



State of
New Hampshire

HOUSE RECORD

Second Year of the 167th General Court Calendar and Journal of the 2022 Session

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Vol. 44

Concord, N.H.

Wednesday, March 16, 2022

No. 7

HOUSE JOURNAL NO. 6 (Cont'd)

Tuesday, March 15, 2022

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

HOUSE JOURNAL NO. 7

Wednesday, March 16, 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.

In the middle of this week, O God, assure us again of Your presence in the midst of our lives. Renew our strength and determination to do Your will here on earth, even as it is done in heaven above. Guard and protect us from experiencing a sense of self-contentment and from having a vision that may be too narrow. Enable us to reach outside this chamber, into our communities and even stretch us further beyond our communities. May we somehow become Your agents of change. May those changes be for the good of all people here in New Hampshire and even some corner of this anguished world. We again come to You in prayer today with hopes that through our collective and unified prayers we might see an end to the war against Ukraine. We also ask for prayers for the Russian people who are caught in the middle of this war. O God, You created and breathed life into all of humanity. Every life is precious to You and in turn every life should be precious to each of us as well. O God of Love and Peace, I pray You will be with each member of this House, and I pray that You keep Your guiding and watchful hand upon each of them. Guide them and help them to make sound decisions for the people they represent and to make sound decisions for the State of New Hampshire. I pray that Your guiding hand upon each member will give them the courage and strength to guide their hearts in doing what is right and just for all people. Keep them all safe and healthy O God and free of any harm. We also ask that You be with all the leadership of the House. Keep Your hands upon them as they lead this body. O God of the Alpha and the Omega, may we be Your hands and feet in this world and again we ask that You help us to be your agents of change. It is in Your glory and honor we pray this day and every day. Amen.

Representative Laura Pantelakos, member from Portsmouth and the Dean of the House, led the Pledge of Allegiance.

The National Anthem was performed by the member from Marlborough, Representative Lucius Parshall.

LEAVES OF ABSENCE

Reps. Berch, Cleaver, Ellis, Mary Griffin, Hopper, Jack, Kimball, Laughton, Littlefield, Lundgren, Myler, Newton, Salloway, Sofikitis, Tudor and Vail, the day, illness.

Reps. Cote, Crawford and Harvey, the day, important business.

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

REGULAR CALENDAR CONT'D

HB 1332, excepting public universities and colleges from requirements under medical freedom in immunizations.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Glenn Cordelli for the Majority of Education. We all can agree that our community did not know the strength or extent of the virus in the recent COVID-19 pandemic. The medical community has been our strength and support throughout the last two years. The majority of the committee believes that medical

decisions on new treatments carry risks that should only be made upon consultation between patient and doctor. Additionally, immunizations that have not had the test of time and efficacy should be family decisions and not those of schools, businesses, or the New Hampshire state legislature. These rights are outlined in the New Hampshire Constitution under Part First, Article 4 "Rights of conscience unalienable." Vote 10-8. Rep. Linda Tanner for the Minority of Education. Vaccines have long been required for schools because of the close person to person contact in rooms and buildings where community transmission of diseases is likely. Vaccines have been one of the greatest medical tools of the 20th and 21st century for controlling and practically eliminating the threat of a long list of diseases like polio, smallpox, mumps, and tetanus. These vaccine requirements are set by the Department of Health and Human Services, not the schools themselves. This bill eliminates the exemption in the "Medical Freedom in Immunizations" law for any vaccination requirements for the University System of New Hampshire and Community College System of New Hampshire. Many career paths in health fields such as nursing have state-required vaccinations for students who will be doing clinical work to protect them and their patients. Let the proper agencies of state public health and the Department of Health and Human Services set the requirements for vaccinations, not the legislature, schools, or public universities. By placing these radical restrictions on the lifesaving vaccines, this bill endangers our students and staff as well as the safety of our public university and college campuses.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1332**, excepting public universities and colleges from requirements under medical freedom in immunizations, be laid on the table.

Rep. Cushman requested a roll call; sufficiently seconded.

YEAS 172 - NAYS 142

YEAS - 172

BELKNAP

Bean, Harry
Johnson, Dawn
Ploszaj, Tom

Comtois, Barbara
Lang, Timothy
Silber, Norman

Hough, Gregg
Mackie, Jonathan
Terry, Paul

Howard, Raymond
O'Hara, Travis
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
Umberger, Karen

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Hatch, William

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Griffin, Barbara
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
White, Nick

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

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

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Janigian, John
Love, David
McBride, Everett
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Vandecasteele, Susan
Wallace, Scott

Abrami, Patrick
Belanger, Cody
Dolan, Tom
Ford, Oliver
Harley, Tina
Khan, Aboul
Lynn, Bob
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Verville, Kevin
Welch, David

Abramson, Max
Bernardy, JD
Doucette, Fred
Green, Dennis
Hobson, Deborah
Layon, Erica
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Vose, Michael
Weyler, Kenneth

Acton, Dennis
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Litchfield, Melissa
Major, Norman
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 142**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

Ames, Richard
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
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Andrew
Cohen, Bruce
Espitia, Manny
Heath, Mary
Labranche, Tony
McGhee, Kat
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Smith, Timothy
Vann, Ivy

Beaulieu, Jane
Connors, Erika
Goley, Jeffrey
Herbert, Christopher
Leishman, Peter
Moran, Melbourne
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Bergeron, Paul
Cornell, Patricia
Griffith, Willis
Schmidt, Janice
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Bouchard, Donald
Dutzy, Sherry
Hamer, Heidi
Klee, Patricia
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Gallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

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

Ebel, Karen
Lane, Connie
Richards, Beth
Shurtleff, Steve
Woods, Gary

Ellison, Arthur
Luneau, David
Rogers, Katherine
Soucy, Timothy

ROCKINGHAM

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gay, Betty
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Gilman, Julie
Maggiore, Jim
Paige, Mark
Ward, Gerald

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Spang, Judith

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

Fargo, Kristina
Kenney, Cam
Rich, Cecilia
Wall, Janet

Frost, Sherry
Levesque, Cassandra
Sandler, Catt

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the motion was adopted.

Rep. Hatch voted Yea and intended to vote Nay.

REGULAR CALENDAR CONT'D

HB 1355, requiring the scholarship organization to refer suspected cases of misuse of funds or fraud in the education freedom account program to the attorney general. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the Majority of Education. This bill would revise language in the education freedom account statutes related to the misuse of funds. It would remove language that any misuse would have to be intentional and substantial to be reported to the Attorney General's Office. It would require any small, accidental use of funds by a parent to be reported. Rules for the program passed by the State Board of Education and the Joint Legislative Committee on Administrative Rules already address the required reporting and defines the meaning of intentional and substantial misuse. Therefore, this bill is not needed and might impact families trying to provide education options for their children. Vote 10-9.

Rep. David Luneau for the Minority of Education. Current law does not require the contractor that manages the education freedom account program to refer suspected cases of fraud or misuse to the attorney general for investigation. Voucher programs in other states have documented cases of fraud and misuse of taxpayer funds, such as for purchasing vacations and even a jet ski. The minority believes this oversight should be corrected in law and not left to the discretion of a contractor that keeps ten percent of taxpayer funds that are spent.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1355**, requiring the scholarship organization to refer suspected cases of misuse of funds or fraud in the education freedom account program to the attorney general, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1367, relative to civics instruction in schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the Majority of Education. Civics education is an important issue and last year we passed legislation to require passage of the civics naturalization examination developed by the 2020 United States Citizen and Immigration Services as a requirement for high school graduation. This amended bill requires schools to provide accommodations for children with disabilities. Current law specifies that local districts submit either their local civics assessment results or the U.S. Citizen and Immigration test results to the Department of Education. Since local assessments vary from district to district and having either submitted, it would not be possible to get any valid data on civics knowledge in the schools, this bill specifies that the U.S. Citizen and Immigration test results only be sent to the Department of Education. Vote 10-9.

Rep. Linda Tanner for the Minority of Education. This bill requires the public schools in New Hampshire to report test results from the United States Citizenship and Immigration Services test to the New Hampshire Department of Education. This online test, with all the answers also available online, is required for high school graduation. A school district's graduation credits and requirements are determined and certified by the local school board. Not only does this bill seem to be unnecessary, but we were given no logical reason for the use of the collection of this data. We do agree with the part of the bill requiring schools to provide accommodations to modify this test for a child with disabilities, which again, is already being done by the local school. This bill is totally unnecessary, is an unfunded mandate, and adds one more level of bureaucratic red tape and reporting.

Majority Amendment (0933h)

Amend the bill by replacing section 1 with the following:

1 Civics Instruction. Amend RSA 189:11, II to read as follows:

II. As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the required high school course in history and government of the United States and New Hampshire. To be eligible for a graduation certificate, a student

shall attain a locally sanctioned passing grade on the competency assessment, and a grade of 70 percent or better on the 128 question civics (history and government) naturalization examination developed by the 2020 United States Citizen and Immigration Services. Schools **are required to provide accommodations and** may modify the naturalization examination for a child with a disability in accordance with the child's individualized education program. By June 30 of each year, each school district shall submit the results of ~~[either the locally developed competency assessment of United States government and civics or]~~ the United States Citizenship and Immigration Services (USCIS) test to the department of education.

Majority committee amendment adopted.

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

HB 1376, relative to participation in the education freedom accounts program by students with disabilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah Hobson for the Majority of Education. This bill seeks to alert parents to the changes in a student's individualized educational plan (IEP) should the family decide to participate in an education freedom account (EFA). Children in "approved" nonpublic schools requiring special education services are covered by the Individuals with Disabilities Education Act (IDEA) in 20 USC section 1412 using an individual service plan. Special education services that may have been offered and delivered by public schools or sending districts or local education agencies are held at the school for the child for a specified period of time in the event the child returns to their sending district, they can resume the IEP. There are already provisions in New Hampshire rules to alert families to changes to their children's IEP. Additionally, there is notice within the Education Freedom Account Application to these changes. This measure is duplicative and will cause unnecessary confusion. Vote 10-8.

Rep. Patricia Cornell for the Minority of Education. Vouchers/EFAs limit your student's right to a free and appropriate public education. Current law does not ensure that parents of students with disabilities that are parentally placed in a non-public elementary or secondary school using an education freedom account (EFA) are adequately informed of their rights. The minority felt that the bill with amendment corrected this and ensured that parents of students with disabilities were given an explanation of their rights under the Individuals with Disabilities Education Act (IDEA), without having to search through what can be a confusing application form. The bill was written with input from the Department of Education. It is disappointing that we could not work together to improve the information that parents of students with disabilities receive, which was the intent of the bill.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1376**, relative to participation in the education freedom accounts program by students with disabilities, be laid on the table.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 153

YEAS - 179

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bean, Harry
Howard, Raymond
O'Hara, Travis
Terry, Paul

Bordes, Mike
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

Comtois, Barbara
Lang, Timothy
Silber, Norman
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
Umberger, Karen

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim

Ammon, Keith
Blasek, Melissa
Cushman, Leah

Boyd, Bill
Boehm, Ralph
Kelley, Diane

Griffin, Barbara
Burt, John
Smith, Denise

Erf, Keith
Gagne, Larry
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Fedolfi, Jim
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Foster, William
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Griffin, Gerald
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
White, Nick

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

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

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Khan, Aboul
Lynn, Bob
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Vandecasteele, Susan
Wallace, Scott

Abramson, Max
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Layon, Erica
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Verville, Kevin
Welch, David

Acton, Dennis
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Litchfield, Melissa
Major, Norman
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Ayer, Paul
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Love, David
McBride, Everett
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
True, Chris
MacDonald, Wayne
Yokela, Josh

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
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
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
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
Booras, Efsthia
Connors, Erika
Espitia, Manny
Heath, Mary
Labranche, Tony
Mangipudi, Latha

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Gorski, Ted
Herbert, Christopher
Langley, Diane
McGhee, Kat

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Griffith, Willis
Schmidt, Janice
Leishman, Peter
Moran, Melbourne

Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Klee, Patricia
King, Mark
Mullen, Sue

Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Stevens, Deb
Van Houten, Constance

O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Smith, Timothy
Vann, Ivy

Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Gallager, Eric
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

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

Ebel, Karen
Lane, Connie
Richards, Beth
Shurtleff, Steve
Woods, Gary

Ellison, Arthur
Luneau, David
Rogers, Katherine
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Wall, Janet

Cannon, Gerri
Grassie, Chuck
Smith, Marjorie
Spang, Judith

Chase, Wendy
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

Fargo, Kristina
Kenney, Cam
Rich, Cecilia
Vincent, Kenneth

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 1381, relative to student school board members. **OUGHT TO PASS.**

Rep. Alicia Lekas for Education. This bill states that at least one student member shall be on the school board from each public high school in the district. Although this is considered by many as a local decision, the majority of the committee believe that student participation from all the high schools will strengthen board awareness and understandings of secondary education throughout the district. Student board members are non-voting members and not involved with employee and other confidential matters. Vote 14-5.

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

HB 1434-FN, relative to the availability of school curriculum materials. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the Majority of Education. This bill, as amended, provides for the availability of curriculum materials to a parent, legal guardian, or resident of the public school district. To the extent practicable, and upon request from a parent, legal guardian, or resident of the public school district to review curriculum course material used to support student learning in a grade level, course, or program at a school operated and governed in its district, the district shall make available the requested curriculum course material within ten business days. Access to curriculum material used in schools will assist parents, guardians, and interested district residents in better understanding the curriculum and assisting their children in the learning process. Vote 10-9.

Rep. Sue Mullen for the Minority of Education. The minority believes that this bill is unnecessary, due to the fact that procedures already exist for parents and legal guardians to access curriculum and provide alternatives for objectionable material. This bill adds "resident of the public school district" to the parties entitled to review course materials, opening up every class, course, or program for a time limited account of previously school board-approved curriculum. The minority believes that this would result in cumbersome and unnecessary administrative work for classroom teachers and recommends Inexpedient to Legislate.

Majority Amendment (0992h)

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

1 School Boards; Duty of the State Board of Education; Curriculum Course Material. Amend RSA 186:11, IX-c to read as follows:

IX-c. Require School Districts to Adopt a Policy Allowing an Exception to Specific Course Material Based on a Parent's or Legal Guardian's Determination that the Material is Objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the

parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of curriculum course material used for instruction of human sexuality or human sexual education. The policy shall address the method of delivering notification to a parent or legal guardian. To the extent practicable, ~~[a school district shall make curriculum course materials available to parents or legal guardians for review upon request]~~ **and upon request from a parent, legal guardian, or resident of the public school district to review curriculum course material used to support student learning in a grade level, course, or program at a school operated and governed in its district, the district shall make available the requested curriculum course material within 10 business days.** The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

2 New Paragraph; Chartered Public Schools; Curriculum Course Materials. Amend RSA 194-B:5 by inserting after paragraph V the following new paragraph:

V-a. Upon request from a parent, legal guardian, or resident of a sending school district to review curriculum course material used to support student learning in a grade level, course, or program at a chartered public school, the board of trustees of the chartered public school shall make available the requested curriculum course material within 10 business days.

3 Effective Date. This act shall take effect 60 days after its passage.
Majority committee amendment adopted.

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

YEAS 185 - NAYS 152

YEAS - 185

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman
Varney, Peter

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Tucker, Edith

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
White, Nick

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

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

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl	Abramson, Max	Acton, Dennis	Ayer, Paul
Baldasaro, Al	Baxter, Tim	Belanger, Cody	Bernardy, JD
Bershtein, Alan	Cali-Pitts, Jacqueline	DeSimone, Debra	Dodge, Dustin
Dolan, Tom	Doucette, Fred	Edwards, Jess	Emerick, Tracy
Ford, Oliver	Gay, Betty	Green, Dennis	Guthrie, Joseph
Harb, Robert	Harley, Tina	Hobson, Deborah	Nelson, Jodi
Janigian, John	Katsakiores, Phyllis	Khan, Aboul	Layon, Erica
Litchfield, Melissa	Love, David	Lynn, Bob	Pearson, Mark
Major, Norman	McBride, Everett	McKinney, Betsy	McMahon, Charles
Melvin, Charles	Milz, David	Piemonte, Tony	Potucek, John
Pratt, Kevin	Prudhomme-O'Brien, Katherine	Roy, Terry	Pearson, Stephen
Soti, Julius	Spillane, James	Sweeney, Joe	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	Horgan, James	Kaczynski, Thomas
Kittredge, Mac	Newton, Clifford	Pitre, Joseph	Turcotte, Leonard
Wuelper, Kurt			

SULLIVAN

Aron, Judy	Callum, John	Rollins, Skip	Spilsbury, Walter
Stapleton, Walter			

**NAYS - 152
CARROLL**

Buco, Thomas	Burroughs, Anita	Knirk, Jerry	Marsh, William
McAleer, Chris	Woodcock, Stephen		

CHESHIRE

Abbott, Michael	Ames, Richard	Bordenet, John	Eaton, Daniel
Faulkner, Barry	Fenton, Donovan	Fox, Dru	Gomarlo, Jennie
Maneval, Andrew	Mann, John	Parshall, Lucius	Schapiro, Joe
Toll, Amanda Elizabeth	Weber, Lucy	Welkowitz, Lawrence	

COOS

Kelley, Eamon	Hatch, William	Laflamme, Larry
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GRAFTON

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

HILLSBOROUGH

Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane	Bergeron, Paul
Booras, Efstathia	Bouchard, Donald	Chretien, Jacqueline	Cohen, Bruce
Connors, Erika	Cornell, Patricia	DiSilvestro, Linda	Dutzy, Sherry
Espitia, Manny	Goley, Jeffrey	Griffith, Willis	Hamer, Heidi
Heath, Mary	Herbert, Christopher	Schmidt, Janice	Klee, Patricia
Labranche, Tony	Langley, Diane	Leishman, Peter	Long, Patrick
King, Mark	Murray, Megan	Mangipudi, Latha	McGhee, Kat
Moran, Melbourne	Mullen, Sue	Nutter-Upham, Frances	O'Brien, Michael
Pedersen, Michael	Petrigno, Peter	Piedra, Israel	Porter, Marjorie
Query, Joshua	Newman, Ray	Rombeau, Catherine	Rung, Rosemarie
Newman, Sue	Stevens, Deb	Smith, Timothy	Telerski, Laura
Toomey, Dan	Van Houten, Constance	Vann, Ivy	Veilleux, Daniel
Wilhelm, Matthew			

MERRIMACK

Alicea, Caroletta	Bartlett, Christy	Ebel, Karen	Ellison, Arthur
Gallager, Eric	Hall, Muriel	Lane, Connie	Luneau, David
McWilliams, Rebecca	Pimentel, Roderick	Richards, Beth	Rogers, Katherine
Schuett, Dianne	Schultz, Kristina	Shurtleff, Steve	Soucy, Timothy
Wallner, Mary Jane	Wazir, Safiya	Woods, Gary	

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Bunker, Lisa
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cahill, Michael
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Vincent, Kenneth

Cannon, Gerri
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Spang, Judith

Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

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 1564-FN-L, requiring school districts to provide breakfast for students. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deborah Hobson for the Majority of Education. This bill requires schools to provide breakfast to students through the National School Breakfast Program or through a program of its own. In the education hearings we learned that 466 schools are taking advantage of the school lunch program, and only 30 were not already providing breakfast. Since the costs of starting up the program, personnel to oversee and run the program, are not funded, this would violate the New Hampshire Constitution Article 28-a as an unfunded mandate. With only 30 schools in New Hampshire not participating in the program, it would seem to be a matter of choice over cost. Vote 14-4.

Rep. Arthur Ellison for the Minority of Education. The minority believes that all New Hampshire public school children should have access to a healthy breakfast to start the school day. Currently, 30 school districts do not provide breakfast to their students. Each of these districts implementing a breakfast program would be eligible for reimbursement for the cost of the breakfast meals through the Department of Agriculture's Free and Reduced Price meal program. All research on school breakfast programs shows that participating students improve their school attendance and academic achievement. The bipartisan sponsors of this bill believe that feeding our children should be an essential component of all public schools in our state.

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

Rep. Ellison spoke against.

Rep. Hobson spoke in favor.

On a division vote, with 180 members having voted in the affirmative, and 160 in the negative, the majority committee report was adopted.

HB 1576-FN, repealing the law relative to certain discrimination in public workplaces and education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick Ladd for the Majority of Education. The provisions of this law provide for certain restrictions on certain educational programs by public schools and provides for disciplinary sanctions to be taken by the Board of Education against educators who violate the statute. This bill would repeal the Right to Freedom from Discrimination in Public Workplaces and Education. The majority supports provisions put in place in 2021 preventing discrimination in the workplace and in public education. Vote 10-9.

Rep. Sue Mullen for the Minority of Education. This bill, as introduced, repeals current law relative to discrimination in public workplaces, the prohibition on public employers, and the prohibition on government programs and speech. At present, the law prevents the discussion of historical facts, diverse perspectives, and current experiences of protected classes in the workplace without fear of civil penalty. This applies to states, counties, cities, towns, precincts, water districts, school districts, school administrative units or quasi-public entities. Employee rights may be protected, should they refuse training regarding protected classes, but employers are not. The minority believes that the law is vague, allows for too much personal interpretation, stifles the free exchange of ideas, and should be repealed.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1576-FN**, repealing the law relative to certain discrimination in public workplaces and education, be laid on the table.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 186 - NAYS 158**YEAS - 186
BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman
Varney, Peter

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
Umberger, Karen

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolli, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
White, Nick

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

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

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Verville, Kevin
Welch, David

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Abramson, Max
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
MacDonald, Wayne
Yokela, Josh

Acton, Dennis
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 158**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

Ames, Richard
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
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Heath, Mary
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Smith, Timothy
Vann, Ivy

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Goley, Jeffrey
Herbert, Christopher
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Griffith, Willis
Schmidt, Janice
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wolf, Dan

Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy
Woods, Gary

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Treleven, Susan

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Wall, Janet

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Spang, Judith

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the motion was adopted.

HB 1607-FN, prohibiting unlawful discrimination in public and nonpublic schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for the Majority of Education. This bill would extend discrimination enforcement to the State Board of Education over both public and private schools. We heard testimony that private schools should accept all applicants regardless of their ability to pay tuition and that old claim that public schools accept all students and so private schools should also. We heard detailed testimony from the director of the Human Rights Commission that they have authority in education cases and that this bill would create confusion for people as to where to file a complaint. She further explained the process for investigation and processing of complaints that they already have in place. This legislation would also effectively remove the constitutionally

protected exemptions for religious organizations that are in place in the human rights statutes. Vote 10-9. Rep. Linda Tanner for the Minority of Education. This bill extends New Hampshire's nondiscrimination law and equal protection to non-public schools, tuition programs, and educational services that receive state funding. Presently, all schools receiving federal funding must follow the federal laws which prohibit discrimination based on a person's national origin, race, color, religion, disability, sex, and familial status. In 2019, SB 263 that provided all public school students and their families the extended protections afforded by New Hampshire's discrimination statute was signed into law. RSA 193:38 added protections for age, gender identity, sexual orientation, and marital status and provided for redress by civil action in the superior court or with the New Hampshire Commission for Human Rights. This bill expands the scope of RSA 193:38 to include all schools that receive state funds and requires the State Board of Education ensure that the protected classes listed be shielded from discrimination. This bill would make it clear that civil rights protections would be applied uniformly for equal access to education for all students across the state as state funding is extended to non-public schools, tuition programs, and educational services.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1607-FN**, prohibiting unlawful discrimination in public and nonpublic schools, be laid on the table.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 189 - NAYS 155

YEAS - 189

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman
Varney, Peter

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
Umberger, Karen

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cambriels, Jose
Leavitt, John
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan

Abramson, Max
Baxter, Tim
DeSimone, Debra

Acton, Dennis
Belanger, Cody
Dodge, Dustin

Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Turcotte, Leonard

Bailey, Glenn
Hayward, Peter
Newton, Clifford
Wuelper, Kurt

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Sandler, Catt

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 155

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

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
Gomarolo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Schmidt, Janice
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Hamer, Heidi
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Heath, Mary
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Herbert, Christopher
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Woods, Gary

Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Horrigan, Timothy
 Schmidt, Peter
 Vincent, Kenneth

Cannon, Gerri
 Fontneau, Timothy
 Kenney, Cam
 Rich, Cecilia
 Wall, Janet

Chase, Wendy
 Frost, Sherry
 Levesque, Cassandra
 Spang, Judith

Conley, Casey
 Grassie, Chuck
 Smith, Marjorie
 Treleaven, 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 1632-FN, relative to civil rights education in public elementary and secondary schools. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Lekas for the Majority of Education. This bill adds instructional requirements for civil rights and acts of discriminatory injustice to the course of instruction in schools concerning national and state history and government. Communities have communicated events of history are not being covered adequately. With Black History Month approaching, schools should take some time to discuss where this country has come from and to further discuss where and how improvements can be made. The purpose of this Interim Study is not to assign new instruction to teachers, but to take a look at current curricula to see if there is a way to make sure the civil rights movement is being taught well, to include the ills of our past leading to present day. The purpose of the bill is not to add more on the shoulders of our teachers. Vote 10-9.

