots in public schools, colleges, and universities.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Michael Moffett for the Majority of Education. The majority takes issue with the notion that the use of indigenous Native American Indian symbols by schools or sports teams is inherently disrespectful or derogatory. To the contrary, such symbolism was intended to honor various qualities and attributes of Native Americans. Indeed, many polls show significant support among Native Americans for continued associations with sports teams and educational institutions. Activists emotionalize and define the issue on their terms and even seek to ban such generic nicknames as "warriors" which are not even specific to Native Americans. Further, this should be a matter of local control. Schools or communities should have their own discussions on the issue of retaining or rejecting such symbols, as opposed to having the heavy hand of the state deployed to impose policies favored by activists who see no need for compromise. Vote 10-9.

Rep. David Luneau for the Minority of Education. This bill prohibits a public educational institution from using a Native American mascot, except under certain circumstances. The minority believes that use of Native American mascots should be prohibited in public high school and public intercollegiate sports. The use of offensive imagery and indigenous slurs was never a good idea and today we are well beyond the time to prohibit this reprehensible practice. The committee heard from members of New Hampshire's Indigenous People community as to the offensive nature of these mascots, monikers, and team names. This practice does not honor Native Americans, but instead invokes racism and is a blatant and shameful form of discrimination.

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

Rep. Hall spoke against.

Rep. Moffett spoke in favor and yielded to questions.

Rep. Tanner requested a roll call; sufficiently seconded.

YEAS 170 - NAYS 143

YEAS - 170

BELKNAP

Aldrich, Glen
Hough, Gregg
Ploszaj, Tom

Bean, Harry
Howard, Raymond
Silber, Norman

Comtois, Barbara
Johnson, Dawn
Sylvia, Michael

Harvey-Bolia, Juliet
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Umberger, Karen

Cordelli, Glenn

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Gordon, Edward
Simon, Matthew

Berezhny, Lex
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

Sanborn, Gail
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lascelles, Richard
Mooney, Maureen
Post, Lisa
Rung, Rosemarie
Ulery, Jordan

Alexander, Joe
Baroody, Benjamin
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lewicke, John
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Rouillard, Claire
Lekas, Tony

MERRIMACK

Allard, James
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cambrils, Jose
Leavitt, John
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Belanger, Cody
Dodge, Dustin
Ford, Oliver
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Bernardy, JD
Dolan, Tom
Gay, Betty
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Green, Dennis
Janigian, John
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Toriosian, Peter
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 143**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

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

Bordenet, John
Gomarlo, Jennie
Toll, Amanda Elizabeth

Faulkner, Barry
Maneval, Andrew
Von Plinsky, Sparky

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Weston, Joyce

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Andrew
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Jack, Martin
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Rombeau, Catherine
Toomey, Dan
Veilleux, Daniel

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Newman, Sue
Vail, Suzanne
Wilhelm, Matthew

Bergeron, Paul
Connors, Erika
Espitia, Manny
Herbert, Christopher
Klee, Patricia
Leishman, Peter
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Stevens, Deb
Van Houten, Constance

Bouchard, Donald
Cornell, Patricia
Griffith, Willis
Schmidt, Janice
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Perez, Maria
Newman, Ray
Telerski, Laura
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Gallager, Eric
MacKay, James
Schuett, Dianne
Wazir, Safiya

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Shurtleff, Steve
Woods, Gary

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Ward, Gerald

Cali-Pitts, Jacqueline
Grossman, Gabby
Maggiore, Jim
Pantelakos, Laura

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Treleaven, Susan

Chase, Wendy
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Conley, Casey
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the majority committee report was adopted.

HB 1283, relative to liability as taxable income of education freedom account payments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the Majority of Education. The education freedom account program statutes include the provision that monies in the account are not taxable. The bill would repeal that provision. But why? Every state with a similar program has the same language in their legislation. Based upon discussions with experts, nobody in a state with such a program has ever had those funds taxed, and the Arizona program dates back 10 years. There is a saying that if it is not broke, don't fix it. Thus, for us, the saying should read it's not broke, so find it Inexpedient to Legislate. Vote 10-9.