Rep. Linda Tanner for the Minority of Education. The minority believes that curriculum decisions are a local school district responsibility and should not be prescribed in statute.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1632-FN**, relative to civil rights education in public elementary and secondary schools, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1638, relative to grievances under the right to freedom from discrimination in public workplaces and education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alicia Lekas for the Majority of Education. This bill modifies the procedure for grievances for certain violations of discrimination in the workplace or education and repeals and reenacts RSA 193:40, III. This bill has the person aggrieved by an act made unlawful by this subdivision first file a written complaint to the district superintendent, and has steps to take from there which could ultimately lead to a civil action against the school or school district. This process could add considerable time for the grievance to be addressed. As it stands now, the Human Rights Commission would immediately address the complaint. In addition, if the superintendent is the one initiating the discrimination, as we have seen is happening in a number of school districts, the parent will not want to go to the superintendent for fear of retribution against their child. Also, before most parents are willing to go to court, an expensive act, they already go to their local administrators first unless the administrators are the perpetrators of the discrimination. The majority feels that the process in RSA 193:40, III would work the best and should be left in place. Vote 10-9.

Rep. Linda Tanner for the Minority of Education. This bill gives a person a local procedure for filing a grievance for discrimination complaint in a school district with the superintendent. It allows the superintendent to conduct an impartial investigation and issue a decision. The procedure extends appeals of this ruling to the Department of Education. The person still retains the ability to appeal through the New Hampshire Attorney General, the Human Rights Commission, or the US Department of Education Office for Civil Rights.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1638**, relative to grievances under the right to freedom from discrimination in public workplaces and education, be laid on the table.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 152**YEAS - 190****BELKNAP**

Aldrich, Glen
 Harvey-Bolia, Juliet
 Lang, Timothy
 Silber, Norman
 Varney, Peter

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

Bordes, Mike
 Howard, Raymond
 O'Hara, Travis
 Terry, Paul

Comtois, Barbara
 Johnson, Dawn
 Ploszaj, Tom
 Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cambriels, Jose
Leavitt, John
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dodge, Dustin
Emerick, Tracy
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Dolan, Tom
Ford, Oliver
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Abramson, Max
Baxter, Tim
Cali-Pitts, Jacqueline
Doucette, Fred
Gay, Betty
Harb, Robert
Janigian, John
Litchfield, Melissa
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Verville, Kevin
Welch, David

Acton, Dennis
Belanger, Cody
DeSimone, Debra
Edwards, Jess
Gilman, Julie
Harley, Tina
Katsakiores, Phyllis
Love, David
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Vose, Michael
Weyler, Kenneth

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 152**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

Ames, Richard
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
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
Booras, Efstathia
Cornell, Patricia
Hamer, Heidi
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Herbert, Christopher
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Baroody, Benjamin
Cohen, Bruce
Dutzy, Sherry
Schmidt, Janice
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Beaulieu, Jane
Connors, Erika
Espitia, Manny
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McGhee, Kat
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Newman, Ray
Snow, Kendall
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Wilhelm, Matthew

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MacKay, James
Rogers, Katherine
Wallner, Mary Jane

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Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Woods, Gary

Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy

ROCKINGHAM

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Edgar, Michael
Murray, Kate
Meuse, David
Simpson, Alexis

Bunker, Lisa
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

Cahill, Michael
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

DiLorenzo, Charlotte
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Wall, Janet

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Spang, Judith

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 1639, relative to the youth risk behavior survey in schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for the Majority of Education. Non-academic surveys in schools require an opt-in by parents except for the Youth Risk Behavior Survey. This bill, as amended, puts that survey as opt-in also. The survey says it is anonymous, but the first seven questions one can easily determine the identity of the student. The survey has a number of objectionable questions and parents should be able to determine whether or not their children should take the survey. Since all other surveys require opt-in, this survey should also. The amendment fixes a grammatical error. Vote 10-9.

Rep. Sue Mullen for the Minority of Education. This bill seeks to make the Youth Risk Behavior Survey (YRBS) an "opt-in" program instead of "opt-out." Currently, any parent who does not want their child participating in the survey can opt them out by notifying the school. Changing the procedure to require written authorization adds a time-consuming layer to a process that already affords parents a choice. The data collected is invaluable to schools and community-based organizations that provide support to students and families. The committee heard compelling testimony from law enforcement, service providers and school district personnel who rely on the YRBS when developing programs addressing student needs. Insufficient participation could result in a loss of funding and subsequent programming. Giving students a voice to share their real time experiences has never been more important.

Majority Amendment (0189h)

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

IX-d. Require School Districts to Adopt a Policy Governing the Administration of Non-academic Surveys or Questionnaires to Students. The policy shall require school districts to notify a parent or legal guardian of a non-academic survey or questionnaire and its purpose. The policy shall provide that no student shall be required to volunteer for or submit to a non-academic survey or questionnaire, as defined in this paragraph, without written consent of a parent or legal guardian unless the student is an adult or an emancipated minor. ~~[The policy shall include an exception from the consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention.]~~ ***The local school district board shall annually approve the youth risk behavior survey developed by the Centers for Disease Control and Prevention before administering the survey to students.*** The policy shall ~~[also allow a parent or legal guardian to opt-out of]~~ ***include a provision that requires a parent or legal guardian to, either in writing or electronically, opt in to participation in*** the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The school district shall make such surveys or questionnaires available, at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. In this paragraph, "non-academic survey or questionnaire" means surveys, questionnaires, or other documents designed to elicit information about a student's social behavior, family life, religion, politics, ***race***, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics.

Majority committee amendment adopted.

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

Rep. Boehm spoke in favor.

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

YEAS 183 - NAYS 164**YEAS - 183****BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bean, Harry
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman
Varney, Peter

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Greeson, Jeffrey

Depalma IV, Joseph
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolft, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

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

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sytek, John
True, Chris
Wallace, Scott

Acton, Dennis
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Verville, Kevin
Welch, David

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Rollins, Skip

Spilsbury, Walter

**NAYS - 164
BELKNAP**

Bordes, Mike

CARROLL

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

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

Dontonville, Roger
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Connors, Erika
Espitia, Manny
Herbert, Christopher
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Bouldin, Andrew
Booras, Efstathia
Cornell, Patricia
Goley, Jeffrey
Schmidt, Janice
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
DiSilvestro, Linda
Hamer, Heidi
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Heath, Mary
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wolf, Dan

Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy
Woods, Gary

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Spang, Judith

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

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

MOTION TO PRINT DEBATE

Rep. Luneau moved that the debate on **HB 1639**, relative to the youth risk behavior survey in schools, be printed in the Permanent Journal.

On a division vote, with 240 members having voted in the affirmative, and 106 in the negative, the motion was adopted.

DEBATE ON HB 1639

Speaker Packard: The motion before us is the majority report of Ought to Pass as Amended. The Chair recognizes Rep. Mullen to speak against the committee report.

Representative Mullen: Thank you, Mister Speaker. Mister Speaker, I rise in opposition to the House Ed majority recommendation of Ought to Pass as Amended to HB 1639, relative to the youth risk behavior survey. The YRBS has been used as an instrument to capture student voices since 1993. For 29 years it has provided confidential data regarding student at risk behaviors to schools, law enforcement and community agencies so that they may develop and deliver programs that speak directly to student needs. Currently, any parent who does not wish for their child to participate in the YRBS, only needs to notify the school and the child will be exempted. That is detailed under RSA 186:11 along with the requirements for parental notification and the required opportunity to review the document. HB 1639 seeks to flip the process and require that any parent who wishes their child to participate provides written permission. On the surface, this may seem like no big deal, but the reality is that anyone who has ever had to collect permission slips knows that even for high interest activities like field trips, films and sporting events, hectic lives and forgetful children often result in paperwork being left on the kitchen counter. Without a permission slip there would be no participation. The impact of inadequate participation, those most effected had a lot to say. House Education received impassioned testimony from many stakeholders. The National Alliance on Mental Illness, The Coalition Against Domestic and Sexual Violence, New Futures, the Franklin, New Hampshire Chief of Police, the Raymond Coalition for Youth, the Strafford County Substance Misuse Prevention Coordinator and our own State of New Hampshire Public Health Services Director pointed out that the data collected by this survey allows them to secure funding and address topics such as bullying, suicide prevention, substance misuse, violence, harassment, vaping, anxiety, depression and more. To a person they pointed out the benefits to communities from the targeted responses that guide them in knowing what individual community's need and to a person, they talked about the potentially devastating impact of not being able to survey the minimum number of students required for the data to be considered representative and unbiased. Their program and services are at risk of elimination. You may hear testimony today that kids don't take this survey seriously and that may be true for a few. You may hear that the YRBS is considered a joke by some. Again, possible. But what about the kids that do take it seriously? How many kids have we helped? Maybe even saved because we listened to them? Instruments like the YRBS have metrics built into them to account for the responses that are obviously untrue. The outliers get tossed so that the results are reliable and not skewed. There is nothing funny about drug and alcohol abuse or suicide. There is no joke in sexual violence, anxiety and depression or being the victim of bullying. There are tough issues addressed in the Youth Risk Behavior Survey without a doubt because these are the real issues challenging our kids. We heard testimony from experts in the field that when participation moves from opt-out to opt-in, data and requirements are affected and programs are eliminated. Questions remain. If not the tried-and-true YRBS, how will we go about gathering the data to know what we should be doing? Do we guess? Are we going to be required to shift the expenses for current programs on to our constituents? What kind of messages are we delivering to our youth when we silence their voices because the topics are too tough to talk about? For these reasons I ask that you press the red button against the Ought to Pass as Amended recommendation so that another motion may be made. Thank you.

Speaker Packard: We are down to the last speaker. Rep. Mullen as requested a roll call. 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. Boehm.

Representative Boehm: Thank you, Mister Speaker. Some years ago I introduced a bill to put a rein in on non-academic surveys. Parents had to be notified and questions provided. The bill finally passed and is now law even though there have been multiple tries to change it. Everything was opt-out except for the Youth Risk Behavior Survey, however, this survey is taken as a joke by most high school students. When I was on the school board, this was given in our high school. I heard from students that they were taking this as a class project to see how bad they could make it. How many times do we get drunk? Do you take drugs? They answered on how to do it. Some weeks later our principal came to our school board meeting with the disastrous results. I then informed him how the survey was taken. Out student school board member verified this. Other schools have the same issues. When they know the survey is being taken, social media goes rampant with entries on how to answer the questions. We had testimony on this at our hearing. Also, parents need to know what their children are being asked. Parental rights. All questions on any survey must be given to the parents so they can make the decision to allow their children to take the survey. Over the years we have heard arguments that parents do not get the permission slip for the survey so they do not opt-in. Interesting, parents have to opt-in for field trips and they seem to be returned. Parents don't opt-in because they do not want their child to take it and now it is also being done electronically, emails, etc. to parents so it's not hidden in the school bag. Some may testify that this survey and others are all academic. It is the school responsibility to teach, not be social workers. These surveys only interfere with the student learning activities. For example, in the CTE committee that I am on. It came out that some career tech education students may miss their courses because the survey is being taken at their resident school. It has been proven time after time that no survey is anonymous. The first seven questions on this survey, one can easily determine who is answering the questions, age, grade, sex, race, height, weight, etc. Then there are questions on using drugs. Anyone guess who will answer correctly if they are? Questions on drugs, drinking, sex, suicide can also serve as training aids. We've seen this in the past with some drug programs and why they have been stopped. Parents need to know again what questions are being asked of their children. If the parents are specifically asked to opt-in, then they will take the opportunity to check the questions. At what percentage point does it make the survey immaterial if only some are answering correctly? Remember, this survey is done by the CDC and depending on what administration is in power, questions do become political. In the past there were questions on guns at home. I bet this year there will be questions about vaccinations. Another argument is that they need the entire school to take the survey to get the full results. What's the difference? Students answering as a joke or not answering at all? So please press the green button. Thank you.

Speaker Packard: The motion before us is the majority committee report of Ought to Pass as Amended. This is a roll call vote. Members will be in their seats. The Chair recognizes Rep. Cornell for a parliamentary inquiry.

Representative Cornell: Thank you, Mister Speaker. Mister Speaker, if I know that I have no idea how to counter the amount of misinformation you have just been given. And, if I know that numerous stakeholders testified that they relied on the data collected by the Youth Behavior Survey to plan programs and services to address bullying, suicide, anxiety, substance abuse and more. And, if I know that surveys and tests have built in metrics to account for the very small number of students that may not take it seriously. And, if I know that I was in a school when students were taking this risk survey and I don't know of very many at all that said I'm just going to make a joke out of this. And, if I know that after spending 36 years in education that opt-in does not work, even for a great field trip because kids are forgetful. And, if I know that I spent hours in the morning before a field trip calling parents for their crying child to please run in with that permission slip, would I now vote no and press the red button so another motion could be made?

Speaker Packard: For future parliamentary inquiries and for future speeches, I'm going to ask that all the members adhere to what we try and observe in this chamber that we do not try and put blame or suggest that somebody else has a bad motive or anything of that nature. So, please, please. I'm talking to both sides of the aisle here. For what reason does the member rise?

Representative Weber: For an inquiry of the Chair.

Speaker Packard: You may inquire.

Representative Weber: Mister Speaker, isn't there a difference between maligning and questioning motive and what I heard, which was a concern about facts?

Speaker Packard: The member, in my opinion, suggested that the member lied. Now, that is why I am addressing both sides of the aisle here. We've had it before. We've had it yesterday and it's already started today and I'm asking all the members to refrain from making any type of an accusatory remark about another member. You may further inquire.

Representative Weber: Thank you, Mister Speaker. I appreciate the explanation and agree with it entirely. My concern is that there is a difference between the word misinformation, which simply means a mistake and disinformation, which implies a lie. Thank you.

Speaker Packard: Thank you. The Chair recognizes Rep. Alicia Lekas for a parliamentary inquiry. Before you start Representative, yesterday I asked also that we keep our parliamentary inquiries to parliamentary inquiries. They are starting to get a little bit long and I'm not referring to you right now Representative, but they are starting to get a little bit long on both sides of the aisle. So, please keep your parliamentary inquiries to what they should be, a true parliamentary inquiry, not a speech.

Representative Alicia Lekas: Thank you, Mister Speaker. If I know that false information can lead to false results and then we would be basing actions on false results. And, if I know that many parents object to this survey. And, if I know that most school district websites are so large and so complicated that even if notification is given on the website, the parents may well not find it and even know to be able to opt-out, would I now press green? Thank you.

Speaker Packard: The motion before us is the majority report of Ought to Pass as Amended on HB 1639. 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. 183 voting Yea, 164 voting Nay, the committee report is adopted.

REFERRAL DECLINED

Rep. Abbas, Chairman of the Committee on Criminal Justice and Public Safety, under the provisions of House Rule 47 (f), declined the referral of **HB 1130-FN**, relative to restroom access for persons with certain medical conditions.

REGULAR CALENDAR CONT'D

HB 1669-FN, requiring the department of education to administer the education freedom account program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Moffett for the Majority of Education. Given that the education freedom account program is still a fledgling operation, we see a need to let the program complete an annual cycle so as to better review its implementation before creating further statutes in this area. Vote 10-9.

Rep. Stephen Woodcock for the Minority of Education. \$720,000 is the price off the top for an out-of-state (New York) company to process the application and manage individual reimbursements for the 1,600 children participating in New Hampshire's education freedom account (EFA) (educational voucher) program. This money does not cover the cost of the vouchers, but rather just the paperwork. This no-bid contract provides a 10% fee annually to administer just the application and reimbursement process. As more students enroll, the program's cost has the potential to spiral over a million dollars per year to administer. The minority feels that the New Hampshire Department of Education is well equipped and has the necessary expertise to administer the organization of EFA's at a significantly reduced cost to New Hampshire taxpayers. Additionally, it is felt that the opportunity to provide valid and immediate educational data is an additional and important benefit not available with a private, out-of-state contractor. On February 16, 2022, the House passed the establishment of an EFA Administrator at the Department of Education. This Ought to Pass motion does nothing to impede the current voucher program, but rather it strengthens its existence and funding.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1669-FN**, requiring the department of education to administer the education freedom account program, be laid on the table.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 158

YEAS - 185

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Trottier, Douglas

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Tucker, Edith

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
Wolf, Dan

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

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Wells, Natalie

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

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Abramson, Max
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

**NAYS - 158
CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS**GRAFTON**

Kelley, Eamon

Laflamme, Larry

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Andrew
Booras, Efstathia
Cornell, Patricia
Freitas, Mary
Heath, Mary
Klee, Patricia
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Labranche, Tony
King, Mark
Moran, Melbourne
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Wilhelm, Matthew

Beaulieu, Jane
Cohen, Bruce
Dutzy, Sherry
Graham, John
Schmidt, Janice
Langley, Diane
Murray, Megan
Mullen, Sue
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan

Bergeron, Paul
Connors, Erika
Espitia, Manny
Hamer, Heidi
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Allard, James
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Woods, Gary

Bartlett, Christy
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

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

Bunker, Lisa
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

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horriggan, Timothy
Schmidt, Peter
Spang, Judith

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

and the motion was adopted

REGULAR CALENDAR CONT'D

HB 1670-L, relative to funds of the education freedom account program after termination of a student's participation and responsibilities of the scholarship organization. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deborah Hobson for the Majority of Education. This bill requires when a student enrolls in a public school, who had been using an education freedom account (EFA), that the scholarship program stop the student's participation and funding be terminated. The bill also requires audit by the scholarship organization and investigation of misuse of funds. The process for withdrawal from EFAs is well documented in administrative rules. The legislature has approved a measure for additional staff at the Department of Education to provide support for this program. Additionally, an oversight committee has been established to monitor this program. This legislation adds duplication and confusion to rules already in place. Vote 10-9.

Rep. David Luneau for the Minority of Education. This bill suspends the use of taxpayer money paid from a student's education freedom account when the student enrolls full time in a public school or becomes ineligible due to fraud or misuse of funds. In such cases, the account will be closed and any remaining taxpayer dollars will be returned to the state's education trust fund.

MOTION TO LAY ON THE TABLE

Rep. Ladd moved that **HB 1670-L**, relative to funds of the education freedom account program after termination of a student's participation and responsibilities of the scholarship organization, be laid on the table. On a division vote, with 188 members having voted in the affirmative, and 163 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1672, relative to misuse of education freedom account funds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alicia Lekas for the Majority of Education. This bill requires the transfer of funds from terminated education freedom accounts to the education trust fund, requires investigation of and ineligibility for misuse of funds, and requires the Department of Education adopt the rules on policies and procedures for administration of the program. This bill has a plethora of problems. In addition, most of this has already been dealt with in rules and approved by the Joint Legislative Committee on Administrative Rules. We generally do not put into law an unnecessary bill, and this has now become unnecessary through rules. Vote 10-9.

Rep. David Luneau for the Minority of Education. The education freedom account program does not require the program administrator to refer suspected cases of fraud or misuse of taxpayer money to the Attorney General for investigation. This bill corrects what the minority believes is a serious flaw. The bill also suspends the use of taxpayer money paid from a student's education freedom account when the student enrolls full time in a public school or becomes ineligible due to fraud or misuse of funds. In such cases, the account will be closed and any remaining taxpayer dollars will be returned to the state's education trust fund.

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

HB 1683-FN-L, repealing the education freedom account program. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Glenn Cordelli for the Majority of Education. Support kids or the false assumption that the system must be protected despite the cost to our children's future? This bill will repeal the new education freedom account program and force over 1,800 students back to an education option that might not have been working for them. The committee majority stands with children and the need to make sure that New Hampshire provides children with education options that will allow them to meet their potential. If New Hampshire is to have a successful future, then our children must have opportunities so they can be successful. We can and need to support our public schools because they remain a fine educational option for many of our children. But we also need to reject the false narrative that providing other options to children is destructive to public schools. The education freedom account program is attacked because more children entered the program than originally estimated, because it is successful. To repeal the program would send the message to families that New Hampshire supports a one-size-fits-all education system and children must struggle within a system that causes them to experience negative psychological and educational outcomes. We reject that message. We recommend Inexpedient to Legislate for this repeal and stand for New Hampshire children and their futures. Vote 10-9.

Rep. David Luneau for the Minority of Education. The bill repeals the education freedom account program. The program is more expansive than any other voucher program in the country. It was placed into the state budget bill with little debate and with strong public opposition. The program uses state funds to pay for private school tuition and home school costs and wouldn't exist without taxpayer dollars. The private contractor that manages the program has current and former state representatives on its board and keeps ten percent of the funds. The minority believes it is financially irresponsible, lacks accountability, and leaves students and taxpayers susceptible to fraud and abuse. Other bills to address these flaws were rejected. The minority believes the only responsible move is to repeal the program.

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

Rep. Porter spoke against.

Rep. Cordelli spoke in favor.

Rep. Luneau requested a roll call; sufficiently seconded.

YEAS 189 - NAYS 166

YEAS - 189

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman
Varney, Peter

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaias, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Tucker, Edith

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolff, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Testerman, Dave
Yakubovich, Michael

Cambrils, Jose
Klose, John
Pearl, Howard
Walsh, Thomas

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Wells, Natalie

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

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Abramson, Max
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Acton, Dennis
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 166**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Paul	Booras, Efsthathia	Bouchard, Donald	Chretien, Jacqueline
Cohen, Bruce	Connors, Erika	Cornell, Patricia	DiSilvestro, Linda
Dutzy, Sherry	Espitia, Manny	Freitas, Mary	Goley, Jeffrey
Griffith, Willis	Hamer, Heidi	Heath, Mary	Herbert, Christopher
Schmidt, Janice	Judy, Jean	Klee, Patricia	Labranche, Tony
Langley, Diane	Leishman, Peter	Long, Patrick	King, Mark
Murray, Megan	Mangipudi, Latha	McGhee, Kat	Moran, Melbourne
Mullen, Sue	Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael
Pedersen, Michael	Perez, Maria	Petrigno, Peter	Piedra, Israel
Porter, Marjorie	Query, Joshua	Newman, Ray	Rombeau, Catherine
Rung, Rosemarie	Newman, Sue	Snow, Kendall	Stevens, Deb
Smith, Timothy	Telerski, Laura	Toomey, Dan	Van Houten, Constance
Vann, Ivy	Veilleux, Daniel	Wilhelm, Matthew	

MERRIMACK

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

ROCKINGHAM

Altschiller, Debra	Bunker, Lisa	Cahill, Michael	Cali-Pitts, Jacqueline
DiLorenzo, Charlotte	Edgar, Michael	Gilman, Julie	Grossman, Gaby
Grote, Jaci	Hamblet, Joan	Murray, Kate	Maggiore, Jim
Malloy, Dennis	Meuse, David	Paige, Mark	Pantelakos, Laura
Read, Ellen	Simpson, Alexis	Somssich, Peter	Ward, Gerald

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Fargo, Kristina	Fontneau, Timothy	Frost, Sherry	Grassie, Chuck
Horrigan, Timothy	Kenney, Cam	Levesque, Cassandra	Smith, Marjorie
Schmidt, Peter	Rich, Cecilia	Sandler, Catt	Southworth, Thomas
Spang, Judith	Treleaven, Susan	Vincent, Kenneth	Wall, Janet

SULLIVAN

Cloutier, John	Gottling, Suzanne	Merchant, Gary	O'Hearne, Andrew
Oxenham, Lee	Sullivan, Brian	Tanner, Linda	

and the majority committee report was adopted.

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

MOTION TO PRINT DEBATE

Rep. Espitia moved that the debate on **HB 1683-FN-L**, repealing the education freedom account program, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 1683-FN-L

Representative Porter: Thank you, Mister Speaker and good morning again colleagues. I have a few definitions here for you this morning. According to EdChoice and I think most of you know who EdChoice is. It's not a man. School vouchers give parents the freedom to choose a private school for their children using all or part of the public funding set aside for their children's education. According to Britannica ProCon, this is a site the encyclopedia puts up debating pros and cons on various issues, Britannica ProCon says school vouchers are state or school district funded scholarships that allow students to attend a private school of the family's choice. According to EdChoice, 18 states and DC had one or more voucher programs; Arkansas, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, Mississippi, New Hampshire, North Carolina, Ohio, Oklahoma, Tennessee, Utah, Vermont and Wisconsin. According to the Cambridge Dictionary, a school voucher in the US is a scholarship that allows a student to attend a private school rather than a public school. In the words of The Bard, "A rose by any other name." New Hampshire now has the most expansive school voucher program in the country...

Speaker Packard: The House will be in order.

Representative Porter: ...and yet this body has never had a chance to listen to a debate and vote on the provisions of the bill which established it. HB 20, the House version of the program, raised so many concerns it was retained in committee for further work, but the Senate rushed ahead anyway and included their similarly flawed version in HB 2. We have been told that bills attempting to fix this myriad of ills, and we've heard

many of them today and this week, are an attempt at death by a thousand cuts and that those proposing such bills were members of the education establishment, cared nothing for the poor or the harm done to children. Despite the fact that most of us have spent our entire working career, 40 years for me, our working lives, loving and teaching them. So this is what we have, a program that is wildly unpopular with the general public. A program that lacks accountability, administered by an out-of-state company, which gets to decide who is approved, who gets funded and what qualifies as an educational expense, with lax rules passed over the objections of the professionals responsible for advising us on rulemaking. A program that allows organizations receiving public funds to discriminate against those they don't approve of. A program that may leave students and taxpayers susceptible to fraud and abuse. A program that could bleed the state dry financially because there are no budget caps, no limits on how much can be spent. In just the first few months, it's already nearly \$9 million over budget and growing. The LBA has warned us that if all eligible students not currently enrolled in public schools, not enrolled in public schools, took advantage of the program, the cost to the state could be \$70 million a year. I'm going to say that again. These are for all the kids out there that are eligible for this program now, if they all applied next year. That's the figure LBA is estimating. This is new spending. This isn't money we are spending on education now. Talk about a thousand cuts, that's a hemorrhage. We have tried to fix it. You have heard us try to fix it. The only option available now is to repeal it. Please let common sense and your sense of frugality prevail and vote no on this ITL motion. Thank you.

Speaker Packard: Rep. Luneau has requested a roll call. We are coming down to the final speaker. Is that sufficiently seconded? It is sufficiently seconded. This is going to be a roll call vote. We are down to the final speaker so members take your seats. The Chair recognizes Rep. Cordelli.

Representative Cordelli: Thank you, Mister Speaker. The voucher plan is nothing less than an attempt to dismantle our public schools and replace them with private schools. We've heard that argument about the new education freedom account program, but we first heard it back in 2011 with the debate about the tax credit scholarship program. The same old proven false argument and since we are on the topic of education, we don't have a voucher plan. The states mentioned all have voucher plans. Opponents can't get that right. Maybe we need a lunch and learn program about education freedom. Why are opponents so scared of the education freedom programs? I am reminded of a quote, "Competition is always a good thing. It forces us to do our best. A monopoly renders people complacent and satisfied with mediocrity." In a 2019 analysis of studies on the impact on academics of choice programs on public schools, 24 studies showed a positive effect of school choice on the public schools. One neutral and one negative. So, why are people scared? Over 1,800 students are enrolled in the program and remember these are low-income students due to a family income cap of 300% of federal poverty. HB 1683 would repeal and throw those kids out of the program. What about them? Are they just collateral damage? Yet opponents say shut it down. When we are talking about funding, I'll point out this is the only program of its kind that has a phase out of funding for students leaving a public school. The first year after they leave, the school gets 100% of state funding plus all local funding. The second year they get 50% of state funding and all local funding and the third year they get 25% of state funding and local funding. The year after that they get all local funding still. The minority report says that it is the responsible thing to do to repeal this program. Responsible? Ask parents how responsible it is. Yes, again opponents are scared. Scared because this program is successful. Yes, more student selected EFA's than originally estimated. Why is that? Why is it above enrollment estimates? Well the pandemic opened a window into education and the parents have taken notice. Parents are standing up against those who say they should not have a role in their children's education. Parents are standing up for education options. Parents are standing up and so should we and we will. We will stand up for families and children. We will stand up for educational opportunities for New Hampshire children. We will stand against this repeal. We will ITL this outrageous attempt to destroy this program. If children are our future, we must provide them with educational opportunities to be successful. We will not fail these students and we will not fail the future.

Speaker Packard: The House will be in order. This is a roll call vote. Members will be in your seats. The motion before us is the majority report of Inexpedient to Legislate on HB 1683. This is a roll call vote. The Chair recognizes Rep. Luneau for a parliamentary inquiry.

Representative Luneau: Thank you very much, Mister Speaker. If I know New Hampshire's 160,000 public school kids perform among the best in the country and that's what parents want. And, if I know the state's voucher program is the most expansive voucher program in the country and is riddled with flaws. And, if I know that the voucher program is clearly not as successful as some proponents may suggest, given that the vast majority of the voucher students may be around 1,600 were already attending private schools and homeschooling situations. And, if I know that this bill is the only option left since every other bill to improve the financial responsibility, accountability and to prevent fraud has been defeated. And, if I know this bill will repeal a program that steals from taxpayers and is ripe for fraud and misuse, then would I press the red button to overturn the ITL motion so another motion can be made?

Speaker Packard: The Chair recognizes Rep. Osborne for a parliamentary inquiry.

Representative Osborne: Thank you, Mister Speaker. So, if I believe that every child is entitled to an adequate education, but I know that a one size that fits all program system cannot possibly provide it to every child and I know that this legislation before us would tear almost 2,000 children away from their chosen environment and return them to the inadequate educational environment from whence they came, would I now press the green button for the children?

Speaker Packard: The House will be in order. The motion before us is the majority report of Inexpedient to Legislate on HB 1683. 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. 189 voting Yea, 166 voting Nay, the committee report is adopted.

MOTION TO REMOVE FROM THE TABLE

Rep. Stephen Pearson 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 removed from the table.

On a division vote, with 177 members having voted in the affirmative, and 180 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

CACR 15, relating to elections. Providing that the age to vote in the primary election be reduced to 17 for those who will be 18 by the general election. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for the Majority of Election Law. This CACR is focused on protecting the integrity of the election process. Concerns over the process have existed for years. Legislation is proposed on a regular basis to clarify the issue of who is legally entitled to vote in New Hampshire. This CACR is intended to enshrine in our constitution the principle and requirement that voters shall be a citizen of the state as evidenced by their domicile. Recent legislation has equated domicile and residency and this amendment does so also. Even with that legislation, there is confusion over what this means. By amending the constitution, we are enabling legally qualified residents of New Hampshire to have greater confidence in our elections and know that they are not being disenfranchised by legal residents of another state. CACR 15 will promote voter integrity and voter participation in our state. Vote 11-9.

Rep. Connie Lane for the Minority of Election Law. This CACR revises Article 11 of the first part of the New Hampshire Constitution to include the concepts of domicile and residency so that it will be more difficult to revise their definitions in the future. The terms "domicile" and "residency" are already defined in RSA 21:6 and 21:6-a, resulting from legislation enacted in 2019. Accordingly, the proposed constitutional amendment is unnecessary. More importantly, the proposed language results in more confusion than clarity because it introduces two undefined terms - "principal residency" and "citizen of the state of New Hampshire." Nowhere in the statutes or the New Hampshire Constitution is the term "principal residency" defined. Is it different from being a "resident"? Similarly, there is no definition of "citizen of New Hampshire." What does it take to be a citizen of New Hampshire? As a result of this CACR, to vote in New Hampshire you must be a citizen of the US, a citizen of New Hampshire, domiciled in New Hampshire, have your primary residence in New Hampshire, and vote only where you are domiciled. Two of these qualifications are undefined - primary residency and citizen of New Hampshire - creating even more confusion about voter qualifications. Amending the constitution should be done using carefully chosen language that does not include undefined terms.

Majority Amendment (0735h)

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

RELATING TO: residency for the purpose of voting.

PROVIDING THAT: only residents of the state may vote in elections.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 11 of the first part of the constitution be amended to read as follows:

[Art.] 11. [Elections and Elective Franchises.] All elections are to be free, and ~~[every inhabitant of the state of]~~ **only a person who is a citizen of the United States and a citizen of the state of New Hampshire**, and 18 years of age and upwards shall have an equal right to vote in any election. ~~[Every person]~~ **A person who is a United States citizen** shall be considered ~~[an inhabitant]~~ **a citizen of the state of New Hampshire only if that person is domiciled in and has primary residence in a town, ward, or unincorporated place in New Hampshire and shall vote only in that town, ward, or unincorporated place** ~~[for the purposes of voting in the town, ward, or unincorporated place where he has his domicile]~~. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason

of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office.”

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2022.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2022 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2022 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending article 11 of the first part of the constitution to read as follows:

[Art.] 11. [Elections and Elective Franchises.] All elections are to be free, and only a person who is a citizen of the United States and a citizen of the state of New Hampshire, and 18 years of age and upwards shall have an equal right to vote in any election. A person who is a United States citizen shall be considered a citizen of the state of New Hampshire only if that person is domiciled in and has a primary residence in a town, ward, or unincorporated place in New Hampshire and shall vote only in that town, ward, or unincorporated place. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office.”

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2022 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

VII. Voters’ Guide.

AT THE PRESENT TIME, article 11 of the first part of the New Hampshire constitution provides that a voter must be domiciled in the state.

IF THE AMENDMENT IS ADOPTED, a voter must be a citizen of the United States and a citizen of New Hampshire who is domiciled and whose primary place of residence is in the state and he or she may only vote in place he or she is domiciled.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that voters in the state of New Hampshire must be citizens of the United States, citizens of New Hampshire, domiciled in the state, have their primary residence in the state, and vote only in the place where they are domiciled.

Rep. Labranche spoke against.

Rep. Barbara Griffin spoke in favor.

Rep. Berry requested a roll call; sufficiently seconded.

YEAS 192 - NAYS 163

YEAS - 192

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman
Varney, Peter

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Rogers, Katherine
Walsh, Thomas
Yakubovich, Michael

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Boyd, Stephen
Wells, Natalie

Cambrils, Jose
Klose, John
Pearl, Howard
Seaworth, Brian
White, Nick

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Testerman, Dave
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Acton, Dennis
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Ayer, Paul
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 163**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

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
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Labranche, Tony
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klee, Patricia
Long, Patrick
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

MERRIMACK

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

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

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

Ellison, Arthur
Luneau, David
Richards, Beth
Shurtleff, Steve
Woods, Gary

ROCKINGHAM

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

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

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Meuse, David
Simpson, Alexis

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

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Spang, Judith

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the majority committee amendment was adopted.

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

Rep. Lane spoke against.

Rep. Berry spoke in favor.

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

YEAS 190 - NAYS 165

YEAS - 190**BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Mackie, Jonathan
Terry, Paul

Bean, Harry
Hough, Gregg
O'Hara, Travis
Trottier, Douglas

Bordes, Mike
Johnson, Dawn
Ploszaj, Tom
Varney, Peter

Comtois, Barbara
Lang, Timothy
Silber, Norman

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rombeau, Catherine
Lekas, Tony

MERRIMACK

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

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

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

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

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Abramson, Max
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Acton, Dennis
Belanger, Cody
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

**NAYS - 165
BELKNAP**

Howard, Raymond

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

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
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Bouldin, Andrew
Booras, Efsthathia
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Andrus, Louise
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Woods, Gary

Bartlett, Christy
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

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

Bunker, Lisa
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

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Spang, Judith

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the majority committee report failed lacking the necessary three-fifths vote.

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on **CACR 15**, relating to elections. Providing that the age to vote in the primary election be reduced to 17 for those who will be 18 by the general election, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON CACR 15

Speaker Packard: The Chair recognizes Rep. Labranche to speak against the committee amendment.

Representative Labranche: Thank you, Mister Speaker. Mister Speaker and honorable colleagues I rise today to oppose the committee amendment on CACR 15. The underlying CACR, as the title would suggest, would allow a 17-year-old to vote in the primary elections if they are 18 by the general election. I oppose

this amendment for multiple reasons. First, it completely guts and replaces the bill. Secondly, I believe that the underlying bill would actually pass with a bipartisan majority as the underlying bill was actually sponsored by the majority whip and the Member from Londonderry who currently serves as the Chair of State-Federal Relations and Veterans Affairs back in 2015. It was also sponsored by other members back in 2019, most notably the Member from Goffstown who currently serves as the Chair of the New Hampshire Young Republicans. The underlying CACR is also supported by the New Hampshire Legislative Youth Advisory Council, while the amendment is opposed by the council. That is why I ask all of you to vote down this amendment so that we can debate the substance of the underlying Constitutional Amendment and pass it with a bipartisan majority. Thank you.

Speaker Packard: The Chair recognizes Rep. Barbara Griffin.

Representative Barbara Griffin: Thank you, Mister Speaker and thank you to the Representative for bringing the issue before the body because it is always great to learn something new about processes in the House because once a bill goes to a committee, it is the committees. We know that in all of our committees. We, as committee members, then control what goes forward in a bill, whether it is related to the original subject or not, after a hearing on what amendments might be nongermane. That is indeed as you just heard what happened in this amendment. This Representative from Goffstown didn't think that the underlying bill had much chance of success before the House. This Representative from Goffstown often disagrees with other Representatives from Goffstown and that is the point of this debate, of this hall, of this microphone. So, the amendment that's brought before you is to raise an issue for your consideration indeed about elections, about voting and who should be voting in them. I actually disagree that it was nongermane, but we followed the process and that is the bill that is before you today and I ask that you support the amendment so that we can have a debate on the underlying issue that is before you now by the majority vote of the committee. Thank you, Mister Speaker.

Speaker Packard: The motion before us is committee amendment (0735h). Are you ready for the question? A division has been requested. Members will take their seats. Who is requesting a roll call? Rep. Berry is requesting a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. The motion before us is the vote on the amendment to CACR 15. This is the vote on the amendment. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 192 voting Yea, 163 voting Nay, committee amendment is adopted. The motion before us now is Ought to Pass as Amended. The Chair recognizes Rep. Lane to speak against the committee report.

Representative Lane: Thank you, Mister Speaker. The majority's stated purpose in the committee of this amendment as amended, CACR, is to place the current statutory definitions of "resident," "residency" and "domicile" into the constitution so that it will be harder to change them in the future. The minority feels that this CACR is unnecessary precisely because these definitions are already in the statutes. But more importantly, if we are going to amend and put these definitions into the constitution, then let's do it right. The language should be drafted thoughtfully and carefully so as not to create more confusion about an issue this body has argued about for years and in court. If passed, there will be five qualifications to vote in New Hampshire. You must be a citizen of the United States. You must be a citizen of New Hampshire. You must be domiciled in New Hampshire. New Hampshire must be your primary residency and you can only vote where you are domiciled. So, let's look at the second and fourth requirements, both of which introduce undefined terms into the qualifications to vote in New Hampshire. Nowhere are the terms "primary residency" or "citizen of New Hampshire" defined, not in the CACR and not in the statutes. The term "primary residency" implies that there might be a secondary residency or other types of residencies. What does it mean to be a citizen of New Hampshire? How is it different from being a citizen of the United States? Must you be a citizen of the United States to be a citizen of New Hampshire? Is New Hampshire going to start issuing passports, as one who testified on the CACR inquired? This CACR creates unnecessary confusion and will actually prolong the debate over the definitions of "domicile" and "residency." If passed in its current form, not only will it be more difficult to amend the bill, but it will insert even more uncertainty into the already protracted debate regarding what "domicile" means vis a vis "resident." Thank you.

Speaker Packard: Rep. Barbara Griffin has requested a roll call. We are down to our final speaker. Is that sufficiently seconded? It is sufficiently seconded. This is going to be a roll call vote. We are down to our final speaker. Members take your seats. The Chair recognizes Rep. Berry.

Representative Berry: Thank you, Mister Speaker. I'll keep my remarks brief since a CACR requires two-thirds. Mister Speaker, the Election Law Committee is attempting to put to bed the endless debate in New Hampshire over who should vote in a New Hampshire election, the old domicile, residency state of mind. We are trying to put that to bed. Mister Speaker, we are saying that if New Hampshire is your primary residency you get to vote here. We asked people testifying on this bill how many people do you think this will stop from voting in a New Hampshire election? They said well, realistically none. Why? Because you should already be

a resident if you are voting here. Voting is an active residency. So, Mister Speaker, this is a common-sense reform and the question before us is who should vote in a New Hampshire election, residents of New Hampshire or residents and nonresidents of New Hampshire. So, Mister Speaker, if you believe that nonresidents should be voting in New Hampshire elections, oppose this. Mister Speaker, if you believe only residents of New Hampshire should be voting in New Hampshire, then you should vote green.

Speaker Packard: The motion before us is the majority report of Ought to Pass as Amended on CACR 15. This is a roll call vote. Members will be in your seats. The Chair recognizes Rep. Muirhead for a parliamentary inquiry.

Representative Muirhead: Thank you, Mister Speaker. If I knew that CACR 15 would not resolve ambiguities.

Speaker Packard: Could the Representative suspend for a minute? Good to go.

Representative Muirhead: Thank you, Mister Speaker. If I knew that CACR 15 would not resolve ambiguities but would actually introduce new ambiguities into the venerable New Hampshire Constitution of 1783. And, if I believed that CACR 15 might impede ballot access for voters who move frequently because their housing is insecure, would I press the red button so a new motion can be made?

Speaker Packard: The Chair recognizes Rep. Barbara Griffin for a parliamentary inquiry.

Representative Barbara Griffin: Thank you, Mister Speaker. If I know that this legislative body in multiple prior sessions has considered bills for statutes which can be changed by this body addressing the qualifications of voters. And, if I know that the New Hampshire Constitution provides for domicile qualification, while in statute at this time “domicile” and “residency” have been defined and made equivalent. And, Mister Speaker, if I agree that having these terms in our constitution is important today and, in the future, to make sure that only legally qualified persons of New Hampshire are voting in New Hampshire, would I now press the green button? Thank you, Mister Speaker.

Speaker Packard: The motion before us is the majority report of Ought to Pass as Amended on CACR 15. 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, 165 voting Nay. It did not meet the three-fifths requirement of 235 so the motion to pass fails.

REGULAR CALENDAR CONT'D

CACR 19, relating to paper ballots. Providing that all elections shall be conducted through paper ballots.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Katherine Prudhomme-O’Brien for the Majority of Election Law. This CACR provides that all elections shall be conducted through the use of paper ballots. As our long-time, former Secretary of State Bill Gardner famously said, “You can’t hack a pencil.” Although there are no current known attempts to change the fact that all New Hampshire elections are done on a paper ballot, the election security benefits of the use of paper ballots are now abundantly clear. Paper ballots provide a simple way for voters to know that their vote is not only recorded, but they also provide a trusted means of an accurate recount if needed. In a time of much concern nationwide that this might change and, in a time, when New Hampshire must grapple with the impending retirement of the model of electronic ballot counting machines used by most municipalities, CACR 19 is a way to reassure voters that we are deeply committed to the enduring use of paper ballots and will ensure trust in our elections today and for posterity. Vote 11-9.

Rep. Russell Muirhead for the Minority of Election Law. This bill proposes an amendment to the New Hampshire Constitution that would require all elections in the state to use paper ballots. New Hampshire law already stipulates that “all elections will be conducted using paper ballots” (RSA 656:1-a). No person or group seeks to change existing law, which by all accounts functions perfectly well. Therefore, the minority sees no pressing reason to copy existing law in the State Constitution. To change the constitution frequently in response to transient causes and fleeting passions diminishes the standing and veneration that all constitutions need and that the New Hampshire Constitution, established in 1783, so richly deserves.

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

Rep. McGuire requested a roll call; sufficiently seconded.

YEAS 195 - NAYS 160

YEAS - 195

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Trottier, Douglas

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaias, Brodie
Umberger, Karen

CHESHIRE

Qualey, James	Rhodes, Jennifer	Santonastaso, Matthew
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COOS

Craig, Kevin	Merner, Troy	Theberge, Robert	Thompson, Dennis
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GRAFTON

Adjutant, Joshua	Alliegro, Mark	Almy, Susan	Berezhny, Lex
Binford, David	Depalma IV, Joseph	Egan, Timothy	Folsom, Beth
Sanborn, Gail	Gordon, Edward	Greeson, Jeffrey	Ham, Bonnie
Ladd, Rick	Simon, Matthew		

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Ammon, Keith	Boyd, Bill
Griffin, Barbara	King, Bill	Berry, Ross	Blasek, Melissa
Boehm, Ralph	Burt, John	Creighton, Jim	Cushman, Leah
Kelley, Diane	Smith, Denise	Erf, Keith	Fedolfi, Jim
Foster, William	Griffin, Gerald	Gagne, Larry	Gorski, Ted
Gould, Linda	Graham, John	Greene, Bob	Healey, Robert
Homola, Susan	Infantine, William	Kelsey, Niki	Kofalt, Jim
Labranche, Tony	Lanzara, Tom	Lascelles, Richard	Lewicke, John
Marston, Dick	Mayville, Mary	McLean, Mark	Mooney, Maureen
Notter, Jeanine	Nunez, Hershel	Pauer, Diane	Plett, Fred
Post, Lisa	Prout, Andrew	Renzullo, Andrew	Rouillard, Claire
Sheehan, Vanessa	Somero, Paul	Lekas, Tony	Ulery, Jordan
Warden, Mark			

MERRIMACK

Allard, James	Andrus, Louise	Cambrils, Jose	Cross, Kenna
Hill, Gregory	Kennedy, Margaret	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
Ayer, Paul	Baldasaro, Al	Baxter, Tim	Belanger, Cody
Bernardy, JD	Bershtein, Alan	DeSimone, Debra	Dodge, Dustin
Dolan, Tom	Doucette, Fred	Edgar, Michael	Edwards, Jess
Emerick, Tracy	Ford, Oliver	Gay, Betty	Green, Dennis
Guthrie, Joseph	Harb, Robert	Harley, Tina	Hobson, Deborah
Nelson, Jodi	Janigian, John	Katsakiores, Phyllis	Khan, Aboul
Layon, Erica	Litchfield, Melissa	Love, David	Lynn, Bob
Pearson, Mark	Major, Norman	Malloy, Dennis	McBride, Everett
McMahon, Charles	Melvin, Charles	Milz, David	Osborne, Jason
Piemonte, Tony	Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine
Read, Ellen	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	Bailey, Glenn	DeLemus, Susan	Groen, Fenton
Harrington, Michael	Hayward, Peter	Horgan, James	Kaczynski, Thomas
Kittredge, Mac	Newton, Clifford	Pitre, Joseph	Turcotte, Leonard
Wuelper, Kurt			

SULLIVAN

Aron, Judy	Callum, John	Rollins, Skip	Spilsbury, Walter
Stapleton, Walter	Smith, Steven		

NAYS - 160**CARROLL**

Buco, Thomas	Burroughs, Anita	Knirk, Jerry	Marsh, William
McAleer, Chris	Woodcock, Stephen		

CHESHIRE

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

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTONAbel, Richard
Massimilla, Linda
Smith, SuzanneDontonville, Roger
Muirhead, Russell
Sykes, GeorgeFellows, Sallie
Murphy, James
Weston, JoyceHakken-Phillips, Mary
Stavis, Laurel**HILLSBOROUGH**Bouldin, Amanda
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, IvyBouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, DanielBaroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Judy, Jean
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, MatthewBeaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klee, Patricia
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance**MERRIMACK**Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, SafiyaBartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Wolf, DanCaplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Woods, GaryEbel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane**ROCKINGHAM**Altschiller, Debra
DiLorenzo, Charlotte
Hamblet, Joan
Meuse, David
Somssich, PeterBunker, Lisa
Gilman, Julie
Murray, Kate
Paige, Mark
Ward, GeraldCahill, Michael
Grossman, Gaby
Maggiore, Jim
Pantelakos, LauraCali-Pitts, Jacqueline
Grote, Jaci
McKinney, Betsy
Simpson, Alexis**STRAFFORD**Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Spang, JudithCannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Treleaven, SusanChase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Vincent, KennethConley, Casey
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas
Wall, Janet**SULLIVAN**Cloutier, John
Oxenham, LeeGottling, Suzanne
Sullivan, BrianMerchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the majority committee report failed lacking the necessary three-fifths vote.