Rep. David Luneau for the Minority of Education. Current law in RSA 194-F:2 contains a statement that education freedom account funds are not subject to tax. The minority believes this is a misleading, unnecessary, and potentially incorrect statement. These taxpayer funds are used to pay for private school tuition and home school costs at the direction of the parent or guardian and are not considered a tax-exempt transaction by the Internal Revenue Service. At the federal level, several attempts to make voucher payments exempt from federal taxes have failed. This bill does not change policy and simply removes what may be incorrect information.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1283**, relative to liability as taxable income of education freedom account payments, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1298-FN, relative to eligibility for the education tax credit. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the Majority of Education. The Education Tax Credit Scholarship Program dates back to 2012. The average scholarship is approximately \$2,600 compared to the state average cost per student of over \$18,000. Yet parents are finding great education solutions. A recent parent survey found 94% satisfied and no parent dissatisfied with their new education option. As with the new Education Freedom Account Program, there is a family income cap of 300% of the federal poverty guidelines. That limits participation to about only one-third of New Hampshire families. Too often, government programs provide for low-income families but ignore the middle class. It is time that we increase the income cap to 500% of poverty level and provide opportunities for lower middle income family children. The awarding of scholarships is based upon the number and amount of donations received. Unless there is a significant increase in donations, no scholarships would be provided to families with incomes above the current cap. And the law requires 40% of scholarships to go to families with incomes under 185% of poverty. That will not change. Why pass this bill and raise the cap then? It will send a message to New Hampshire families that we value education opportunities for all. It will send a message to businesses that they have expanded opportunities to help families with their donations. It is time to send a message. It is time to raise the cap. Vote 10-9.

Rep. Stephen Woodcock for the Minority of Education. The tax credit scholarship fund was created to support students from low-income families. This bill expands the annual income parameter from 300% of the federal poverty guidelines (approximately \$79,000 annual income for a family of four) to 500% of the federal poverty guidelines (approximately \$132,000 annual income for a family of four). Currently, the program has a waiting list larger than the number of students that they have served. Why would the legislature want to expand the annual income requirements by almost \$50,000 when the organization can't service the student request that they currently review? Additionally, there is nothing contained within the legislation to require low-income families to be granted funding before those families with expanded incomes of the additional \$50,000. Approximately 45% of the students currently served meet the federal guidelines for free and reduced lunch which also means that 55% are above the lowest threshold.

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

Rep. Woodcock spoke against.

Rep. Cordelli spoke in favor.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 159 - NAYS 152**YEAS - 159****BELKNAP**

Aldrich, Glen
Hough, Gregg
Silber, Norman

Bean, Harry
Johnson, Dawn
Sylvia, Michael

Comtois, Barbara
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Ploszaj, Tom

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Umberger, Karen

Cordelli, Glenn

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Gordon, Edward

Berezhny, Lex
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

Sanborn, Gail
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Sanborn, Laurie
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Lanzara, Tom
Mooney, Maureen
Post, Lisa
Rouillard, Claire

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lascelles, Richard
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Marston, Dick
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

MERRIMACK

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

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

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

Klose, John
Pearl, Howard
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Belanger, Cody
Dodge, Dustin
Ford, Oliver
Hobson, Deborah
Khan, Aboul
Love, David
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Abrami, Patrick
Bernardy, JD
Dolan, Tom
Gay, Betty
Nelson, Jodi
Kimball, Mary Ann
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Green, Dennis
Janigian, John
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Harb, Robert
Katsakiores, Phyllis
Litchfield, Melissa
Major, Norman
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Pitre, Joseph

Bailey, Glenn
Hayward, Peter
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 152**BELKNAP**

Howard, Raymond

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

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

Bordenet, John
Gomarlo, Jennie
Toll, Amanda Elizabeth

Faulkner, Barry
Maneval, Andrew
Von Plinsky, Sparky

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Fellows, Sallie
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Hakken-Phillips, Mary
Murphy, James
Weston, Joyce

Almy, Susan
Ham, Bonnie
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Goley, Jeffrey
Harriott-Gathright, Linda
Jeudy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Rombeau, Catherine
Telerski, Laura
Vann, Ivy

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Graham, John
Herbert, Christopher
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rung, Rosemarie
Toomey, Dan
Veilleux, Daniel

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Klein-Knight, Nicole
Lewicke, John
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Vail, Suzanne
Wilhelm, Matthew

Bergeron, Paul
Connors, Erika
Espitia, Manny
Hamer, Heidi
Jack, Martin
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Newman, Ray
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Caplan, Tony
Hall, Muriel

Allard, James
Ebel, Karen
Lane, Connie

Andrus, Louise
Ellison, Arthur
Luneau, David

Bartlett, Christy
Gallager, Eric
MacKay, James

McWilliams, Rebecca
Shurtleff, Steve
Wolf, Dan

Pimentel, Roderick
Soucy, Timothy
Woods, Gary

Schamberg, Thomas
Wallner, Mary Jane

Schuett, Dianne
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Paige, Mark
Ward, Gerald

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Read, Ellen

STRAFFORD

Bixby, Peter
Fargo, Kristina
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Oxaal, Ariel
Treleven, Susan

Chase, Wendy
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

Conley, Casey
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Doucette moved that the House reconsider its action whereby, on a roll call vote of 159-152, the House adopted the majority committee report of Ought to Pass on **HB 1298-FN**, relative to eligibility for the education tax credit.

Rep. Doucette spoke against.

On a division vote, with 152 members having voted in the affirmative, and 162 in the negative, the motion failed.