HB 1009, requiring the date a person registers to vote to be included with other voter information. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for the Majority of Election Law. This bill proposes that the date a person registers to vote be included with other voter information in the checklist. Transparency is important when it comes to ensuring the integrity of our elections and our voter checklist. The registration date is data that has already been collected for the majority of voters and will continue to be collected for every new registrant and is important information for voters, candidates, and political organizations in order to effectively get out the vote. Voter history data already available gives voters, candidates, and political organizations the opportunity to approximate someone's date of registration as it is; giving the actual date an individual registers will help ensure trust in our election procedures and take an already transparent process and expand upon it. Vote 11-9. Rep. Paul Bergeron for the Minority of Election Law. This bill would require that the statewide voter registration database include a field for "date of voter registration." The voter registration database already contains that field. This legislation is not needed. In 2006, election officials from the state's 234 cities and towns migrated approximately 825,000 voter records into ElectioNet, the new statewide voter registration database. Very few of the legacy electronic databases contained the "date of voter registration" since the voter registration date appeared on the paper record and the registration date was not needed in the electronic database to generate the checklists. This bill dictates that the database "shall include" the date of voter registration and does not "grandfather" the

pre-2006 ElectionNet voter records that do not include the voter registration date. Local election officials will be required to scour their databases, identify the pre-2006 voter records in ElectionNet that do not have a date of voter registration, pull the paper voter registration forms, then update the voter registration database. Article 28-a of the New Hampshire Constitution prohibits the state from mandating “any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures...” This bill does not include a fiscal note, so it is unclear how much of a financial burden this will put on our towns and cities. The date of voter registration is confidential and exempt from the right-to-know law. The date of voter registration does not appear on the checklist now, and HB 1009 does not direct that the date appear on the checklist in the future. This bill would require that the supervisors of the checklist key-in the date of new voter registers. This has been the practice for the past 16 years; the bill is unnecessary. HB 1009 would require that election officials bear the cost of keying-in data for pre-2006 records, without providing a means to reimburse the communities for their costs in doing so, which is an unfunded mandate.

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

Rep. Bergeron spoke against.

Rep. Sweeney spoke in favor.

Rep. Cushman requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 167

YEAS - 185

BELKNAP

Aldrich, Glen	Bordes, Mike	Comtois, Barbara	Harvey-Bolia, Juliet
Hough, Gregg	Howard, Raymond	Johnson, Dawn	Lang, Timothy
Mackie, Jonathan	Ploszaj, Tom	Silber, Norman	Sylvia, Michael
Terry, Paul	Trottier, Douglas	Varney, Peter	

CARROLL

Avellani, Lino	Nelson, Bill	Cordelli, Glenn	Deshaies, Brodie
MacDonald, John	Smith, Jonathan	McConkey, Mark	Umberger, Karen

CHESHIRE

Qualey, James	Rhodes, Jennifer	Santonastaso, Matthew
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COOS

Craig, Kevin	Merner, Troy	Theberge, Robert	Thompson, Dennis
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GRAFTON

Alliegro, Mark	Berezhny, Lex	Binford, David	Depalma IV, Joseph
Folsom, Beth	Sanborn, Gail	Gordon, Edward	Greeson, Jeffrey
Ham, Bonnie	Ladd, Rick	Simon, Matthew	

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Ammon, Keith	Boyd, Bill
Griffin, Barbara	King, Bill	Berry, Ross	Blasek, Melissa
Boehm, Ralph	Burt, John	Creighton, Jim	Cushman, Leah
Kelley, Diane	Smith, Denise	Erf, Keith	Fedolff, Jim
Foster, William	Griffin, Gerald	Gagne, Larry	Gorski, Ted
Gould, Linda	Graham, John	Greene, Bob	Healey, Robert
Homola, Susan	Infantine, William	Kelsey, Niki	Kofalt, Jim
Lanzara, Tom	Lascelles, Richard	Lewicke, John	Mayville, Mary
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	Warden, Mark

MERRIMACK

Allard, James	Cambrils, Jose	Cross, Kenna	Hill, Gregory
Kennedy, Margaret	Klose, John	Leavitt, John	McGuire, Carol
Moffett, Michael	Pearl, Howard	Pitaro, Matthew	Boyd, Stephen
Seaworth, Brian	Testerman, Dave	Walsh, Thomas	Wells, Natalie
White, Nick	Wolf, Dan	Yakubovich, Michael	

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Ayer, Paul	Baldasaro, Al	Baxter, Tim	Belanger, Cody
Bernardy, JD	Bershtein, Alan	DeSimone, Debra	Dodge, Dustin
Dolan, Tom	Doucette, Fred	Edwards, Jess	Emerick, Tracy
Ford, Oliver	Gay, Betty	Green, Dennis	Guthrie, Joseph

Harley, Tina
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Ankarberg, Aidan
Hayward, Peter
Newton, Clifford

Bailey, Glenn
Horgan, James
Pitre, Joseph

DeLemus, Susan
Kaczynski, Thomas
Turcotte, Leonard

Groen, Fenton
Kittredge, Mac
Wuelper, Kurt

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

STRAFFORD

SULLIVAN

NAYS - 167

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

CHESHIRE

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Weston, Joyce

Adjutant, Joshua
Fellows, Sallie
Murphy, James

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

Andrus, Louise
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

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

Cahill, Michael
Gilman, Julie
Harb, Robert
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Murray, Kate
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Harrington, Michael
 Smith, Marjorie
 Southworth, Thomas
 Wall, Janet

Cannon, Gerri
 Fontneau, Timothy
 Horrigan, Timothy
 Schmidt, Peter
 Spang, Judith

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

Conley, Casey
 Grassie, Chuck
 Levesque, Cassandra
 Sandler, Catt
 Vincent, Kenneth

SULLIVAN

Cloutier, John
 Oxenham, Lee

Gottling, Suzanne
 Sullivan, Brian

Merchant, Gary
 Tanner, Linda

O'Hearne, Andrew

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

HB 1082, prohibiting certain state officers from forming political action committees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O'Brien for the Majority of Election Law. This bill prohibits the Secretary of State, State Treasurer, or any individual running for those offices from forming a political action committee (PAC). This will preserve the integrity and non-partisan nature of those offices. In the vast majority of states, these officials are elected in general elections. New Hampshire is only one of three states where the legislature elects those officials. Allowing the creation of PACs for these offices creates a unique conflict of interest. Without this bill, the individuals running for these offices could be receiving monies from, and on behalf of, any person interested in promoting legislation or from and on behalf of the very people who elect them and then create the legislation they follow. The other states where these officers are elected by their legislature have either outlawed the practice of forming political action committees for these offices (Maine) or the creation of PACs to campaign for these offices is considered by their legislature to be so antithetical to good governance that their (Tennessee) Secretary of State reported in 2019 that it would not be done. Recently such a committee was formed for one of the non-partisan position elections. The majority of the committee believes that recent history supports the need for this legislation, and recommends OTP. Vote 11-9.

Rep. Paul Bergeron for the Minority of Election Law. This bill would prevent candidates who seek to run for secretary of state or state treasurer from forming political action committees (PACs). Since the Supreme Court's ruling in *Buckley v. Valeo* (424 U.S. 1, 1976), the right to participate in democracy through political contributions has been protected by the First Amendment. Virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of handbills or leaflets entails printing, paper, and circulation costs. The electorate's dependence on these communications for information has made these modes of contact indispensable instruments of effective political speech. During the public hearing on this bill, the sponsor cited the non-partisan nature of these two offices as justification for these fund-raising restrictions. However, town and city elections throughout the state are also non-partisan elections, and fund-raising for non-partisan municipal races is critical for candidates who wish to conduct effective campaigns. This bill would have a severe impact on the ability of candidates for secretary of state and state treasurer to gather the financial resources needed to effectively communicate with those who will cast votes in those elections and would impose restrictions on the candidates' rights of political expression – restrictions that the First Amendment cannot tolerate.

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

Rep. Bergeron spoke against and yielded to questions.

Rep. MacDonald spoke in favor.

On a division vote, with 177 members having voted in the affirmative, and 176 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

CLERK'S NOTE

The original vote was 176-176. Pursuant to House Rule 5, the Speaker voted "Yea" and the motion of Ought to Pass was adopted and the bill was ordered to third reading.

The House recessed at 12:10 p.m.

RECESS

The House reconvened at 1:15 p.m.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

HB 1153, relative to absentee ballot requests. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for the Majority of Election Law. This legislation clarifies that absentee ballots may not be mailed to absentee voters before an absentee ballot application has been received and approved. Testimony before the committee revealed that in the processing of registration applications, clerks were also mailing absentee ballots. Accordingly individuals are requesting and receiving both an application to register and a ballot for the upcoming

election. The clerk then mails both the application and the absentee ballot to the unregistered applicant. Members appreciate that clerks will now have to process the request two times, once for the mailing of the registration information and once for the ballot. However, the majority of the committee believes that requirement is worthwhile to ensure that registrations are processed before a registrant is provided an absentee ballot. Additionally this eliminates the possibility of a vote not being counted because any incomplete or erroneous registrations will be processed before a ballot is sent. This will enhance voter integrity by preventing official absentee ballots from going to unregistered voters that may not have the right to vote in New Hampshire. Vote 11-9.

Rep. Paul Bergeron for the Minority of Election Law. This bill proposes to amend RSA 657:12 relative to absentee voting. The statute currently states that "Upon receipt of a properly executed application for an official absentee ballot...a town or city clerk shall forthwith ascertain if the applicant is on the checklist [and]...If the applicant is on the checklist, the clerk shall send the materials..." HB 1153 proposes adding the following sentence: "Under no circumstances shall a town or city clerk mail an absentee ballot unless and until such person has submitted an absentee ballot application and the town or city clerk has approved such application." This bill is redundant, superfluous, and unnecessary. Nothing is being added to the statute that isn't already there. Among the principles of good legal writing, unnecessary or extra words should be removed, redundancies should be avoided, and different words should not be used to say the same thing. HB 1153 is poorly crafted, adds nothing to existing law, and is totally unnecessary.

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

Rep. Bergeron spoke against.

Rep. Query spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 158

YEAS - 185

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bean, Harry
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Kelsey, Niki
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

MERRIMACK

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

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Ayer, Paul	Baldasaro, Al	Baxter, Tim	Bernardy, JD
Bershtein, Alan	DeSimone, Debra	Dodge, Dustin	Dolan, Tom
Doucette, Fred	Edwards, Jess	Emerick, Tracy	Ford, Oliver
Gay, Betty	Green, Dennis	Guthrie, Joseph	Harb, Robert
Harley, Tina	Hobson, Deborah	Nelson, Jodi	Janigian, John
Katsakiores, Phyllis	Khan, Aboul	Layon, Erica	Litchfield, Melissa
Love, David	Lynn, Bob	Pearson, Mark	Major, Norman
McBride, Everett	McKinney, Betsy	McMahon, Charles	Melvin, 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	Bailey, Glenn	DeLemus, Susan	Groen, Fenton
Harrington, Michael	Hayward, Peter	Horgan, James	Kaczynski, Thomas
Kittredge, Mac	Newton, Clifford	Pitre, Joseph	Turcotte, Leonard
Wuelper, Kurt			

SULLIVAN

Aron, Judy	Callum, John	Rollins, Skip	Spilsbury, Walter
Stapleton, Walter			

NAYS - 158**CARROLL**

Buco, Thomas	Burroughs, Anita	Knirk, Jerry	Marsh, William
McAleer, Chris	Woodcock, Stephen		

CHESHIRE

Abbott, Michael	Ames, Richard	Bordenet, John	Eaton, Daniel
Faulkner, Barry	Fenton, Donovan	Fox, Dru	Gomarlo, Jennie
Maneval, Andrew	Mann, John	Parshall, Lucius	Schapiro, Joe
Von Plinsky, Sparky	Weber, Lucy	Welkowitz, Lawrence	

COOS

Kelley, Eamon	Laflamme, Larry	Tucker, Edith
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GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergeron, Paul	Bouchard, Donald
Chretien, Jacqueline	Cohen, Bruce	Connors, Erika	Cornell, Patricia
DiSilvestro, Linda	Dutzy, Sherry	Espitia, Manny	Freitas, Mary
Goley, Jeffrey	Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary
Herbert, Christopher	Schmidt, Janice	Jeudy, Jean	Klee, Patricia
Labranche, Tony	Langley, Diane	Leishman, Peter	Long, Patrick
King, Mark	Murray, Megan	Mangipudi, Latha	McGhee, Kat
Moran, Melbourne	Mullen, Sue	Nutter-Upham, Frances	O'Brien, Michael
Pedersen, Michael	Perez, Maria	Petrigno, Peter	Piedra, Israel
Porter, Marjorie	Newman, Ray	Rombeau, Catherine	Rung, Rosemarie
Newman, Sue	Snow, Kendall	Stevens, Deb	Smith, Timothy
Telerski, Laura	Toomey, Dan	Van Houten, Constance	Vann, Ivy
Veilleux, Daniel	Wilhelm, Matthew		

MERRIMACK

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

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Vincent, Kenneth

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Wall, Janet

Conley, Casey
Grassie, Chuck
Smith, Marjorie
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.

HB 1203-FN, relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms “resident,” “inhabitant,” “residence,” and “residency.” **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fenton Groen for the Majority of Election Law. As introduced, this bill amends the RSA by removing the language of SB 3, passed in 2017, that the New Hampshire Supreme Court subsequently ruled unconstitutional. It also restores language that existed in the RSA prior to SB 3. But HB 1203, as written, also added additional language that would have weakened the domicile/residency requirements for voting in New Hampshire. As amended, this bill removes the language from SB 3 that the court found objectionable and retains some language from SB 3 that was not addressed by the court as problematic. It also restores language that was in the RSA prior to SB 3, as needed, relating to forms. While removing HB 1203, as amended, keeps the clear definition of temporary presence and absence found in 654:2, I and II, (a), (b), and (c), it retains language that requires the supervisor of the checklist to follow up on persons who have utilized the voter affidavit to register and vote, by using available public records, and then to refer the registrant's information so the Secretary of State if further investigation is warranted. Provisions are retained that distinguish between voters who register prior to 30 days before an election and those who register 30 days or less before an election. Voters who register more than 30 days before an election will be required to provide documentation to confirm their right to vote in New Hampshire before they register. An exception to use an affidavit is allowed to use only if the registrant attests under the penalty of fraud that they do not possess, and are not able to possess, any qualifying documents that prove their right to vote. An example of this circumstance, referred to by the court, is a person who is homeless and does not and cannot possess any of the qualifying documents. Voters who register to vote within 30 days of an election or on election day will be allowed to use a qualified voter affidavit if they do not have the necessary documentation with them when they register. In summary, this amendment removes SB 3 language that the court addressed as objectionable while retaining common sense language that is simply intended to clarify our voting statutes. The majority of the committee believes that the intent of this language is to assure that every voter is legally qualified to vote. Vote 11-9. Rep. Paul Bergeron for the Minority of Election Law. This bill, as amended, revises statutes that were amended by SB 3 during the 2017 session. Those provisions were subsequently struck down by the New Hampshire Supreme Court which found that it “imposes unreasonable burdens on the right to vote.” The minority agrees that there is a need to clean up the statutes affected by SB 3, but this bill does not accomplish that. The bill retains a two-tiered voter registration system which the court found was unnecessary, and it introduces new confusions that will invite new litigation. The minority is concerned that the bill will make ballot access more difficult for citizens who move frequently or who have moved recently.

Majority Amendment (0962h)

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

AN ACT relative to domicile residency, voter registration, and investigation of voter verification letters.

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

1 Voters; Temporary Absence. RSA 654:2 is repealed and reenacted to read as follows:
654:2 Temporary Absence.

I. A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention. A voter can have only one domicile for these purposes. No person shall be deemed to have lost a domicile by reason of his or her presence or ab-

sence while the voter or his or her spouse is employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

II.(a) A person present in New Hampshire for temporary purposes shall not gain a domicile for voting purposes. A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.

(b) A person who has been present and residing in one town or ward in New Hampshire for 30 or fewer days is presumed to be present for temporary purposes unless that person has the intention of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent.

(c) For the purposes of this chapter, temporary purposes shall include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family or friends, performing short-term work, or volunteering or working to influence voters in an upcoming election.

2 General Voter Registration; Voter Registration Form. Amend RSA 654:7, IV to read as follows:

IV.(a) Standard registration application forms shall be used throughout the state. The registration forms shall be no larger than 8 1/2 inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates other than those used within 30 days of an election or at the polling place on election day, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name _____

Last (suffix) First

Full Middle Name

2. Domicile Address _____

Street Ward Number

Town or City

Zip Code

3. Mailing Address if different than in 2 _____

Street

Town or City

Zip Code

4. Place and Date of Birth _____

Town or City

State

Date _____

5. Are you a citizen of the United States? Yes ____ No ____

If a naturalized citizen, give name of court where and date when naturalized _____

6. Place last registered to vote _____

Street Ward Number

I am not currently registered to vote elsewhere (initial here _____), or ***I am currently registered to vote elsewhere and*** I request that my name be removed as a registered voter in _____

(fill in your address where previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above _____

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number _____

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire. If a city, ward number _____.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date _____

Signature of Applicant _____

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, transfers, or updates starting 30 days before each election and at the polling place on election day, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date registration form is submitted _____

Date applicant moved to the address listed below as the voter's domicile _____

**VOTER REGISTRATION FORM
FOR USE STARTING 30 DAYS BEFORE AN ELECTION AND
AT THE POLLING PLACE ON *ELECTION* DAY**

(Please print or type)

1. Name _____

Last (suffix) First _____ Full Middle Name _____

2. Domicile Address _____

Street Ward Number _____

Town or City _____ Zip Code _____

3. Mailing Address if different than in 2 _____
Street _____

Town or City _____ Zip Code _____

4. Place and Date of Birth _____
Town or City _____ State _____

Date _____

5. Are you a citizen of the United States? Yes _____ No _____

If a naturalized citizen, give name of court where and date when naturalized _____

6. Place last registered to vote _____
Street Ward Number _____

I am not currently registered to vote elsewhere (initial here _____), or I request that my name be removed as a registered voter in _____ (fill in your address where previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above _____

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number _____

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire. If a city, ward number _____.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I understand that to make the address I have entered above my domicile for voting I must have an intent to make this the one place from which I participate in democratic self-government and must have acted to carry out that intent.

~~[I understand that if I have documentary evidence of my intent to be domiciled at this address when registering to vote, I must either present it at the time of registration or I must place my initials next to the following paragraph and mail a copy or present the document at the town or city clerk's office within 10 days following the election (30 days in towns where the clerk's office is open fewer than 20 hours weekly):~~

~~_____ By placing my initials next to this paragraph, I am acknowledging that I have not presented evidence of actions carrying out my intent to be domiciled at this address; that I understand that I must mail or personally present to the clerk's office evidence of actions carrying out my intent within 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20 hours weekly), and that I have received the document produced by the secretary of state that describes the items that may be used as evidence of a verifiable action that establishes domicile.~~

~~Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to your domicile address by the secretary of state to verify the validity of your claim to a voting domicile at this address.~~

~~I understand that if I do not have any documentary evidence of my intent to be domiciled at this address, I must place my initials next to the following paragraph:~~

~~_____ By placing my initials next to this paragraph, I am acknowledging that I am aware of no documentary evidence of actions carrying out my intent to be domiciled at this address; that I will not be mailing or delivering evidence to the clerk's office, and that I understand that officials will be sending mail to the address on this form or taking other actions to verify my domicile at this address.]~~

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date

Signature of Applicant

[If this form is used in place of proof of identity, age, or citizenship, I hereby swear that such information is true and accurate to the best of my knowledge.

~~— This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):~~

~~Identity _____
yes/no _____
(initials)~~

~~— Citizenship _____
yes/no _____
(initials)~~

~~— Age _____
yes/no _____
(initials)~~

Applicant

Election Official

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30]

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000. In accordance with RSA 659:34-a voting in more than one state in the same election is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.

3 Voter Registration; Determining Qualifications of Applicant. Amend RSA 654:12, I to read as follows:

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, a sworn statement on the voter registration form used starting 30 days before an election and on election day, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

Domicile Address: _____

Mailing Address (if different): _____

Telephone number (requested but optional) _____

Email address (requested but optional) _____

If I am using this form for purposes of identity, I acknowledge my photograph shall be taken and that photo will be preserved in my voter record.

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

☐ Identity

☐ Citizenship

☐ Age

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30.

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, or a sworn statement on the voter registration form used starting 30 days before an election and on election day.

(c) DOMICILE.

(1) Registering more than 30 days in advance of an election.

(A) A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration prior to election day: (i) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address; (iv) government issued check, benefit statement, or tax document. [A person who possesses such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.]

(B) A person who ***does not have the specific documentation as outlined in subparagraph (A) shall be entitled to present other reasonably similar documentation that would establish a domicile to include, but necessarily be limited to, documentary evidence such as an invoice or canceled mail.*** [attests under penalty of voter fraud that he or she does not possess any of the qualified documents

listed in subparagraph (A) may present Any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place his or her domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain that domicile, as defined in this chapter, at least until election day in the town or ward in which he or she desires to vote. Reasonable documentation may include, but is not limited to evidence of:

- (i) Residency, as set forth in RSA 654:1, I-a, at an institution of learning at that place;
- (ii) Renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;
- (iii) Purchasing an abode at that place;
- (iv) Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;
- (v) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;
- (vi) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;
- (vii) Obtaining public utility services for an indefinite period at that place; or
- (viii) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual.

An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided.]

(C) A person who attests under penalty of voter fraud that he or she does not possess any qualifying documentation of domicile and will not ever be able to possess any qualifying documents of domicile shall complete the domicile affidavit.

(2) [Registering within 30 days before an election and on election day:]

(A) [When registering within 30 days before an election or on election day as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the qualified documents listed in subparagraph (1) or other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote, he or she may execute] ***If the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a sworn statement on the general election day voter registration form, or a sworn statement on the domicile affidavit form.*** [used starting 30 days before an election and on election day and initial the acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance with this subparagraph are exempt from the public disclosure required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a document presented in person and forward verification to the supervisors of the checklist. An applicant whose voter registration is approved based on an acknowledgment of a domicile evidence obligation who knowingly or purposely fails to provide a document to the city or town clerk as required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA 659:34.] The supervisors of the checklist shall initiate removing the name from the checklist of any such person who fails to provide proof of domicile by the deadline by sending the person the notice required by RSA 654:44.

(B) A person registering within 30 days before an election or on election day who does not possess reasonable documentation of establishing domicile and has taken no verifiable action to carry out his or her intent to establish domicile at the address claimed on the voter registration application may nonetheless register to vote by initialing the paragraph on the registration form acknowledging that domicile may be verified. The supervisors of the checklist shall, as soon as practical following an election at which the person initials such paragraph to register and vote, attempt to verify that the person was domiciled at the address claimed on election day by means including, but not limited to:

- (i) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation; or
- [(ii) Requesting 2 or more municipal officers or their agents or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day. In unincorporated places that have not organized for the purposes of conducting elections, county officers may be asked to perform this function; or]

[(iii)] ***(ii)*** Referring the registrant's information to the secretary of state, who shall cause such further investigation as is warranted.

(C) Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted.

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street

Ward Number

Town or City

Zip Code

Current Mailing Address (if different): _____

Street

Ward Number

Town or City

Zip Code

Telephone Number (requested but optional): _____

Email Address (requested but optional): _____

Date when current domicile was established: Month: _____ **Year:** _____

Place and Date of Birth: _____

Address of Last Previous Domicile: _____

Street

Ward Number

Town or City

Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not currently in possession of necessary documents to prove my domicile and that my established domicile is at the current domicile address I have entered above. I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of Applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30.

4 Voter Checklists; Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter affidavits, domicile affidavits, affidavit of religious exemption, application for absentee ballot, and contact information, including but not limited to a phone number and email address, provided to the secretary of state or other election officials for the purpose of receiving information about elections shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter **and domicile** affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter **or domicile** affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter **and domicile** affidavits, affidavits of religious exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

5 Election Procedure; Challenges; Affidavit. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified voter affidavit, **a voter domicile affidavit**, or any other affidavit required by the election statutes may be sworn before any person authorized by law to administer oaths or before any election officer.

6 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(a) to read as follows:

(a) When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, **a domicile affidavit**, a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

7 Repeal. The following are repealed:

I. RSA 659:34, I(h)-(i), relative to penalties for voter fraud.

II. RSA 654:7, V, relative to the "verifiable action of domicile" addendum to the voter registration form.

III. 2016, 175:2, relative to Interstate Voter Registration Crosscheck Program.

8 Preservation of Absentee Voting Materials [and] Election Day Affidavits. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, [and] Election Day Affidavits, **and Domicile Affidavits**. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits **and domicile affidavits** as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in accordance with RSA 33-A:3-a. Qualified voter [and], voter registration, **and domicile** affidavits shall be retained for the period set forth in RSA 33-A:3-a, and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

9 Disposition of Municipal Records; Domicile Affidavit. Amend RSA 33-A:3-a, CXLI(f) to read as follows:

(f) [~~Verifiable action of domicile document~~] **Domicile affidavit**: until voter is removed from checklist plus 7 years.

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

AMENDED ANALYSIS

This bill modifies the definition of domicile for voting purposes, modifies forms and procedures used for voter registration, and removes the requirement that the secretary of state conduct post-election voter registration inquiries.

Majority committee amendment adopted.

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

Rep. Bergeron spoke against.

Rep. Groen spoke in favor.

On a division vote, with 185 members having voted in the affirmative, and 163 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 1247, relative to folded ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Bergeron for the Majority of Election Law. This bill would require that cities and towns, which use one or more electronic ballot counting devices for the counting of ballots, count by hand any ballot that has been folded after the voter has marked the ballot. The volume of ballots that would then have to be hand-counted would delay the reporting of final results at polling sites by hours and place a tremendous burden on election officials who have already put in long hours at the polls. In November 2020, for example, 32% of the total votes cast in New Hampshire were absentee ballots -- that is, folded ballots (of the 814,499 ballots cast, 260,217 were absentee ballots). It was also pointed out during committee discussion that the moderator at each election site already has the authority to direct that absentee ballots be tallied by hand rather than counted using electronic ballot counting devices. The committee felt that a decision to count folded, or absentee, ballots by hand should be left up to the discretion of local election officials. Vote 13-7.

Rep. Peter Torosian for the Minority of Election Law. The minority of the committee agree with the majority that all folded ballots should be held for a hand count. The Windham audit found that some folded ballots were not read properly by ballot counting machines due to a shadow created by the fold, rendering the scanner unable to accurately score the results. There is reason to believe this can happen in other circumstances. The minority believes that this bill would add an additional measure of security by requiring all folded ballots to be hand-counted after the close of the polls. This would help to ensure that "every vote" counts and return confidence to voters that the New Hampshire legislature takes seriously the responsibility to "safe guard" every vote.

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

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 145**YEAS - 203
BELKNAP**

Lang, Timothy

Buco, Thomas
Marsh, WilliamBurroughs, Anita
McAleer, ChrisMacDonald, John
Umberger, KarenKnirk, Jerry
Woodcock, Stephen**CHESHIRE**Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Toll, Amanda ElizabethAmes, Richard
Fenton, Donovan
Mann, John
Von Plinsky, SparkyBordenet, John
Fox, Dru
Parshall, Lucius
Weber, LucyEaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence**COOS**Kelley, Eamon
Tucker, Edith

Laflamme, Larry

Theberge, Robert

Thompson, Dennis

GRAFTONAbel, Richard
Egan, Timothy
Ham, Bonnie
Nordgren, Sharon
Sykes, GeorgeAdjutant, Joshua
Fellows, Sallie
Massimilla, Linda
Simon, Matthew
Weston, JoyceAlmy, Susan
Gordon, Edward
Muirhead, Russell
Stavis, LaurelDontonville, Roger
Hakken-Phillips, Mary
Murphy, James
Smith, Suzanne**HILLSBOROUGH**Alexander, Joe
Beaulieu, Jane
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Hamer, Heidi
Herbert, Christopher
Labranche, Tony
Murray, Megan
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Newman, Ray
Newman, Sue
Telerski, Laura
Veilleux, DanielBouldin, Andrew
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Schmidt, Janice
Langley, Diane
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Plett, Fred
Rombeau, Catherine
Snow, Kendall
Toomey, Dan
Wilhelm, MatthewGriffin, Barbara
Berry, Ross
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Healey, Robert
Jeudy, Jean
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Perez, Maria
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Van Houten, ConstanceBaroody, Benjamin
Boehm, Ralph
Connors, Erika
Erf, Keith
Graham, John
Heath, Mary
Klee, Patricia
King, Mark
McLean, Mark
Nutting-Wong, Allison
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Smith, Timothy
Vann, Ivy**MERRIMACK**Alicia, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Testerman, Dave
Woods, GaryAllard, James
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wallner, Mary JaneBartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Walsh, ThomasCaplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wazir, Safiya**ROCKINGHAM**Abbas, Daryl
Cahill, Michael
Gay, Betty
Guthrie, Joseph
Lynn, Bob
McBeath, Rebecca
Milz, David
Read, Ellen
Tripp, RichardAbrami, Patrick
Cali-Pitts, Jacqueline
Gilman, Julie
Hamblet, Joan
Maggiore, Jim
McKinney, Betsy
Osborne, Jason
Simpson, Alexis
Ward, GeraldAltschiller, Debra
DiLorenzo, Charlotte
Grossman, Gaby
Harb, Robert
Major, Norman
McMahon, Charles
Paige, Mark
Somssich, Peter
Yokela, JoshBunker, Lisa
Edgar, Michael
Grote, Jaci
Murray, Kate
Malloy, Dennis
Meuse, David
Pantelakos, Laura
Sytek, John**STRAFFORD**Bixby, Peter
Fargo, Kristina
Groen, Fenton
Levesque, Cassandra
Rich, Cecilia
Vincen, KennethCannon, Gerri
Fontneau, Timothy
Harrington, Michael
Smith, Marjorie
Sandler, Catt
Wall, JanetChase, Wendy
Frost, Sherry
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas
Wuelper, KurtConley, Casey
Grassie, Chuck
Kenney, Cam
Pitre, Joseph
Treleaven, Susan

Callum, John
O'Hearne, Andrew
Sullivan, Brian

Cloutier, John
Oxenham, Lee
Tanner, Linda

SULLIVAN

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Smith, Steven

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BELKNAP

Aldrich, Glen
Hough, Gregg
O'Hara, Travis
Terry, Paul

Bean, Harry
Howard, Raymond
Ploszaj, Tom
Trottier, Douglas

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Mackie, Jonathan
Sylvia, Michael

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

GRAFTON

Alliegro, Mark
Folsom, Beth

Berezhny, Lex
Sanborn, Gail

Binford, David
Greeson, Jeffrey

Depalma IV, Joseph
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Burt, John
Smith, Denise
Gorski, Ted
Infantine, William
Lanzara, Tom
Mayville, Mary
Pauer, Diane
Rice, Kimberly
Ulery, Jordan

Ammon, Keith
Creighton, Jim
Foster, William
Gould, Linda
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa
Warden, Mark

King, Bill
Cushman, Leah
Griffin, Gerald
Greene, Bob
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Prout, Andrew
Somero, Paul

Blasek, Melissa
Kelley, Diane
Gagne, Larry
Homola, Susan
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Renzullo, Andrew
Lekas, Tony

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

Cambrils, Jose
Klose, John
Pearl, Howard
Wells, Natalie

Cross, Kenna
Leavitt, John
Pitaro, Matthew
White, Nick

Hill, Gregory
McGuire, Carol
Boyd, Stephen
Wolf, Dan

MERRIMACK

ROCKINGHAM

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Nelson, Jodi
Layon, Erica
McBride, Everett
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Doucette, Fred
Green, Dennis
Janigian, John
Litchfield, Melissa
Melvin, Charles
Prudhomme-O'Brien, Katherine
Spillane, James
True, Chris
MacDonald, Wayne

Ayer, Paul
Bershtein, Alan
Edwards, Jess
Harley, Tina
Katsakiores, Phyllis
Love, David
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Vandecasteele, Susan
Wallace, Scott

Baldasaro, Al
DeSimone, Debra
Emerick, Tracy
Hobson, Deborah
Khan, Aboul
Pearson, Mark
Potucek, John
Pearson, Stephen
Thomas, Douglas
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Horgan, James
Turcotte, Leonard

Bailey, Glenn
Kaczynski, Thomas

DeLemus, Susan
Kittredge, Mac

Hayward, Peter
Newton, Clifford

SULLIVAN

Aron, Judy

Rollins, Skip

Spilsbury, Walter

and the majority committee report was adopted.

HB 1264, establishing ranked-choice voting for state party primary elections and municipal elections. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as amended by (2022-0909h), would allow political parties and municipalities to use ranked-choice voting (RCV) in primaries or local elections, respectively, under certain conditions. Ranked-choice voting allows people to vote for multiple candidates, in order of preference. Instead of just choosing one candidate, voters identify their first choice, second choice, or third

choice (or more as needed) for each position. A candidate with the majority (more than 50%) of first-choice votes wins outright. If no candidate gets a majority of first-choice votes, then it triggers a new counting process: the candidate who did the worst is eliminated, and that candidate's voters' ballots are redistributed to their second-choice pick. In other words, if a voter's first-ranked candidate loses and the candidate is eliminated, then citizens' votes still count; they just move to second-choice candidates. That process continues until there is a candidate who has the majority of votes. Ranked-choice voting is used for state primary elections in Alaska and Maine and for local elections in more than 20 major US cities. This bill, as amended, would provide that political parties may opt-in to RCV after official approval through party procedures. Municipalities may opt-in to RCV after voters have approved that action through a ballot referendum (or charter amendment, if necessary). The political parties and municipalities may rescind that decision, if they choose to do so, at a later time using the same process. This is enabling legislation. Our political parties should have the right to choose the general election candidates they wish in the manner they wish to use. RCV would save municipalities the cost of conducting primary or run-off elections. And if voters in our municipalities wish to use RCV to elect their local officials, they should be allowed to do so. Approving HB 1264, as amended, will give our voters an opportunity to fully express their preferences.

Rep. Paul Bergeron

Statement in support of Inexpedient to Legislate: This bill establishes procedures for ranked-choice voting (RCV) for which state parties and municipalities may opt in. The methodology changes voting from selecting a winner that receives the most votes to a winner that receives 50% or more of the votes, if you combine voter's preferences when they rank all candidates. It can result in, and has resulted in, the candidate who receives the most "number one" votes, losing the election. Implementing this legislation is problematic for several reasons. The vote counting machines used in New Hampshire would have to be reprogrammed or replaced with new machines in order to handle the potential for several additional counting "rounds" to determine "active preferences" and to get to "batch elimination." Questions exist for the current method of counting and the counting done now can be verified in our hand count recount process. Verifying the results in ranked-choice voting by hand count would be a cumbersome and time-consuming process. Whether waiting for results on Election Day or at a recount, the results will take longer. Some testimony indicated a delay of up to a week. The Secretary of State's interpretation of our constitution provides results are determined on Election Day, and moderators stay until the count is concluded. Under an RCV system, the tabulation for state primary races would need to be conducted at a centralized location which would require that after the polls are closed, local electronic and paper vote counting equipment and records be transported to that central location, or that results be transmitted electronically. What would happen to our moderators in charge of our polling places? The transport of material and equipment would create additional concern with regard to security and storage of election materials, and create additional expense to communities and the state. Since this is an opt-in proposal, this will create confusion for voters with some elections being ranked-choice and others being traditional voting. The opt in approach could result in two different types of ballots and therefore two different types of machines for the same election, one with voting as we know it and the other to be completed using the ranking method. A scattered implementation of the methodology could lead to more distrust in our elections and the inconsistency could lead to more disenfranchised voters. It is also believed that this scheme creates a high risk of losing the First in the Nation presidential primary election. Using RCV appears to be a way for more voters to be able to say they voted for the winner, when that winner could have been their second, third, or even fourth choice. This feel-good legislation will result in the voter being disconnected from the issues because candidates will be campaigning to reach the most voters possible and eliminate debates on underlying, core policy issues. It eliminates genuine binary choices among the two top-tier candidates. It also can create ballot exhaustion where a voter either does not choose every candidate or he chooses several and still is frustrated because he feels his vote does not count. Given all these issues, and the fact that elections will be more costly and take longer with recounts becoming more difficult and time consuming, it is requested you support a motion of Inexpedient to Legislate.

Rep. Peter Torosian

Rep. moved Ought to Pass and offered floor amendment (0909h).

Floor Amendment (0909h)

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

AN ACT enabling ranked-choice voting for state party primary elections and municipal elections.

Amend the bill by replacing section 8 with the following:

8 General Election; Canvas and Declaration. Amend RSA 659:81 to read as follows:

659:81 Canvass and Declaration Generally. Except as provided in RSA 659:82, when the secretary of state has received the returns for an office from all towns or wards comprising the elective district for that office, he *or she* shall examine, record and total such returns and shall declare elected to the office the same number of persons as the number of officers to which the district is entitled; provided that those persons declared

officers-elect shall be those persons who received the highest number of votes cast for said office[-], *or in a municipal election using ranked-choice voting the highest number of active preferences at the conclusion of counting by the ranked-choice method described in RSA 659:61-a through RSA 659:61-d.* Amend the bill by replacing section 11 with the following:

11 Applicability; Implementation.

I. The provisions for ranked choice voting outlined in sections 1-10 of this act shall take effect on January 1, 2023 with respect to state party primaries for state and federal office including the presidential primary, if state parties opt-in, and to municipal elections, if municipalities opt-in. Any state party or municipality may opt-in to the provisions for ranked choice voting without regard for whether any other state party or municipality also opts in. Any state party or municipality that seeks to opt-in to the provisions for ranked-choice voting shall do so at least 90 days before the first election in which such party or municipality seeks to utilize ranked choice voting by providing written notice to the New Hampshire secretary of state.

II. In the case of a state party, after official approval through appropriate party procedures, the party chair or designee shall provide such notice to the secretary of state. A state party may consider rescinding its action in the same manner, and if so rescinded, the party chair or designee shall notify the secretary of state at least 90 days before the next primary election, of the decision to rescind their opt-in.

III. Any town or city may implement ranked choice voting in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, or by initiative petition or referendum petition if a town charter provides for such, and shall be voted on a ballot.

(b) In a city, the legislative body may vote to place the question on the official ballot for any special or regular municipal election, or, in the alternative, shall place the question on the official ballot for any municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(c) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published either in a newspaper of general circulation or the municipality's Internet website at least 7 days before the hearing.

(d) If one or more amendments to a municipal charter are necessary in order to implement ranked choice voting, the charter shall be amended as provided for in RSA 49-B:5.

IV. Once passed according to the applicable procedures outlined in subparagraphs III(a) – (d), ranked choice voting shall apply within the town or city beginning with the next municipal election, provided that a town or city designee notifies the New Hampshire secretary of state of their opt-in at least 90 days before said election.

V. A town or city may consider rescinding its action in the same manner, and if so rescinded, the city or town clerk shall notify the secretary of state at least 90 days before the next election, of the decision to rescind their opt-in.

MOTION TO LAY ON THE TABLE

Rep. Baldasaro moved that **HB 1264**, establishing ranked-choice voting for state party primary elections and municipal elections, be laid on the table.

On a division vote, with 206 members having voted in the affirmative, and 142 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1326, relative to permissible campaign contributions by business organizations and labor unions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Alexander for the Majority of Election Law. This bill, as presented, is a significant change to current campaign finance statutes as it relates to business organizations. This legislation attempts to equate labor unions with business organizations. The bill would force business entities to establish segregated funds in order to contribute to candidates or organizations of their choice, an unnecessary burden on the right of businesses to exercise their free speech. The bill also adds a provision that unions can establish a separate independent political committee that operates with funds solicited from its own members, an arrangement the majority found to be contrary to supporting free speech. The majority of the Election Law Committee was not convinced there is a problem with business entities participating in the electoral process. Vote 11-9. Rep. Connie Lane for the Minority of Election Law. This bill allows a level playing field for political contributions from business organizations and labor unions. Currently, business organizations can contribute directly to political contributions without regard to the source of the donations within the company, but unions cannot. The bill implements the solution recommended by U.S. District Court Judge McAuliffe when he found the broad restriction on all corporate political contributions to be overly restrictive and unconstitutional in *Kennedy v. Gardner* [No. CV 98-608-M, DNH Sept. 30, 1999]. Judge McAuliffe suggested that the legislature narrow the prohibition to apply only to contributions from a corporate treasury fund and to permit contributions from a segregated account funded through voluntary contributions. Rather than follow that advice, the legislature

deleted the language restricting political contributions from business organizations but left restrictions in place for labor unions. This bill would allow corporate donations if they were not from the general treasury funds of the company, but from a segregated fund solely for political donations. It would allow labor unions to do the same, making the same rules apply to both business organizations and labor unions.

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

Rep. Lane spoke against.

Rep. Sweeney spoke in favor.

On a division vote, with 185 members having voted in the affirmative, and 161 in the negative, the majority committee report was adopted.

HB 1394, relative to the reporting of certain campaign contributions and relative to political contributions made by limited liability companies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Sweeney for the Majority of Election Law. This bill proposes new requirements for reporting that are both a suppression of free speech and impossible to do with the current database mainlined by the state for limited liability companies (LLCs). This legislation would force LLCs to publicly list their members before making a contribution. Any contribution would then need to be allocated, and disclosed, as being from those members. There is no requirement under law for the disclosure of an LLC's members so it would be impossible to implement without a change in business formation practices and record keeping by the state. The practical effect of this legislation is a prohibition on corporations from engaging in first amendment-protected political speech, as decided by the US District Court for New Hampshire in Kennedy v. Gardner, [No. CV 98-608-M, D.N.H. Sept. 30, 1999] Limiting speech and participation in our electoral processes will limit contributions and involvement from business entities to campaigns and registered organizations, resulting in less voter education. Vote 11-9.

Rep. Connie Lane for the Minority of Election Law. This bill clarifies that individual "members" of an LLC are subject to the same political campaign contribution limits as are other individual and corporations under our state law. A problem with our current law has been exposed over the last several New Hampshire election cycles. Presently each LLC is treated as an individual donor for the purpose of direct campaign contributions, regardless of who controls it. Single candidates have been receiving multiple contributions from separately organized LLCs, often created at the same address and are controlled by the same person, corporation, or group of people. In these cases, contributions from the multiple LLCs, have enabled individual LLC members to direct the many LLC contributions to single candidates in total amounts that exceed the contribution limits allowed to the individuals. These circumstances have become known as the "LLC Loophole." This bill would close that loophole, making the existing individual contribution limit meaningful. Without it, individuals can form numerous LLCs to get around the cap on individual donations. This bill will increase the transparency and accountability of campaign donations.

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

Rep. Lane spoke against.

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

YEAS 187 - NAYS 163

YEAS - 187

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bean, Harry
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
McGuire, Carol
Boyd, Stephen
Walsh, Thomas

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Schamberg, Thomas
Wells, Natalie

Cambriels, Jose
Klose, John
Pearl, Howard
Seaworth, Brian
White, Nick

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Testerman, Dave
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne

Ayer, Paul
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 163**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Andrew
Bouchard, Donald

Baroody, Benjamin
Chretien, Jacqueline

Beaulieu, Jane
Cohen, Bruce

Bergeron, Paul
Connors, Erika

Cornell, Patricia
 Freitas, Mary
 Heath, Mary
 Klee, Patricia
 Long, Patrick
 McGhee, Kat
 Nutting-Wong, Allison
 Piedra, Israel
 Rombeau, Catherine
 Stevens, Deb
 Van Houten, Constance

DiSilvestro, Linda
 Griffith, Willis
 Herbert, Christopher
 Labranche, Tony
 King, Mark
 Moran, Melbourne
 Pedersen, Michael
 Porter, Marjorie
 Rung, Rosemarie
 Smith, Timothy
 Vann, Ivy

Dutzy, Sherry
 Hamer, Heidi
 Schmidt, Janice
 Langley, Diane
 Murray, Megan
 Mullen, Sue
 Perez, Maria
 Query, Joshua
 Newman, Sue
 Telerski, Laura
 Veilleux, Daniel

Espitia, Manny
 Harriott-Gathright, Linda
 Judy, Jean
 Leishman, Peter
 Mangipudi, Latha
 Nutter-Upham, Frances
 Petrigno, Peter
 Newman, Ray
 Snow, Kendall
 Toomey, Dan
 Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
 Ellison, Arthur
 Luneau, David
 Richards, Beth
 Shurtleff, Steve
 Wolf, Dan

Bartlett, Christy
 Gallager, Eric
 MacKay, James
 Rogers, Katherine
 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

Abramson, Max
 Cali-Pitts, Jacqueline
 Grossman, Gaby
 Maggiore, Jim
 Paige, Mark
 Somssich, Peter

Altschiller, Debra
 DiLorenzo, Charlotte
 Grote, Jaci
 Malloy, Dennis
 Pantelakos, Laura
 Ward, Gerald

Bunker, Lisa
 Edgar, Michael
 Hamblet, Joan
 McBeath, Rebecca
 Read, Ellen

Cahill, Michael
 Gilman, Julie
 Murray, Kate
 Meuse, David
 Simpson, Alexis

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Horrigan, Timothy
 Schmidt, Peter
 Treleaven, Susan

Cannon, Gerri
 Fontneau, Timothy
 Kenney, Cam
 Rich, Cecilia
 Vincent, Kenneth

Chase, Wendy
 Frost, Sherry
 Levesque, Cassandra
 Sandler, Catt
 Wall, Janet

Conley, Casey
 Grassie, Chuck
 Smith, Marjorie
 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.

HB 1442-FN, relative to access to election and voter information. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Ross Berry for the Majority of Election Law. This bill requires municipalities to prepare election instructions and ballots in up to three languages other than English provided that more than 3% of the population frequently speaks another language other than English. While that data does not readily exist (not in terms of fluency, but most frequently spoken language), the US Census does track the voting age population that “Do Not Speak English Well” when applying an existing federal requirement for multilingual ballot instructions and ballots under Section 203 of the Voting Rights Act. Section 203 applies a similar standard of 5% for all states, including New Hampshire. When applying this methodology to the sponsor’s bill and looking at the census data for those who “Do Not Speak English Well,” not a single municipality in the State of New Hampshire would qualify for the existing 5% threshold and the sponsor was unaware of any that would qualify for the 3% threshold. The committee had concerns about whether the bill identification of “frequently speaks” would mean population or voting eligible population, and what the costs of printing different ballots and instructions as well as finding qualified translators for the hypothetical languages, might be. Vote 11-9. Rep. Connie Lane for the Minority of Election Law. The minority recognizes that the bill needs more research and revisions and feels that a study committee could resolve these issues. As the population of New Hampshire becomes more diverse, we need to begin preparing our ballots and election instructions in the languages widely spoken in the community, as well as in English. The reading level of the election instructions and same day registration forms is above that required for the citizenship test. Having these available in the voter’s first language will improve access to voting and prepare New Hampshire for compliance with the federal Help America Vote Act, which will require that ballots and election materials be prepared in those languages that are spoken by 5% of the total voting age population in a district.

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

On a division vote, with 195 members having voted in the affirmative, and 156 in the negative, the majority committee report was adopted.

HB 1567-FN, relative to the removal of election officials from office. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the Majority of Election Law. This bill is an attempt to provide a remedy for when election official misconduct occurs. It proposes the removal of election officials as a remedy when a registered voter successfully brings suit against the official in the Superior Court. The committee agreed that dealing with misconduct of public officers in elections is a serious matter. While the attorney general is responsible for investigation of such conduct, the remedies currently provided in statute relate to criminal findings. After review, the committee believes the solution proposed, bringing suit in Superior Court, raises issues as to the length of time to resolve and the legal process and standard to establish any misconduct. The amendment proposes an alternative remedy. When the Attorney General's Office (AG) determines that an election official has negligently failed to perform their election duties, the AG can then assess fines against the municipality. By taking the matter out of court, and making the municipality responsible for penalties in a negligent failure to act, the committee believes a more immediate remedy can be reached. It is believed that by allowing a fine for each act, a municipality should be eager to ensure the correction of issues. The amendment proposes fines for each act from \$250 to \$1,000. The committee believes this type of remedy is needed in light of the results of the Windham audit. While there were no criminal intent findings, there was likely a knowing failure to perform. This bill, as amended, gives the AG more tools to ensure the integrity of our elections. Vote 12-8.

Rep. Paul Bergeron for the Minority of Election Law. This bill, as amended, would establish a procedure to fine municipalities whose election officials negligently fail to perform their duties. Responsibility for assessing a civil penalty is assigned to the Attorney General's Office (AG). The bill does not provide procedures as to where or how complaints should be filed or who has the right to file such complaints. Election officials may work at the polls once or twice each year, yet they are expected to have a firm grasp on the requirements of law in a 400-page Election Law manual and a 400-page Election Procedure Manual. Similarly, the AG recruits election day inspectors to visit polling sites and evaluate how well election officials are complying with election requirements, yet some of these inspectors have less experience or training than the election officials they are interacting with. Procedures for implementation of the complaint-and-fine process are not well-defined and if an election official "negligently fails to perform his duties in such a way as to hinder the objects thereof," a civil penalty assessed against the municipality will not have direct consequences on a public officer who engaged in misconduct.

Majority Amendment (1014h)

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

AN ACT relative to consequences resulting from election official misconduct.

Amend the bill by replacing section 1 with the following:

1 Provisions for Purity of Elections; Official Misconduct; Consequences. Amend RSA 666:3 to read as follows: 666:3 Official Misconduct.

I. Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

II. Any public officer upon whom a duty relating to elections is imposed who shall negligently fail to perform such duty or who shall negligently perform it in such a way as to hinder the objects thereof, as found pursuant to RSA 666:2, shall cause the county, city, town, school district, village district, or other political subdivision, where such conduct occurred to be subject to a civil penalty of not less than \$250 nor more than \$1000 for each act.