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, Wednesday, March 16, 2022 at 9:00a.m.

Motion adopted.

LATE SESSION

Third Reading and Final Passage

HB 118, relative to the fish and game commission.

HB 1039, relative to the definition of "beverage manufacturer retail outlet" and certain liquor licenses and fees.

HB 1048, relative to minimum nonforfeiture amounts under the standard nonforfeiture law for individual deferred annuities.

HB 1249, relative to weights and measures.

HB 1558, relative to insurance holding companies.

HB 1559, relative to laws administered by the insurance department.

HB 1613-FN, relative to certain liquor manufacturers.

HB 1067-FN, relative to limitations on prosecution for first degree assault.

HB 1246-FN, relative to interlock devices.

HB 1335-FN, relative to the parole board and the procedure for medical parole of prisoners.

HB 1360-FN, relative to penalties for controlled drug violations.

HB 1164, revising the agriculture in the classroom committee.

HB 1236, relative to the legislative oversight committee for the education improvement and assessment program.

HB 1263, relative to prescribed studies on health, physical education, wellness, and personal finance literacy in schools.

HB 1513-FN, relative to the definition of a child with a disability for purposes of special education.

HB 1530, establishing curricular transfer pathways between the community college system of New Hampshire and the university system of New Hampshire.

HB 1594, relative to assistance to certain students with disabilities in registering to vote.

HB 1626, relative to the unique pupil identification system.

HB 1663, relative to requirements for home education students.

HB 1671-L, relative to the content of an adequate education.

HB 1163, relative to over voted ballots.

HB 1457-FN, relative to chain of custody of ballot boxes after an election.

HB 1467-FN, requiring partial audits of additional offices on ballots involved in recounts.

HB 1527-FN, relative to vote returns.
HB 1186, relative to companion animals during a declared state of emergency.
HB 1018, relative to the board of medical imaging and radiation therapy.
HB 1182, relative to the board of court reporters.
HB 1192, relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.
HB 1256-FN, relative to positions within the department of military affairs and veterans services.
HB 1344, relative to the authority of real estate brokers.
HB 1035, relative to exemptions from school vaccine mandates.
HB 1045, relative to the composition of the ethics oversight advisory committee.
HB 1139, relative to ophthalmic prescription requirements.
HB 1244-L, relative to parental consent to medical and dental treatments of children in schools.
HB 1345, relative to the release of a teenager's medical records to a parent or guardian.
HB 1487, relative to the procedure for withdrawal from the vaccine registry.
HB 1488, expanding the prohibition against discrimination based on an individual's election not to participate in the state vaccine registry.
HB 1606, making the state vaccine registry an opt-in program.
HB 1448, relative to the pretermitted heir statute.
HB 1579, relative to landowner liability on land authorized for outdoor recreational activities.
HB 1592-FN, allowing parties in family court cases to create their own recordings of the proceedings.
HB 1597-FN, permitting arraignments for felonies and preliminary examinations to be heard in circuit court.
HB 1269, relative to certain legislative study committees.
HB 1069, relative to the election of village district commissioners.
HB 1272, limiting the authority of town health officers.
HB 1293, relative to the design of sewage or waste disposal systems for a person's own domicile.
HB 1375, relative to the definition of veteran.
HB 1406, authorizing municipalities to collect compost.
HB 1280, prohibiting a parent's refusal to vaccinate a child pursuant to an order of the state or federal government to be used as a basis for terminating parental rights.
HB 1305, relative to temporary alimony.
HB 1382, relative to the presumption of shared parenting in the determination of parental rights and responsibilities.
HB 1416, relative to consent for mental health treatment in parenting cases with shared decision-making responsibility.
HB 1431-FN-L, establishing the parental bill of rights.
HB 1518-FN-L, relative to the requirements for appointed guardians.
HB 1612-FN, relative to the confidentiality of reports made to the division for children, youth, and families.
HB 1614-FN, requiring the recording and storing of digital video in all state-funded juvenile detention facilities.
HB 1503-FN, exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws and adopting the Uniform Commercial Code relative to controllable electronic records.
HB 1583-FN, relative to days of operation of state liquor stores.
HB 1085, relative to ignition lock requirements.
HB 1178, prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.
HB 1266, relative to restrictions on enforcement of federal immigration laws.
HB 1296-FN, relative to the forfeiture of items used in connection with a drug offense.
HB 1476-FN, relative to persons arrested while out on bail.
HB 1131, relative to facial covering policies for schools.
HB 1132, relative to applications for a charter conversion school.
HB 1190, relative to rulemaking by the state board of education for compliance with federal provisions.
HB 1241, prohibiting a school district from mandating a COVID-19 vaccination for school attendance.
HB 1298-FN, relative to eligibility for the education tax credit.

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 6:45 p.m.

RECESS