III. The attorney general shall notify the county, city, town, school district, village district, or other political subdivision that is subject to this section of the state's intention to seek a civil penalty, and of the ability to negotiate with and to settle with such county, city, town, school district, village district, or other political subdivision without court action, provided that any civil penalty paid as settlement shall be paid to the attorney general for deposit into the general fund.

IV. If an entity is subject to a civil penalty under this section, the entity shall also be subject to the payment of restitution damages.

AMENDED ANALYSIS

This bill allows the attorney general to seek a civil penalty against the local government entity in which an election official was found to have negligently engaged in misconduct.

Majority committee amendment adopted.

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

On a division vote, with 187 members having voted in the affirmative, and 165 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 1454-FN, relative to permits for the siting of new landfills. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Megan Murray for the Majority of Environment and Agriculture. This bill, as amended, will protect perennial lakes, rivers, and coastal waters when new landfills are being proposed for siting. The bill replaces

the arbitrary 200-foot set-back guideline and replaces it with a 5-year distance of travel calculation based on hydrogeological measurements. The minimum distance from a new landfill to a perennial river, lake, or coastal water will be the greater of 200 ft. or the calculated five-year distance-of-travel. This bill will not prohibit the expansion of currently operating landfills. Vote 10-9.

Rep. Barbara Comtois for the Minority of Environment and Agriculture. The minority did not have objection to the amended language but felt since the House passed a similar bill, which creates a study committee to look at the whole chapter pertaining to landfill siting criteria including the setback from bodies of surface water, that we should hold off passing any changes to the chapter until the study committee had an opportunity to perform the duties it is charged with by the legislature.

Majority Amendment (0894h)

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

1 Statement of Purpose. The protection of perennial rivers, lakes, and coastal waters from contamination is in the public interest of the state of New Hampshire. Therefore, the setback from a proposed landfill to such a water body should be sufficient to prevent groundwater contaminated by a leak, spill, or other failure from reaching the waterbody before remedial action can be implemented. A period of 5 years should be sufficient to detect and map a failure, assess appropriate remediation, meet engineering and regulatory requirements, and initiate the remedy.

2 New Paragraph; Landfill Permits; Groundwater Protection. Amend RSA 149-M:9 by inserting after paragraph XIV the following new paragraph:

XV.(a) The department shall establish a site-specific setback distance for any proposed new landfill from any perennial river, lake, or coastal water of New Hampshire, as defined in RSA 483-B:4, XVI. The setback distance shall be sufficient to prevent any contaminated groundwater at any part of the actual solid waste disposal area from reaching any perennial river, lake, or coastal water of New Hampshire within 5 years. The setback distance shall be calculated as follows:

(1) The applicant shall hire an independent hydrogeologist at the applicant's expense, to estimate based upon adequate and representative on-site field testing, the seepage velocity of groundwater in both overburden/till and in bedrock. The maximum seepage velocity shall be the highest rate estimated for any test site in the disposal area.

(2) The 5-year distance-of-travel estimate shall be calculated by multiplying the maximum seepage velocity by 5.

(3) The setback from any perennial river, lake, or coastal water of New Hampshire shall be the greater of the 5-year distance-of-travel estimate calculated in subparagraph (2) or 200 feet.

(b) No permit shall be issued by any division of the department for siting a new landfill that fails to conform with the setback distance as calculated using the method set forth in subparagraph (a).

(c) Nothing in this paragraph shall be construed to prohibit the expansion of any landfills that are in operation at the time this paragraph takes effect.

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

AMENDED ANALYSIS

This bill establishes a formula for determining the distance for which a new landfill shall be located from a perennial river, lake, or coastal water.

Majority committee amendment adopted.

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

(Representative Steven Smith in the Chair)

REGULAR CALENDAR CONT'D

HB 1065-FN, relative to the regulation of art therapists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Santonastaso for the Majority of Executive Departments and Administration. This bill adds licensure for art therapists under the board of mental health practice. The motivation behind this bill is to allow the insurance reimbursement for art therapists. Medical insurance requires a provider be licensed in order to process claims. Although this may be true licensing exists for the purpose of protecting the public not for the purpose of making billing insurance expedient. It is an unfaithful and a dangerous practice for society to set up an institution (licensing in this case) and then later change the underlining narrative for that institution's existence. This practice also weakens the case for the original narrative (protecting the public). We asked the sponsors of the bill to find another avenue to fix this billing problem. Additionally since no sponsors were available for testimony, and no art therapists testified, it suggests that this issue of being unable to file insurance claims is small or nonexistent. Vote 10-8.

Rep. William Marsh for the Minority of Executive Departments and Administration. The minority cannot agree with the majority because New Hampshire currently has a desperate shortage of mental health practitioners. Currently 14 states and the District of Columbia allow art therapists to be granted licenses to

practice in this capacity, and in those jurisdictions, they are successfully lessening the shortage of mental health practitioners. This bill adds art therapists to the list of professionals who can be licensed as psychotherapists by the Board of Mental Health Practice, and adds an art therapist to that board. The minority believes some patients will be helped by this therapy, and certain ones may respond better to this modality than other modalities currently offered. The contribution of art therapists will certainly reduce the current burden on our overloaded mental health practitioners. The minority believes that licensure of art therapists who engage in psychotherapy is as important to protect the public from predatory actions as is the licensure of pastoral psychotherapists, clinical social workers, school social workers, clinical mental health counselors, and marriage and family therapists under current law. The amendment proposed by the minority changes the word "board" on page 2 line 22 of the bill to "office of professional licensure and certification" (OPLC), so that they can set the fees as requested by OPLC.

MOTION TO LAY ON THE TABLE

Rep. McGuire moved that **HB 1065-FN**, relative to the regulation of art therapists, be laid on the table. On a division vote, with 180 members having voted in the affirmative, and 150 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1135, requiring a performance audit of the department of education, education freedom account program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the Majority of Executive Departments and Administration. This bill, as amended, requires the audit division of the Legislative Budget Assistant (LBA) to complete a performance audit of the Department of Education's (DOE) education freedom account program. The amendment moves the effective date out a year to July 2023. The final rules for the program were just approved by the Joint Legislative Committee on Administrative Rules and the final rules do differ from the interim rules. There are also a large number of bills currently under consideration by this legislature that, if passed, would modify the program. The committee received testimony from the Director of the Audit Division of the LBA saying that when auditing the performance of a new program it is best to wait until the program is operational for some amount of time. He indicated that a year would be a minimum but even that might be too short to be meaningful. We also heard testimony that it is best if the audit includes at least a full fiscal year. If the state is to spend the resources of the Audit Division to do the audit and of the DOE to provide information for that audit it should be done in a time frame which will provide useful information. If done too soon it won't be an audit of the actual program as it operates and would operate into the future. Vote 10-9.

Rep. Sallie Fellows for the Minority of Executive Departments and Administration. The minority supports the bill but opposes the amendment to delay the effective date. The amendment means we won't see the audit until the spring of 2024 or later. Recommended administrative changes can't be made until the 2024-2025 school year, the fourth year of operation. Recommended legislation or rules changes can't be made until the fifth school year, 2025-2026. The analysis of the first two years of enrollment won't be available to help with preparation of the next biennial budget. This program gives income-qualified parents \$4,000 - \$8,000 credit per child, which they can spend or keep on account for use in future years. The contractor will hold all the account balances. The state will give the contractor more than \$8,000,000 this year. Next year the amount will likely be \$16,000,000 or more, and will continue to grow. We have a responsibility to verify that state money is being securely held and appropriately managed, and the program is in compliance with all applicable laws. Due to the cost and uniqueness of the program, we need a Legislative Budget Assistant audit as soon as possible.

Majority Amendment (0847h)

Amend the bill by replacing section 2 with the following:

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

Rep. Fellows spoke against.

Rep. Tony Lekas spoke in favor.

On a division vote, with 187 members having voted in the affirmative, and 148 in the negative, the majority committee amendment was adopted.

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

CLERK'S NOTE

Inexpedient to Legislate was the report transmitted to the Clerk's office. However, the intent of the minority is Ought to Pass, as stated on the House floor, and the header is corrected thusly.

REGULAR CALENDAR CONT'D

HB 1171-FN, exempting certain niche beauty services from licensure requirements. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for the Majority of Executive Departments and Administration. This bill would exempt certain niche beauty services from licensure requirements by making it legal to offer “blow-dry styling” (which includes “shampooing, conditioning, drying, arranging, curling, straightening, or styling hair”), eyelash extension application, makeup application, and eyebrow threading without having to have a New Hampshire cosmetology license. Currently, New Hampshire is one of only 10 states without such licensing exemptions to allow for some of these exemptions. Every bordering state offers at least some of these exemptions. These services will not include any practice that involves chemical agents, such as hair coloring or permanents and will also not include any haircuts or specialty tools that require advanced training. The bill also would exempt makeup application and similar cosmetic beauty services from licensure when offered for demonstration (at a department store makeup counter, for example) or for theatrical, photographic, television and media appearances. This will allow New Hampshire to promote entrepreneurship by encouraging trained and skilled beauty professionals to supply work for in demand services without the need to entangle themselves in bureaucratic licensing laws. Vote 11-8.

Rep. Jaci Grote for the Minority of Executive Departments and Administration. This bill allows for services such as shampooing, blow drying, make up application and eye lash extensions, that are currently done by licensed individuals, to be performed by anyone. This bill does not require so much as a course in sanitation, infection prevention or passage of an exam. This is out of step with all other states; there are no states that allow individuals to perform cosmetic or beauty services without minimum training or supervision by licensed individuals. Some states require a public posting that those performing these services are not licensed; this bill does not require this stipulation. In the specific case of eyelash extension, a chemical is placed in the eye area and the minority is strongly not in favor of this allowance. There are no states that allow this service without licensing and training for the purpose of aesthetics or cosmetic purposes.

Majority Amendment (0843h)

Amend the bill by replacing all after section 6 with the following:

7 New Paragraphs; Barbering, Cosmetology, and Esthetics; Exemptions. Amend RSA 313-A:25 by inserting after paragraph XIII the following new paragraphs:

XIV. Persons engaged in blow dry styling and hair styling.

XV. Persons who demonstrate the use of cosmetic beauty aid or equipment for the purpose of offering for sale to the public such cosmetic beauty aid or equipment.

XVI. Persons engaged in blow-dry styling and makeup application for theatrical, television, film, fashion, photography, or media productions or media appearances.

XVII. Persons engaged in eyelash extension application.

XVIII. Persons engaged in makeup application.

XIX. Persons engaged in threading.

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

MOTION TO LAY ON THE TABLE

Rep. Grote moved that **HB 1171-FN**, exempting certain niche beauty services from licensure requirements, be laid on the table.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 156 - NAYS 190

YEAS - 156

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

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
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Andrew
Booras, Efstathia

Baroody, Benjamin
Bouchard, Donald

Beaulieu, Jane
Chretien, Jacqueline

Bergeron, Paul
Cohen, Bruce

Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Rung, Rosemarie
Smith, Timothy
Veilleux, Daniel

Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Newman, Sue
Telerski, Laura
Wilhelm, Matthew

DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klein-Knight, Nicole
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Toomey, Dan

Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Labranche, Tony
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Schamberg, Thomas
Soucy, Timothy

Bartlett, Christy
Gallager, Eric
MacKay, James
Schuett, Dianne
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

Ebel, Karen
Lane, Connie
Rogers, Katherine
Shurtleff, Steve
Woods, Gary

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Frost, Sherry
Levesque, Cassandra
Sandler, Catt

Cannon, Gerri
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas

Conley, Casey
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 190

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

Bordes, Mike
Howard, Raymond
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

CARROLL

Avellani, Lino
MacDonald, John
Umberger, Karen

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
Marsh, William

Deshaies, Brodie
McConkey, Mark

CHESHIRE

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Sanborn, Laurie
Marston, Dick
Notter, Jeanine

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Jeudy, Jean
Lanzara, Tom
Mayville, Mary
Nunez, Hershel

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred

Post, Lisa
Sheehan, Vanessa
Warden, Mark

Prout, Andrew
Somero, Paul

Renzullo, Andrew
Lekas, Tony

Rice, Kimberly
Ulery, Jordan

MERRIMACK

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

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

ROCKINGHAM

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Abramson, Max
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Ayer, Paul
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Groen, Fenton
Kaczynski, Thomas
Treleaven, Susan

Bailey, Glenn
Harrington, Michael
Kittredge, Mac
Turcotte, Leonard

DeLemus, Susan
Hayward, Peter
Newton, Clifford
Wuelper, Kurt

Fargo, Kristina
Horgan, James
Pitre, Joseph

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

and the motion failed.

The question being adoption of the majority committee amendment.

Majority committee amendment adopted.

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

Rep. Grote spoke against.

Rep. Rhodes spoke in favor.

Rep. Berry requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 147

YEAS - 201

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
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
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Fenton, Donovan
Santonastaso, Matthew

Maneval, Andrew
Von Plinsky, Sparky

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin
Thompson, Dennis

Kelley, Eamon
Tucker, Edith

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Healey, Robert
Kelsey, Niki
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Piedra, Israel
Renzullo, Andrew
Somero, Paul
Warden, Mark

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Homola, Susan
Klein-Knight, Nicole
Lascelles, Richard
McLean, Mark
Nutting-Wong, Allison
Plett, Fred
Rice, Kimberly
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Infantine, William
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Griffith, Willis
Judy, Jean
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Petrigno, Peter
Prout, Andrew
Sheehan, Vanessa
Veilleux, Daniel

MERRIMACK

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

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

Cambirls, Jose
Klose, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Abramson, Max
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Acton, Dennis
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac
Turcotte, Leonard

Bailey, Glenn
Hayward, Peter
Newton, Clifford
Vincent, Kenneth

DeLemus, Susan
Horgan, James
Pitre, Joseph
Wuelper, Kurt

Groen, Fenton
Kaczynski, Thomas
Treleaven, Susan

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 147**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Parshall, Lucius
Welkowitz, Lawrence

Ames, Richard
Fox, Dru
Schapiro, Joe

Bordenet, John
Gomarlo, Jennie
Toll, Amanda Elizabeth

Eaton, Daniel
Mann, John
Weber, Lucy

COOS

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon

HILLSBOROUGH

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Klee, Patricia
King, Mark
Mullen, Sue
Perez, Maria
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Heath, Mary
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Porter, Marjorie
Rung, Rosemarie
Smith, Timothy
Wilhelm, Matthew

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Query, Joshua
Newman, Sue
Telerski, Laura

Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Schmidt, Janice
Long, Patrick
Moran, Melbourne
Pedersen, Michael
Newman, Ray
Snow, Kendall
Toomey, Dan

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
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Prudhomme-O'Brien, Katherine

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Read, Ellen

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Simpson, Alexis

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Sandler, Catt

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

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

HB 1173, proclaiming August 9 as Indigenous People's Day. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tony Lekas for the Majority of Executive Departments and Administration. This bill is similar to many others asking to have an important event or issue, many of which are already recognized nationally, or as in this case, internationally, placed into statute. If the goal is to keep the event or issue in the public mind it is much more effective for groups of citizens to organize celebrations commemorating the event or issue. Another concern regarding this bill was that we received testimony from some indigenous people who disagreed with the date selected even though that date is the one currently recognized by the United Nations. Vote 14-5.

Rep. Michael Yakubovich for the Minority of Executive Departments and Administration. The human race originated in Africa 200 thousand years ago and gradually migrated all over the world. About 14,000 years ago first humans arrived on the American continent. These original travelers explored on foot and over many generations made it all the way down the continent. We know them as the indigenous people of this land. Other peoples & tribes migrated everywhere around the globe. By resolution 49/214, on December 23, 1994, with the help of the Sub-Commission on the Promotion and Protection of Human Rights, The United Nations General Assembly designated August 9th as the Indigenous People's Day. It's time we extend the courtesy to the original humans of New Hampshire and celebrate their historic journey by recognizing their day with the rest of the world!

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

Majority committee report adopted.

HB 1330, relative to the board of registration of medical technicians. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Yakubovich for the Majority of Executive Departments and Administration. This bill, as amended, repeals the necessity for medical technicians to register with the state. Government licensing is the most burdensome form of occupational regulation. Hardly any other states license medical technicians. It's completely unnecessary; technicians already work under supervision of institutions and practitioners: hospitals, doctors, labs. Our hospitals and health care facilities have been struggling to hire workers. Let us remove a barrier in the way of Granite Staters entering the medical technician field, in the medical service of the public. Vote 10-9.

Rep. William Marsh for the Minority of Executive Departments and Administration. The minority opposes the majority amendment, which would repeal the board of registration of medical technicians. This board was established in 2016 in response to the Hepatitis C outbreak at Exeter Hospital. Briefly, a technician was diverting injectable opioids for personal use, contaminating drug vials with hepatitis C. New Hampshire was the first state to require registration of such technicians, and there have been no similar outbreaks in the state subsequently. According to the Association of Surgical technologists, 12 states currently require certification of surgical technologists, and 3 more besides New Hampshire require registration. The board has been recently dysfunctional due to inability to obtain quorum and do its duties. HB 1330 would make it an advisory board so that OPLC can perform administrative functions. The first minority amendment ensures that the advisory board is consulted whenever important professional decisions need to be made. The second minority amendment adds alternate members. The minority believes that New Hampshire should continue to register medical technologists and the board should continue to exist, but become an advisory board. Therefore, we recommend HB 1330 ought to pass with the proposed minority amendment.

Majority Amendment (0399h)

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

AN ACT repealing the board of medical technicians in the office of professional licensure and certification.

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

1 Office of Professional Licensure and Certification; Telemedicine and Telehealth. Amend RSA 310-A:1-g, III to read as follows:

III. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; ~~[RSA 328-I;]~~ **or** RSA 328-J may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

2 Repeal. The following are repealed:

I. RSA 151:3-d, relative to the verification of medical technician registration.

II. RSA 310-A:1-a, I(pp), relative to the certification and regulation of medical technicians by the office of professional licensure and certification.

III. RSA 328-I, relative to the board of medical technicians.

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

AMENDED ANALYSIS

This bill repeals the requirements for the certification and regulation of medical technicians by the office of professional licensure and certification.

Rep. Marsh spoke against.

Rep. Yakubovich spoke in favor.

Rep. Yokela requested a roll call; sufficiently seconded.

YEAS 175 - NAYS 168

YEAS - 175

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
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
Trottier, Douglas

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Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

MacDonald, John

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Maneval, Andrew

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

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Merner, Troy

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Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

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Berry, Ross

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Blasek, Melissa

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Boehm, Ralph

Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Ulery, Jordan

Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kelsey, Niki
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Cushman, Leah
Fedolff, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

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

Cambrils, Jose
Klose, John
Pearl, Howard
Testerman, Dave

Cross, Kenna
Leavitt, John
Pitaro, Matthew
Wells, Natalie

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

MERRIMACK

Abbas, Daryl
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Abrami, Patrick
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Welch, David

Abramson, Max
Bershtein, Alan
Doucette, Fred
Gay, Betty
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McKinney, Betsy
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Toriosian, Peter
Vose, Michael
Weyler, Kenneth

Ayer, Paul
DeSimone, Debra
Edwards, Jess
Green, Dennis
Nelson, Jodi
Layon, Erica
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

ROCKINGHAM

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

STRAFFORD

Aron, Judy

Rollins, Skip

Spilsbury, Walter

Stapleton, Walter

SULLIVAN

NAYS - 168

CARROLL

Nelson, Bill
Marsh, William

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Abbott, Michael
Faulkner, Barry
Parshall, Lucius
Weber, Lucy

Ames, Richard
Fenton, Donovan
Schapiro, Joe
Welkowitz, Lawrence

Bordenet, John
Fox, Dru
Toll, Amanda Elizabeth

Eaton, Daniel
Gomarlo, Jennie
Von Plinsky, Sparky

CHESHIRE

Kelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

Thompson, Dennis

COOS

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Andrew
Bergeron, Paul
Cohen, Bruce
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
Long, Patrick

Boyd, Bill
Booras, Efstathia
Connors, Erika
Freitas, Mary
Harriott-Gathright, Linda
Jeudy, Jean
Lascelles, Richard
King, Mark

Baroody, Benjamin
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klee, Patricia
Leishman, Peter
Murray, Megan

Beaulieu, Jane
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Klein-Knight, Nicole
Lewicke, John
Mangipudi, Latha

McGhee, Kat
Nutting-Wong, Allison
Piedra, Israel
Rouillard, Claire
Stevens, Deb
Van Houten, Constance

Moran, Melbourne
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Mullen, Sue
Perez, Maria
Newman, Ray
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Nutter-Upham, Frances
Petrigno, Peter
Rombeau, Catherine
Snow, Kendall
Toomey, Dan
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
Woods, Gary

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Acton, Dennis
Cali-Pitts, Jacqueline
Grossman, Gaby
Murray, Kate
Meuse, David
Simpson, Alexis

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Paige, Mark
Verville, Kevin

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Cahill, Michael
Gilman, Julie
Harb, Robert
McBeath, Rebecca
Read, Ellen

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Vincent, Kenneth

Cannon, Gerri
Frost, Sherry
Levesque, Cassandra
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas

Conley, Casey
Horrigan, Timothy
Schmidt, Peter
Treleven, Susan

SULLIVAN

Callum, John
O'Hearne, Andrew

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary

and the majority committee amendment was adopted.

The question being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Marsh offered minority committee amendment (0699h).

Minority Amendment (0699h)

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

1 Board of Registration of Medical Technicians; Definitions. Amend RSA 328-I:1, I to read as follows:

I. "Board" means the **advisory** board of registration of medical technicians.

I-a. "Executive director" means the executive director of the office of professional licensure and certification.

2 Board of Registration of Medical Technicians; Advisory Board Established. RSA 328-I:2 is repealed and reenacted to read as follows:

328-I:2 Advisory Board of Registration of Medical Technicians. The executive director shall establish an advisory board of registration of medical technicians consisting of 3 members. Two members shall be licensed, registered, or certified health care providers with experience supervising medical technicians. One shall be a medical technician required to be registered pursuant to this chapter. 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.

3 Medical Technicians; Initial Registration; Application; Fees. Amend RSA 328-I:6 to read as follows:

328-I:6 Initial Registration; Application, Fees.

I. The [board] ***executive director, in consultation with the advisory board***, may register any person who submits a completed application. [~~The fee for registration under this chapter shall be \$110.~~]

II. Completed applications shall include:

- (a) Payment of the non-refundable registration fee;
- (b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification, or registration boards.
- (c) A complete set of fingerprints and a criminal history record release form pursuant to RSA 328-I:7.
- (d) The applicant's work history over the last 10 years.

III. All applications shall include at a minimum, the applicant's name, social security number, place and date of birth, place of employment in New Hampshire and the home address and shall be duly signed and verified. Applications shall be available for public inspection.

IV. Upon approval of the application by the [board] ***executive director, in consultation with the advisory board***, the applicant shall be registered as a medical technician for 2 years. Such registration shall take effect within 90 days after the filing of such completed application.

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the [board] **executive director** in writing within 30 days. For failure to report such a change within 30 days of such event, the [board] **executive director** may suspend the medical technician's registration.

VI. Once an application has been approved by the [board] **executive director**, a temporary registration may be issued, pending receipt of the criminal records check and fingerprint information.

4 Medical Technicians; Renewal of Registration. Amend RSA 328-I:8 to read as follows:

328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the [board] **executive director**. ~~[The fee for renewal of certificates of registration shall be \$110.]~~ Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.

5 Medical Technicians; Disciplinary Action; Investigations. Amend RSA 328-I:10-11 to read as follows:

328-I:10 Disciplinary Action; Remedial Proceedings.

I. The [board] **executive director** is authorized to undertake investigations and disciplinary proceedings upon:

(a) The [board's] **executive director's** initiative, *in consultation with the advisory board*.

(b) A written complaint made by any person complaining that a registrant has committed an act of misconduct and specifying the nature of the misconduct.

(c) A written complaint made by any person that a person is engaged in unauthorized practice.

(d) Notification by a licensing or certifying agency of this state that a registrant has been disciplined by that agency.

(e) Notification by the regulatory authority of another domestic or foreign jurisdiction that a registrant has been disciplined in that jurisdiction.

(f) A report made pursuant to the obligation to report imposed by this chapter.

II. The [board] **executive director, in consultation with the advisory board**, may undertake non-disciplinary remedial proceedings (a) upon [its] *his or her* own initiative or (b) upon written complaint of any person which charges that a person registered by the [board] **executive director** is afflicted with a condition as set forth in paragraph VI and which specifies the grounds therefor.

III. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the [board] **executive director** any disciplinary or action related to disruptive conduct, professional incompetence or violation of an organizational rule or procedure involving controlled substances, or any adverse action which results in the termination of an employment relationship, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered by the [board] **executive director**. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

IV. In cases involving imminent danger to life or health, the [board] **executive director** may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the [board's] **executive director's** finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:11. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

V. The [board] **executive director, in consultation with the advisory board**, after hearing, may take disciplinary action against any person registered by it upon finding that the person:

(a) Has knowingly provided false information during any application for registration or employment, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants.

(c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as a medical technician or performing such ancillary activities.

(d) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the [board] **executive director**.

(e) Has been convicted of a felony under the laws of the United States or any state.

VI. The [board] **executive director, in consultation with the advisory board**, may take non-disciplinary remedial action against any person registered by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the [board] **executive director**, may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a registration for a period of time as determined reasonable by the [board] **executive director**.

(b) By revocation of registration.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the [board] **executive director**.

(d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the [board] **executive director**.

VII. The [board] **executive director, in consultation with the advisory board**, upon making an affirmative finding under paragraph V, may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a registration or probation for a period of time as determined reasonable by the [board] **executive director**.

(c) By revocation of registration.

(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the [board] **executive director**.

(e) By assessing administrative fines in amounts established by the [board] **executive director** which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

VIII. The [board] **executive director, in consultation with the advisory board**, may issue a non-disciplinary confidential letter of concern to a registrant advising that, the [board] **executive director** believes the medical technician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the [board] **executive director** may result in action against the registrant's registration. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by the [board] **executive director**.

IX. Disciplinary or non-disciplinary remedial action taken by the [board] **executive director** under this section may be appealed to the supreme court under RSA 541.

X. No civil action shall be maintained against the [board or any member of the board] **executive director or the advisory board**, or its agents or employees, with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the [board] **executive director** or determination by the [board] **executive director** in relation to proceedings under this chapter.

XI. [Repealed]

XII. Allegations of professional misconduct or other violations of this chapter enforceable by the [board] **executive director** shall be brought within 6 years from the time the [board] **executive director** could reasonably have discovered the act, omission, or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the [board] **executive director** without time limitation in making registration or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The [board] **executive director** may also consider registrant conduct without time limitation when the ultimate issue before the [board] **executive director** involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6-year limitation period prescribed by this paragraph.

XIII. When an investigation of a complaint against a registrant is determined to be unfounded, the [board] **executive director** shall dismiss the complaint and explain in writing to the complainant and the registrant its reason for dismissing the complaint. The [board] **executive director** shall destroy all information collected during the course of the investigation ~~[after 6 years. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded]~~ **in accordance with the retention policy adopted by the office of professional licensure and certification**. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the [board] **executive director**, does not relate to the actions of the registrant, or is determined by the [board] **executive director** to be frivolous.

328-I:11 Investigations; Procedure for Complaints; Hearings; Judicial Review.

I. The [board] **executive director** may investigate possible misconduct by registrants and applicants for registration, as well as the unauthorized practice under this chapter and other matters within the scope of this chapter. [Board] Investigations and the information gathered in such investigations, including information provided to the [board] **executive director** under RSA 328-I:10, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The [board] **executive director** may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. No certificate of registration shall be suspended or revoked until after a hearing before the [board] **executive director, in consultation with the advisory board**, which shall be held in accordance with

RSA 541-A, and upon written notice mailed to the registrant by certified or registered mail. If, when a notice of hearing is mailed to a registrant at the address shown in the records of the [board] **executive director**, such a registrant fails to attend such hearing, then the [board] **executive director** may suspend his or her registration without a hearing pending his or her attendance at such hearing.

III. Upon the denial of an application for a certificate of registration, the [board] **executive director** shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made within 30 days after the applicant is notified of denial. The [board] **executive director** shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing.

IV. If a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, or thereafter, except in the discretion of the [board] **executive director, in consultation with the advisory board.**

V. The applicant or registrant may be heard in person or by counsel. The [board] **executive director** shall notify the applicant of the time and place of the hearing. The [board] **executive director** shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his or her deposition to be taken.

6 Medical Technicians; Investigative Costs. Amend RSA 328-I:14 to read as follows:

328-I:14 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the board, where the [board] **executive director, in consultation with the advisory board,** has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the [board] **executive director** may require the registrant who is the subject of such finding to pay the [board] **executive director** a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the [board] **executive director** as part of the penalty. The investigative and prosecution costs shall be assessed by the [board] **executive director** and any sums recovered shall be credited to the [board's] **office of professional licensure and certification** fund and disbursed by the [board] **executive director** for any future investigations of complaints and activities [~~that violate this chapter or rules adopted under this chapter~~].

7 Reference Change; Executive Director. Amend the following RSA provisions by replacing the term "board" with "executive director": RSA 328-I:3; 328-I:4; 328-I:5; 328-I:7; 328-I:9; 328-I:13; and 328-I:16.

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

Rep. Marsh spoke in favor.

Rep. McGuire spoke against.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 167 - NAYS 184

YEAS - 167

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

Bordenet, John
Fox, Dru
Schapiro, Joe
Welkowitz, Lawrence

Eaton, Daniel
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Toll, Amanda Elizabeth

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Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
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Massimilla, Linda
Stavis, Laurel

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

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Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

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Cornell, Patricia
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Judy, Jean
Leishman, Peter
Mangipudi, Latha

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Klee, Patricia
Long, Patrick
McGhee, Kat

Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Toomey, Dan
Wilhelm, Matthew

Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Van Houten, Constance

Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Rung, Rosemarie
Smith, Timothy
Vann, Ivy

Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Newman, Sue
Telerski, Laura
Veilleux, Daniel

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Pimentel, Roderick
Schultz, Kristina
Wazir, Safiya

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

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy

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Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Pantelakos, Laura

Cahill, Michael
Gilman, Julie
Murray, Kate
McKinney, Betsy
Read, Ellen

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Vincent, Kenneth

Cannon, Gerri
Frost, Sherry
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Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
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Conley, Casey
Horrigan, Timothy
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Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 184

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

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

Bordes, Mike
Howard, Raymond
O'Hara, Travis
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Comtois, Barbara
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Umberger, Karen

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Santonastaso, Matthew

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Thompson, Dennis

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Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

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Lekas, Alicia
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Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Ulery, Jordan

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Moffett, Michael
Seaworth, Brian
White, Nick

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

Cross, Kenna
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
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Vandecasteele, Susan
Wallace, Scott

Ayer, Paul
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McBride, Everett
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Verville, Kevin
Welch, David

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

and the minority committee amendment 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 1357, relative to land acknowledgment. INEXPEDIENT TO LEGISLATE.

Rep. Tony Lekas for Executive Departments and Administration. This bill would amend RSA 1 concerning the boundaries of the State of New Hampshire to add an acknowledgment that this land is the traditional ancestral homeland of the peoples who were here. It is an indisputable fact that there were peoples in the land which we now know as New Hampshire long before it became New Hampshire. However, there are two concerns with this bill. While we're sure that the sponsors of this bill intend it to just be a respectful acknowledgment of the peoples who were here before us, and to keep the people of New Hampshire aware of that history, there is concern about how that acknowledgment may be construed in the future. While we understand that the sponsors and most of the supporters do not intend this acknowledgment to support possible land claims, we must always be aware of possible unintended consequences of legislation. The statute created by current legislation will likely persist for many years and we can't know how it will be seen or used in the future. Even today one person who testified before the committee brought up "Restorative Justice." While that view will not come to anything now, we're not so sure about the future. A Tribal Genealogist sent testimony raising various complicated issues concerning which peoples should be acknowledged. One quote from that testimony, "This is an area of political relations between groups in New England and Canada that would be best for the State of New Hampshire to not meddle in, honestly." The genealogist suggested an amendment but it is not clear that such an amendment would satisfy others. If people want to acknowledge and honor the peoples who were here before us, it would be more effective to organize public celebrations of that history. That will likely be more effective than making a change to a statute that few are likely to see. Vote 10-8. Committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Graham moved that the House reconsider its action whereby, on a voice vote, the House adopted the committee report of Inexpedient to Legislate on **HB 1357**, relative to land acknowledgment.

On a division vote, with 238 members having voted in the affirmative, and 94 in the negative, the motion was adopted.

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

MOTION TO LAY ON THE TABLE

Rep. Spillane moved that **HB 1357**, relative to land acknowledgment, be laid on the table.

On a division vote, with 163 members having voted in the affirmative, and 178 in the negative, the motion failed.

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

Rep. Grote spoke against.

Rep. Tony Lekas spoke in favor.

On a division vote, with 183 members having voted in the affirmative, and 151 in the negative, the committee report was adopted.

HB 1510, establishing a committee to study the hiring processes used by state agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Santonastaso for Executive Departments and Administration. The labor shortage the state agencies of New Hampshire are dealing with is not a unique problem but rather compatible with the labor shortage the entire country is facing universally across all industries. The private sector's advantage in having a faster hiring process than government is not a new phenomenon. It is an inherent property of government that it will be slower and less efficient than a private counterpart. The fact that we are considering a study committee to figure this out only proves this fact. The majority does not believe it is necessary to add this study committee to the already large collection of study committees. Vote 11-8.

Committee report adopted.

HB 1560, relative to nonresident licensure by the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS.**

Rep. Jennifer Rhodes for Executive Departments and Administration. This bill repeals vague licensing requirements to more easily allow beauty professionals to have their credentials recognized in New Hampshire. Under current law, New Hampshire makes case by case determinations about the validity of a beauty professional's license. Those evaluations take up valuable time that can be costly for professionals because it prevents them from working immediately or requires skilled professionals, many of whom have years of experience, to go back to cosmetology school and take on more debt. New Hampshire should make it easy for skilled workers to find employment and should be cutting red tape to encourage entrepreneurs. This bill does just that. In short, this occupational licensing reform bill will help to make New Hampshire a more competitive environment for beauty entrepreneurs. Vote 12-7.

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

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

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

Rep. Jess Edwards for the Majority of Finance. Currently, adults over 21 only receive medically required care such as for injuries sustained by trauma or as a recipient of charity care. This bill establishes a tailored adult dental benefit that requires a co-pay for patients making above 100% of the federal poverty level, provides basic dental services, and limits denture care to the Developmentally Disabled community and the elderly in nursing homes or Choices for Independence. Further it places a cap of \$1,500 per year in benefits and sources the funds for the first few years by using settlement funds received by the state from its settlement with the Centene Corporation. Vote 14-5.

Rep. Bob Lynn for the Minority of Finance. The minority of the committee does not believe that creating yet another economic entitlement – this one for dental benefits under Medicaid – is a wise use of state resources, or one that is in the best interest of New Hampshire taxpayers. Therefore, the minority believes that this bill should be voted Inexpedient to Legislate.

Majority Amendment (0904h)

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

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

I. The general court recognizes that untreated oral health conditions negatively affect a person's overall health and that good oral health improves a person's ability to obtain and keep employment. The general court further recognizes that regular dental care and access to preventive and restorative treatments for oral health conditions prevent oral conditions from developing into more complex health conditions that would require medical care. In addition, the general court recognizes that personal responsibility is an essential component of any strategy to improve individual oral health.

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

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

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

(2) The commissioner shall issue a request for information to assist in determining whether the state's Medicaid dental program would be best administered by a dental managed care organization or, alternatively, by the state's current medical managed care organizations. The commissioner shall obtain the requested information from both the current medical managed care organizations and any interested dental managed care organization. The approach selected shall be that which demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, patient education, and savings. The request for information shall be released no later than August 1, 2022. The request for information shall address improving health outcomes, expanding the provider network, increasing capacity of providers, integrating a value-based care model, and exploring innovative programs for children and adults.

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

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

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

(1) Diagnostic and preventive dental services including an annual comprehensive oral examination, necessary x-rays or other imaging, prophylaxis, topical fluoride, oral hygiene instruction, behavior management and smoking cessation counseling, and other services as determined by the annual update of Current Dental Terminology (CDT) codes D0100-D0999 and D1000-D1999 for diagnostic and preventive services. Annual updates to the CDT shall be made available on the department of health and human services' website.

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

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

(4) Prosthodontic coverage for individuals served on the developmental disability (DD), acquired brain disorder (ABD), and choices for independence (CFI) waivers, such waivers authorized under Section 1915(c) of the Social Security Act, and nursing facility resident populations only, subject to medical necessity.

(5) The individual benefit shall be capped at \$1,500 per year, excluding preventive services, provided that this cap shall be subject to adjustment upon approval by the joint legislative fiscal committee and governor and council.

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

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

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

3 Appropriation; Centene Corporation Settlement. Notwithstanding RSA 7:6-e, \$18,728,619 of the amount received from the settlement of December, 2021 between New Hampshire and the Centene Corporation and its affiliates ("Centene"), relative to pharmacy benefits in the Medicaid program shall be appropriated to the department of health and human services and shall not lapse. This sum shall be used to fund the non-federal share of an adult dental benefit in the Medicaid program. The department may accept and expend matching federal funds for the purpose of this section without prior approval of the fiscal committee of the general court. In the event an adult dental benefit in the Medicaid program is not implemented by June 30, 2023, the sum appropriated in this section shall be transferred as follows:

I. Ten percent of the funds shall be transferred to the revenue stabilization reserve account pursuant to RSA 7:6-e, I; and

II. The remainder of the funds shall be transferred to the general fund.

4 Adult Dental Benefit; Working Group. 2019, 346:225 is repealed and reenacted to read as follows:

346:225 Department of Health and Human Services; Adult Dental Benefit; Working Group.

I. The department shall maintain a working group consisting, at a minimum, of representatives of the following stakeholders: each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a public health dentist and a solo private practice dentist recommended by the New Hampshire Dental Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care Association, a representative of a New Hampshire dental insurance carrier designated by the governor, 2 members of the house of representatives, one of whom shall be from the majority party and one of whom shall be from the minority party, appointed by the speaker of the house of representatives, 2 members of the senate, one of whom shall be from the majority party and one of whom shall be from the minority party, appointed by the president of the senate, a member of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program designated by the commission, and 2 members of the New Hampshire medical care advisory committee, one of whom shall be a consumer advocate, designated by the committee. The working group shall advise the commissioner on matters relative to incorporating a dental benefit for individuals 21 years of age or older into the state's Medicaid Managed Care Program.

II. The working group shall be convened by the commissioner of health and human services and shall be subject to RSA 91-A.

III. The working group convened and maintained by the commissioner under this section shall be discontinued and have its duties terminated by the commissioner upon selection of an approach for administering the Medicaid dental benefit as described in RSA 126-A:5, XIX-a.(a)(2).

5 Repeal. 2019, 346:226, relative to reports by the department of health and human services on implementation of an adult dental benefit, is repealed.

6 Effective Date.

I. Section 3 of this act shall take effect June 30, 2022.

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

Majority committee amendment adopted.

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

YEAS 237 - NAYS 100

YEAS - 237

BELKNAP

Bean, Harry
O'Hara, Travis

Harvey-Bolia, Juliet

Hough, Gregg

Lang, Timothy

CARROLL

Nelson, Bill
Knirk, Jerry
Umberger, Karen

Buco, Thomas
Marsh, William
Woodcock, Stephen

Deshaies, Brodie
McAleer, Chris

MacDonald, John
McConkey, Mark

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
Thompson, Dennis

Hatch, William
Tucker, Edith

Laflamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Dontonville, Roger

Adjutant, Joshua
Egan, Timothy

Almy, Susan
Fellows, Sallie

Depalma IV, Joseph
Folsom, Beth

Gordon, Edward
Muirhead, Russell
Stavis, Laurel

Hakken-Phillips, Mary
Murphy, James
Smith, Suzanne

Ladd, Rick
Nordgren, Sharon
Sykes, George

Massimilla, Linda
Simon, Matthew
Weston, Joyce

HILLSBOROUGH

Lekas, Alicia
Beaulieu, Jane
Chretien, Jacqueline
Creighton, Jim
Freitas, Mary
Griffith, Willis
Heath, Mary
Schmidt, Janice
Labranche, Tony
Leishman, Peter
Murray, Megan
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Bouldin, Andrew
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Goley, Jeffrey
Hamer, Heidi
Herbert, Christopher
Judy, Jean
Langley, Diane
Lewicke, John
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Smith, Timothy
Vann, Ivy

Boyd, Bill
Booras, Efstathia
Connors, Erika
Erf, Keith
Gorski, Ted
Harriott-Gathright, Linda
Homola, Susan
Klee, Patricia
Lanzara, Tom
Long, Patrick
Mayville, Mary
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Snow, Kendall
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Espitia, Manny
Graham, John
Healey, Robert
Infantine, William
Klein-Knight, Nicole
Lascelles, Richard
King, Mark
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Somero, Paul
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Cross, Kenna
Hall, Muriel
MacKay, James
Rogers, Katherine
Schultz, Kristina
Wazir, Safiya

Allard, James
Ebel, Karen
Klose, John
McWilliams, Rebecca
Boyd, Stephen
Shurtleff, Steve
Wells, Natalie

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Pearl, Howard
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Caplan, Tony
Gallager, Eric
Luneau, David
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Cahill, Michael
Edgar, Michael
Gay, Betty
Hamblet, Joan
Murray, Kate
Love, David
Malloy, Dennis
Melvin, Charles
Pantelakos, Laura
Pearson, Stephen
Sytek, John

Abrami, Patrick
Bernardy, JD
Cali-Pitts, Jacqueline
Edwards, Jess
Gilman, Julie
Harb, Robert
Katsakiores, Phyllis
Pearson, Mark
McBeath, Rebecca
Meuse, David
Piemonte, Tony
Simpson, Alexis
Ward, Gerald

Acton, Dennis
Bershtein, Alan
DiLorenzo, Charlotte
Emerick, Tracy
Grossman, Gaby
Nelson, Jodi
Khan, Aboul
Maggiore, Jim
McKinney, Betsy
Milz, David
Pratt, Kevin
Somssich, Peter
Welch, David

Altschiller, Debra
Bunker, Lisa
Dolan, Tom
Ford, Oliver
Grote, Jaci
Janigian, John
Layon, Erica
Major, Norman
McMahon, Charles
Paige, Mark
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Weyler, Kenneth

STRAFFORD

Bixby, Peter
Fargo, Kristina
Hayward, Peter
Kittredge, Mac
Schmidt, Peter
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Horgan, James
Levesque, Cassandra
Rich, Cecilia
Wall, Janet

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Wuelper, Kurt

Conley, Casey
Grassie, Chuck
Kenney, Cam
Newton, Clifford
Southworth, Thomas

SULLIVAN

Aron, Judy
Merchant, Gary
Stapleton, Walter

Callum, John
O'Hearne, Andrew
Sullivan, Brian

Cloutier, John
Oxenham, Lee
Tanner, Linda

Gottling, Suzanne
Rollins, Skip

NAYS - 100 BELKNAP

Aldrich, Glen
Johnson, Dawn
Sylvia, Michael

Bordes, Mike
Mackie, Jonathan
Terry, Paul

Comtois, Barbara
Ploszaj, Tom
Trottier, Douglas

Howard, Raymond
Silber, Norman

CARROLL

Avellani, Lino

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Mann, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

GRAFTONAlliegro, Mark
Greeson, Jeffrey

Berezhny, Lex

Binford, David

Sanborn, Gail

HILLSBOROUGHAlexander, Joe
Berry, Ross
Cushman, Leah
Foster, William
Greene, Bob
Marston, Dick
Nunez, Hershel
Renzullo, Andrew
Ulery, JordanAmmon, Keith
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Kelsey, Niki
McLean, Mark
Pauer, Diane
Rouillard, Claire
Warden, MarkGriffin, Barbara
Boehm, Ralph
Smith, Denise
Gagne, Larry
Kofalt, Jim
Mooney, Maureen
Post, Lisa
Sheehan, VanessaKing, Bill
Burt, John
Fedolfi, Jim
Gould, Linda
Sanborn, Laurie
Notter, Jeanine
Prout, Andrew
Lekas, Tony**MERRIMACK**Andrus, Louise
McGuire, Carol
Yakubovich, MichaelCambriels, Jose
Seaworth, BrianHill, Gregory
Testerman, DaveKennedy, Margaret
White, Nick**ROCKINGHAM**Abramson, Max
Dodge, Dustin
Litchfield, Melissa
Roy, Terry
Torian, Peter
Vose, MichaelBaldasaro, Al
Green, Dennis
Lynn, Bob
Soti, Julius
Tripp, Richard
MacDonald, WayneBaxter, Tim
Harley, Tina
Osborne, Jason
Spillane, James
True, Chris
Wallace, ScottDeSimone, Debra
Hobson, Deborah
Potucek, John
Thomas, Douglas
Verville, Kevin
Yokela, Josh**STRAFFORD**Bailey, Glenn
Kaczynski, ThomasDeLemus, Susan
Pitre, JosephGroen, Fenton
Turcotte, Leonard

Harrington, Michael

SULLIVAN

Spilsbury, Walter

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

HB 1677-FN, relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Umberger for Finance. The Attorney General (AG) has been conducting an investigation into abuse at New Hampshire's Youth Development Center (YDC) in prior decades and has identified a population of New Hampshire citizens with potential claims against the state. The state wishes to acknowledge those claims and suffering which has been endured by the victims of abuse by establishing a trauma informed, victim centered alternative to litigation for the efficient and fair resolution of those claims. Claims may be filed with the AG beginning January 1, 2023 and close December 31, 2024. A non-lapsing fund of \$100 million is established and known as the YDC Settlement Fund. All claims for sexual abuse and physical abuse will be paid from this fund. Claims for sexual abuse or sexual abuse and physical abuse will be capped at \$1.5 million; claims for physical abuse alone will be capped at \$150,000. The AG, in conjunction with known plaintiffs' attorneys and Victim Witness advocates shall develop a claims process and guidelines for valuing claims for settlement purposes. The goal of the guidelines is to ensure the fair and uniform valuation for each type of claim. Once the claims are filed, the AG's designee will review the claim and determine if a monetary award is appropriate. The claimant at this point has the option to accept the AG designee decision, reject the decision of the AG designee and request that the administrator decide the case, or forego the process and litigate the case in court. If a claimant chooses to have the administrator make the decision, a claimant waives his right to have his or her claim adjudicated in court. The administrator will be a lawyer who has been appointed by the New Hampshire Supreme Court from a list of prospective candidates submitted by the AG and the plaintiffs' attorneys. We firmly believe this alternative to all abuse cases going through the court system will acknowledge those claims of suffering which were endured by children while incarcerated in the Youth Development Center. Vote 19-1.

Amendment (0956h)

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

1 Statement of Purpose. The general court hereby finds that the attorney general's investigation into abuse at New Hampshire's youth development center in prior decades has identified a population of New Hampshire citizens with potential claims against the state. The state wishes to acknowledge those claims and the suffering which has been endured by the victims of abuse by establishing a trauma-informed, victim-centered alternative to litigation for the efficient and fair resolution of those claims.

2 New Section; Department of Justice; Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-M by inserting after section 11 the following new section:

21-M:11-a Youth Development Center Claims Administration and Settlement Fund.

I. In this section:

(a) "Administrator" means an independent, neutral attorney admitted to the practice of law in New Hampshire, chosen in the manner set forth in paragraph III to administer youth development center claims pursuant to this section. The administrator shall have all of the duties and authority granted pursuant to RSA 542, except as otherwise provided in this section.

(b) "AG designee" means one or more individuals within the attorney general's office designated by the attorney general.

(c) "Claim" means a request for compensation related to one or more incidents of sexual abuse and/or physical abuse perpetrated upon a former YDC resident by or at the behest of a member of the YDC staff.

(d) "Claimant" means an individual who has filed a claim.

(e) "Former YDC resident" means an individual who resided at the YDC at any time.

(f) "Fund" means the YDC settlement fund established in this section.

(g) "Investigator" means one or more individuals assigned by the administrator to independently investigate a claim.

(h) "Physical abuse" means an incident of conduct that would constitute an offense under RSA 631:1, RSA 631:2, or RSA 631:2-a, and that is not justified under RSA 627:6, or a common law cause of action for assault or battery.

(i) "Sexual abuse" means an incident of conduct which would constitute an offense under RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4, or a common law cause of action for assault or battery that involves sexual contact or sexual penetration as defined by RSA 632-A:1.

(j) "Unlawful confinement" means placement in isolation as discipline without such process as was due under the circumstances or under conditions of confinement that were grossly out of proportion to the severity of the conduct giving rise to the discipline, or not as punishment, and not for another legitimate penological goal or purpose such as the safety or security of the resident or others.

(k) "Youth development center" or "YDC" means the youth development center as identified in RSA 621, or its renamed or successor entity, and any predecessor entity performing the function of housing adjudicated delinquent or pre-adjudication detained youth, including the State Industrial School, the Philbrook School, the Tobey Special Education School and the Youth Services Center.

These definitions shall be applicable to claimants, claims, the claims process, and the fund governed by this section. This section is not intended in any way to expand or limit the rights of individuals or the state under any other state statutory or common law.

II. There is hereby established in the state treasury the YDC settlement fund which shall be kept distinct and separate from all other funds. The fund shall be administered by the attorney general, who shall use the funds for the purpose of administering claims of former YDC residents as defined in this section. The fund shall be nonlapsing and continually appropriated to the department of justice until June 30, 2032, after which date the fund shall lapse to the revenue stabilization reserve account established in RSA 9:13-e, II, unless earlier discontinued by the attorney general, in consultation with the administrator, or as otherwise provided by law. Settlement amounts paid to former YDC residents shall be as determined by the process outlined in this chapter. The attorney general may enter into memoranda of understanding with the judicial branch or any state agency as necessary to compensate them for services performed in furtherance of this chapter.

III. There is further established in the judicial branch a temporary full-time or part-time position known as the youth development center claims administrator, to be appointed by the supreme court. A part-time administrator may maintain a private, unrelated mediation or legal practice apart from the duties as administrator notwithstanding any other provision of rule or law to the contrary. The supreme court shall appoint an administrator agreed to by the attorney general and counsel for claimants. If the attorney general and counsel for claimants are unable to agree upon an administrator, the supreme court shall select the administrator from the candidates submitted to the court by the attorney general and counsel for claimants, not later than 30 days following the court's receipt of the candidates. The attorney general and counsel for claimants shall each submit two candidates, not later than 30 days following the joint fiscal committee's approval of the claim process and guidelines as provided in paragraph IV. The administrator shall receive compensation at no more than the rate of salary of an active superior court justice and shall, if working full-time, receive the same benefits as other non-judicial employees of the judicial branch. If working part-time, the administrator shall receive compensation at no more than the equivalent per diem rate of an active superior court justice, provided that in any calendar year, the administrator shall not receive more in total compensation than that received by an active superior court justice. The judicial branch shall provide the administrator and any necessary support staff with office space. The salary, benefits, and expenses of the administrator, and any necessary support staff, shall be paid from the fund. The administrator shall report to the chief justice of the supreme court or the chief justice's designee for employment-related purposes, but the supreme court

shall have no authority to review the administrator's decisions. At such time as the administrator's duties are concluded, or at such time as full-time service by the administrator is no longer needed to carry out the administrator's duties, the supreme court shall either eliminate the administrator's position or reduce it from a full-time to a part-time position as may be appropriate. The supreme court may remove the administrator if, after a request for removal received from the attorney general or claimants' counsel, or upon the court's own motion, the court determines that good cause for removal exists. Once appointed, the administrator shall process claims as provided herein and may settle claims at such amounts as may be agreed upon between the AG designee and each claimant, or at amounts which are determined by the administrator, giving due consideration to the guidelines adopted by the joint fiscal committee as provided in paragraph IV.

IV.(a) As soon as practical following the effective date of this section, the attorney general, after making good faith efforts to reach agreements with claimants' counsel, and with input from the attorney general's victim/witness advocates, shall develop and present to the joint fiscal committee a claims process consistent with this section including the development of claim forms, identification of necessary or helpful documentation, and guidelines for valuing claims for settlement purposes which take into consideration the following factors:

(1) The nature and character of the acts of physical abuse and sexual abuse.

(2) The frequency and duration of those acts.

(3) Aggravating and mitigating factors such as whether the acts were also accompanied by unlawful confinement, the impact on the claimant relative to others similarly situated, the applicable statute of limitations and other potentially available legal defenses if the claims were pursued as litigation, the legal standards in effect at the time of the acts, whether the acts were previously reported to persons in a position of authority, whether the acts can be corroborated through contemporaneous reports by the claimant to others.

(4) Any other factor that may be relevant.

(b) The guidelines may group similar claims by type and suggest a value or range of values for each type of claim. The goal of the guidelines shall be to ensure the fair and uniform valuation of claims so that the claims of similarly situated claimants are valued similarly. The joint fiscal committee shall review and vote to either approve or object to the proposed claims process and guidelines within 30 days of receipt. If the joint fiscal committee votes to object to the proposed claims process and guidelines, the joint fiscal committee shall articulate its reasons for objection in writing and claimants' counsel and the attorney general shall present for approval a revised version of the proposed claims process and guidelines that addresses the joint fiscal committee's concerns. The joint fiscal committee shall approve a claims process and guidelines prior to appointment of an administrator as set forth in paragraph III. Once approved, the guidelines shall be binding on the AG designee and the administrator. The claims process and guidelines may be revised periodically as deemed necessary by the administrator, again with input from claimants' counsel and the attorney general, and with the approval of the joint fiscal committee.

V. For all claims involving both sexual and physical abuse or sexual abuse only, no individual claimant shall be paid more than \$1,500,000 in settlement of all claims in the aggregate. For all claims involving physical abuse only, no individual claimant shall be paid more than \$150,000 in settlement of all physical abuse claims in the aggregate.

VI. Beginning not later than November 1, 2022, the administrator shall publish notice to the public of the establishment of the YDC settlement fund and the opportunity for former YDC residents to file claims. Such notice shall be published in a newspaper of general circulation in every county in the state, at least once a week for at least 2 consecutive weeks. Such notice shall also be published at least once in a newspaper of national circulation. Such notice shall also be published on such social media platforms as are appropriate in the discretion of the administrator for at least 6 consecutive weeks. Additionally, such notice shall be published to the current residents of all New Hampshire correctional facilities by means of posting or other customary means for such facility, shall be made available by the attorney general via press release, and shall be posted on the attorney general's public website. The publication shall constitute conclusive proof in judicial proceedings of the latest date by which all persons, in the exercise of reasonable diligence, could have discovered both their injuries and the causal relationship of their injuries to the acts or omissions of any employees or agents of the state regarding any incident which might have been the subject of a claim, whether or not such a claim was filed.

VII.(a) Any former YDC resident may file a claim. A claim subject to the procedure established in this section may be filed only by the former YDC resident who was personally subject to sexual abuse or physical abuse. No claim shall be filed for collateral injuries or damages suffered by any other person resulting from sexual abuse or physical abuse of the former YDC resident, including claims for loss of consortium or emotional distress suffered by relatives of the former YDC resident. No claim shall be filed by the executor or administrator of a deceased former YDC resident, but a claim may be filed by the guardian or conservator of a living former YDC resident who is incapacitated. Once a claim has been properly filed by a living former YDC resident, the subsequent death of that claimant shall not extinguish the claim.

(b) Claims may be filed beginning January 1, 2023. Claims shall not be accepted after December 31, 2024.

(c) A former YDC resident's participation in this claims process is voluntary. A former YDC resident who elects not to participate in the claims process retains the right to pursue a claim in a judicial or other forum. A former YDC resident is entitled to consult with counsel before deciding whether to participate in the claims process. The administrator shall identify and publish the names of attorneys willing to consult with former YDC residents concerning their decision to file a claim.

(d) This section constitutes the state's offer to resolve completely and finally all of the former YDC resident's claims through the claims process established. By filing a claim, the claimant agrees that he or she will participate in the claims process, and, if the claimant requests that the administrator decide the claim, agrees to accept the determination of the administrator as final and binding, even if the claimant does not receive any payment from the fund. The submission of a claim shall constitute an agreement in writing to submit the claim to arbitration as provided in RSA 542:1.

(e) By filing a claim, a claimant waives his or her right to simultaneously seek other or additional monetary relief in any forum from the state of New Hampshire or any of its agents or employees, or from any of its political subdivisions or their agents or employees arising out of or relating to any incidents which are or could have been the subject of a claim, except that the claimant does not waive his or her right to seek or continue to seek relief in any forum from an individual whose direct, personal actions constitute sexual abuse or physical abuse, even if said individual was a state employee at the time of the acts. The administrator shall require a claimant to execute appropriate agreements or motions to stay any pending proceedings as a condition to processing claims provided that such documents expressly preserve the right to pursue claims against individual perpetrators as described.

(f) Claims shall be submitted under oath. Claimants shall be entitled to be treated with respect and dignity in the presentment of their claims. Claimants who are believed by the administrator to have deliberately submitted false claims may be referred to an appropriate law enforcement agency. Perpetrators of sexual abuse or physical abuse identified by claimants may be referred to an appropriate law enforcement agency by the administrator, but only with the consent and cooperation of the claimant. A claimant shall not be required to cooperate in a criminal investigation as a condition of participating in the claim process.

(g) Claims and all documents and information created in connection with claims shall be confidential, except that matter which was not previously confidential shall not become so by virtue of being submitted in connection with a claim, or except as otherwise provided in this section or in RSA 91-A. This confidentiality is provided in order to protect the privacy of the claimant, and only for that reason. The claimant shall not be bound by this obligation of confidentiality and may waive it at any time.

VIII.(a) Within 30 days of receipt of a claim, the administrator shall acknowledge its receipt in writing and provide a copy to the AG designee.

(b) Within 60 days of receipt of a claim, the administrator shall review the claim, and indicate whether the claim is considered complete as submitted, or if not, what additional information is required. If the administrator requires additional information, the claimant shall provide that information within 90 days of being notified that additional information is needed, or the claim may be denied as incomplete, provided, that the administrator may grant the claimant an extension of time for good cause shown. The administrator shall also provide any additional documentation received to the AG designee.

(c) Once a claim is considered complete, the AG designee shall have 30 days to indicate to the claimant and the administrator its position regarding the claim. The AG designee may agree or disagree with the claim in whole or in part, and shall indicate whether he or she believes the claim should be referred to an investigator. The administrator may grant the AG designee an extension of time to indicate its position for good cause shown.

(d) Following receipt of the AG designee's position, the administrator may refer a claim to an investigator if, in the administrator's independent judgment, an investigation is needed. The administrator shall direct the investigator as to any particular aspects of the claimant's claim for which the administrator seeks further information or verification, and in such case, the investigation shall be limited to that scope. If the administrator elects not to refer a claim to an investigator, then the administrator shall so notify the AG designee and the claimant, and advise the claimant in writing regarding his or her options: to accept the AG designee's position, to request the administrator decide the claim, or to withdraw his or her claim from further processing. Within 30 days of receiving the position of the AG designee, the claimant shall indicate to the administrator and the AG designee whether he or she agrees with the AG designee's position, whether he or she wishes for the administrator to decide the claim, or whether he or she wishes to withdraw his or her claim from further processing. In the absence of an indication from the claimant, the administrator may assume that the claimant is in agreement with the position of the AG designee.

(e) The purpose of an investigation shall be to verify a claim, as submitted, if possible. The investigation shall, to the greatest extent possible, be conducted in a trauma-informed, respectful, and dignified manner. The investigation may include an interview of the claimant, which may be conducted under oath and recorded. The investigator may also request to review additional records related to the claim. The claimant shall be entitled to the assistance of an advocate in connection with the investigation process who shall be allowed to

accompany the claimant during any interview. The claimant shall execute such documents or authorizations as may be necessary to permit the investigator to access records. If the claimant is represented by counsel, counsel shall also be allowed to attend any interview of the claimant. A claim may be denied if a claimant refuses to cooperate with the investigation. Except in extraordinary circumstances, investigations should be completed within 90 days of referral.

(f) The investigator shall present a report to the administrator of his or her findings, which shall include a summary of any interviews conducted or records gathered, a copy of any such supporting documentation, records and recordings. The administrator shall provide a copy of the investigator's report and supporting documentation to the claimant and the AG designee once received.

(g) Within 30 days of receiving the investigation report, the AG designee shall indicate to the claimant and the administrator its updated position regarding the claim, and the administrator shall advise the claimant in writing regarding his or her options: to accept the AG designee's position, to request the administrator decide the claim, or to withdraw his or her claim from further processing.

(h) Within 30 days of receiving the updated position of the AG designee, the claimant shall indicate to the administrator and the AG designee whether he or she agrees with the AG designee's position, whether he or she wishes for the administrator to decide the claim, or whether he or she wishes to withdraw the claim from further processing. In the absence of an indication from the claimant, the administrator may assume that the claimant is in agreement with the position of the AG designee. If the claimant and the AG designee are in agreement regarding the disposition of the claim, the administrator shall make an award consistent with the parties' agreement.

(i) The AG designee and the claimant or claimant's counsel may also engage in discussion separate and apart from their stated claim positions in an effort to resolve their disagreements regarding a claim. Such discussions shall be treated in like fashion to settlement discussions conducted under New Hampshire rules of evidence 408, and the administrator shall not be apprised of efforts to compromise in the event that the claim proceeds to a resolution proceeding.

IX.(a) When a claimant requests that the administrator decide the claim, the administrator shall schedule the claim for a resolution proceeding according to the procedures approved by the joint fiscal committee. All resolution proceedings shall take place in the state of New Hampshire, although parties and witnesses may attend by telephone or video conference in the discretion of the administrator. To the greatest extent possible, claims shall be scheduled for resolution in the order that they are received and determined to be complete, except that the administrator may also give consideration to the time for which litigation may have been pending prior to the filing of a claim. By requesting a resolution proceeding, a claimant fully waives his or her right to seek other or additional monetary relief in any forum from the state of New Hampshire or any of its agents or employees, or from any of its political subdivisions or their agents or employees arising out of or relating to any incidents which are or could have been the subject of a claim, except that the claimant does not waive his or her right to seek or continue to seek relief in any forum from an individual whose direct, personal actions constitute sexual abuse or physical abuse, even if said individual was a state employee at the time of the acts. The administrator shall require a claimant to execute appropriate dismissals, waivers, releases, or other documents as a condition of scheduling a resolution proceeding, provided that such documents expressly preserve the right to pursue claims against individual perpetrators as described.

(b) The administrator may require such submissions by the parties as the administrator determines, may consider such information as the administrator deems appropriate, and shall resolve claims based upon written submission, through conciliation, by conducting a hearing, or on any other basis determined by the administrator. The claimant shall be entitled to the assistance of an advocate in connection with the resolution process who shall be allowed to accompany the claimant during any hearing or meeting.

(c) Any hearing conducted by the administrator shall be scheduled for not more than 3 hours unless good cause is shown regarding the need for more time and shall be conducted in a victim-centered, trauma informed way, to the greatest extent possible. If the claimant is represented by counsel, counsel shall also be allowed to attend and participate in any hearing.

(d) At any hearing, any witnesses who testify shall be sworn.

(e) The administrator shall issue a written decision to the parties within 30 days of the conclusion of the resolution process. The administrator's decision regarding the claim shall be final and non-appealable, and the provisions of RSA 542:8, RSA 542:9, and RSA 542:10 shall not apply, provided, however, that either the claimant or the AG designee may request the administrator to reconsider a decision on grounds that it contains mathematical mistakes or miscalculations.

X. Upon the rendering of any final decision to approve payment of any part of a claim, whether made by the administrator pursuant to the agreement of the claimant and the AG designee or pursuant to a determination by the administrator following a resolution proceeding, the payment shall be made from the YDC settlement fund established in paragraph II. In addition, the claimant may request, and the administrator shall hold a face-to-face meeting with the claimant where the claimant may speak with the administrator without the AG designee present. The conduct of such a meeting shall not be considered a part of a resolution process and shall be not be available if a resolution process is requested until after it is completed.

XI. Any agreement between the claimant and the AG designee and any determination by the administrator may include a determination that a claim should be paid in annual installments over a period of up to 10 years. A claimant may indicate that he or she does not wish to receive installment payments, and the administrator shall honor the claimant's wishes in this regard. Additionally, a claimant may request that he or she receive the award in the form of periodic payments under a structured settlement that (i) is the subject of a qualified assignment that satisfies the conditions of Internal Revenue Code Section 130 and releases the fund from any liability for the periodic payments; and (ii) is funded by an annuity contract issued by a life insurance company domiciled in the United States, licensed in New Hampshire and rated A or better by A.M. Best. Upon receipt of such a request, the administrator shall accommodate the processing of an award in said fashion. Additionally, the administrator may maintain and provide to claimants a list of licensed structured settlement specialists who have indicated a desire to assist in establishing periodic payments to meet a claimant's anticipated needs.

XII. If the administrator determines that a shortfall in the YDC settlement fund is likely to occur, the administrator, in consultation with the attorney general, shall request additional funds from the legislature.

XIII. The costs of administration of the fund and any costs of the attorney general which are outside of the ordinary operational expenses of the department of justice shall be paid from the fund.

XIV. The administrator may approve all fees and costs of attorneys who represent claimants in proceedings before the administrator. The administrator shall not approve any request of an attorney for fees or costs which are not reasonable. The administrator shall not approve an attorney's fee in excess of 33 1/3 percent of the amount of the award. All costs and attorney's fees paid to a claimant's attorney shall be paid from the amount awarded to the claimant.

XV. The administrator, in consultation with the attorney general, shall quarterly submit a report to the speaker of the house of representatives, the president of the senate, the joint fiscal committee and the governor providing information as to the number and nature of claims made and settled, the amounts requested and paid in settlement to date, the claim amounts pending, an estimate of the likely amounts which will be approved and paid, the administrative costs which have been paid, and an estimate of future administrative costs to be paid. The report shall be structured to protect the privacy and anonymity of the claimants. The attorney general shall also post the report on the department of justice's public website.

3 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph XII the following new paragraph:

XIII. Records of the youth development center claims administration and the YDC settlement fund pursuant to RSA 21-M:11-a, with the exception of settlement agreements, which shall remain subject to RSA 91-A:4, VI, and, after a claim has been finally resolved, such other records the release of which would not constitute a violation of other provisions of law or an unwarranted invasion of a claimant's privacy.

4 Appropriation. Notwithstanding RSA 9:13-e, the sum of \$100,000,000 for the biennium ending June 30, 2023, is hereby appropriated from the revenue stabilization reserve account to the YDC settlement fund established in RSA 21-M:11-a, II for the purpose of administering and settling claims as provided in RSA 21-M:11-a. The appropriation shall be nonlapsing, provided that any moneys in the YDC settlement fund not expended as of June 30, 2032 shall lapse to the revenue stabilization reserve account, unless the fund is earlier terminated by the attorney general, in consultation with the administrator, or as otherwise provided by law.

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

AMENDED ANALYSIS

This bill:

I. Establishes a procedure for the administration and resolution of claims of abuse which may have occurred at the youth development center.

II. Creates the youth development center (YDC) settlement fund and makes an appropriation to the fund for the settlement of founded abuse claims.

III. Creates an exemption from the right-to-know law for all records related to the administration and settlement of abuse claims at the youth development center.

Committee amendment adopted.

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

Reps. Rogers and Wallner offered floor amendment (1038h).

Floor Amendment (1038h)

Amend RSA 21-M:11-a, I(i) as inserted by section 2 of the bill by replacing it with the following:

(i) "Sexual abuse" means an incident of conduct which would constitute an offense under RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4, or a common law cause of action for assault or battery that involves sexual contact or sexual penetration as defined by RSA 632-A:1, or a common law cause of action for emotional abuse, child endangerment, false imprisonment, unlawful confinement, child exploitation, or deprivation of educational rights.

Rep. Long spoke in favor.

Rep. Edwards spoke against and yielded to questions.

On a division vote, with 164 members having voted in the affirmative, and 177 in the negative, floor amendment (1038h) failed.

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

Rep. Rogers offered floor amendment (1036h).

Floor Amendment (1036h)

Amend RSA 21-M:11-a, V as inserted by section 2 of the bill by replacing it with the following:

V. No individual claimant shall be paid more than \$4,500,000 in settlement of all claims in the aggregate.

Rep. Rogers spoke in favor.

Rep. Umberger spoke against.

On a division vote, with 165 members having voted in the affirmative, and 184 in the negative, floor amendment (1036h) failed.

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

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

MOTION TO PRINT DEBATE

Rep. Klein-Knight moved that the debate on **HB 1677-FN**, relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor, be printed in the Permanent Journal.

On a division vote, with 188 members having voted in the affirmative, and 155 in the negative, the motion was adopted.

DEBATE ON HB 1677-FN

Speaker Packard: Representatives Rogers and Wallner offer amendment (1038h). The Chair recognizes Rep. Long to speak to the amendment.

Representative Long: Thank you, Mister Speaker. Mister Speaker, I first would like to commend the collaborative work with the Attorney General, the victim's attorney and especially the Finance Committee. I was quite impressed on the collaborative work that they had done towards this bill. This amendment adds emotional abuse. I believe New Hampshire has an opportunity to address all victimization done at the hands of our facilities, especially at minimum through HB 1677's process, all victims retain their right to choose the court process. However, this process ought to be available to all victims who choose so. Although the appropriation is an extremely large allocation, I'm reminded of the tax dollars that went toward perpetration of these acts. So, I ask that you support the victims in this situation and we add all victims the opportunity to go through this process. Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Rep. Edwards.

Representative Edwards: Thank you, Mister Speaker. I'd like you to understand just a little bit of the process that got us here. For the first time in decades, the State of New Hampshire has stood up to the plate and said we are responsible and we are going to be accountable for righting the wrongs of many, many decades where kids that have been incarcerated in the Youth Development Centers have been warehoused in a way in which physical and sexual abuse seems to have been fairly common and too much a part of the culture. That's what I'm hearing anecdotally, don't admit that in the court, but that's what I understand. So, what the AG has done is he and his office has set up a settlement fund so that we can efficiently process hundreds of claims and the key claims that we must address are the sexual and physical abuse. Like any project, this is a new project, the biggest thing you need to worry about is scope creep. If you make the scope too big, your project is going to fail. So with a lot of thought we, and debate, we are not, we don't want the emotional abuse included in this bill, which is what this amendment does, because first of all emotional abuse is very tough to adjudicate. Just the mere fact that you are incarcerated, legitimately, would for many feel like emotional abuse and because it's messy and it would open up the settlement fund to scope creep that is beyond what we are ready to do initially. We may never get to that, but don't think for a moment that those kids who thought they were emotionally abused don't have recourse. There's always been a method for them to file a complaint with the AG and to have it adjudicated and that avenue remains open to them. What we have done is we have set up a settlement fund to officially process a large, large number of cases and I'd ask you to vote against this amendment so that we can allow the Attorney General to focus on the most egregious claims and get them handled as expeditiously as possible. Thank you.

Speaker Packard: Does the member yield to questions?

Representative Edwards: I respect the Representative. I'll take her question.

Representative Klein-Knight: Thank you so much, Representative, for taking my questions. Are you saying that watching a child get raped by a facilitator that facilitates this is less important and should get less rewards of damages than the one that is actually doing the raping and is getting threatened to then be raped if they tell anybody?

Representative Edwards: Thank you for the question. I understand your concern to be whether or not a rape would be included and I'd say rape is part of sexual assault and that's clearly the major reason we are doing this is to adjudicate and pay out and try to compensate for their pain and anguish. The money is that it would help them deal with the rape. Hopefully that answers your question. I think we are done.

Speaker Packard: Does the member yield to further questions? Member does not yield. A division has been requested. Members take your seats. The Chair recognizes Rep. Wallner for a parliamentary inquiry.

Representative Wallner: Thank you, Mister Speaker. If I know that this amendment will strengthen this very, very important bill. And, if I know that this amendment will add emotional abuse in the definition of child abuse. And, if I know that research shows that emotional abuse and solitary confinement can cause lifelong damage to young children and young adults. And, if I know that for this settlement process to work, the process must be viewed as inclusive and open to all claimants, would I now vote yes to this amendment?

Speaker Packard: The Chair recognizes Rep. Umberger for a parliamentary inquiry.

Representative Umberger: Thank you, Mister Speaker. If I know that emotional abuse, child endangerment, false imprisonment, unlawful confinement, child exploitation or deprivation of education rights are issues that should be considered, but should not be added to the definition of sexual abuse or physical abuse, would I now press the red button and vote no on this amendment? Thank you.

Speaker Packard: The motion before us is floor amendment (1038h). It is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 164 voting Yea, 177 voting Nay, the floor amendment fails. The bill is on second reading and open to further amendment. This is floor amendment (1036h) and the Chair recognizes Rep. Rogers to speak to the floor amendment.

Representative Rogers: Thank you, Mister Speaker. I want to start out first of all by telling you that in the spirit of bipartisanship...

Speaker Packard: The member will suspend for a minute until we get the sound on.

Representative Rogers: Thank you, Mister Speaker. I want to start out first of all by telling you that in the spirit of bipartisanship, with which this bill was written, I have to thank the Member from Londonderry for the hat that I am wearing today which is a U.S. Marine Corps hat so I'm sure you all can tell which Member from Londonderry. I hope that in light of that he'll listen to what I say and vote with me. HB 1677, as amended, is a great start, but we can act now to make it an even more effective response to a critical situation. Amendment (1036h) will help to do that. According to the Department of Children and Family Services Director, from 1990 to the present, 4,776 children were housed at the Sununu Youth Center and its predecessor. There have already been close to 500 cases of abuse filed in the courts and that number could increase. As a former county attorney, this situation resonates with me. It's clear, based on the number of cases filed against the state, that the financial cap on settlements in this bill is artificially low, at one point \$1.5 million. It should be increased to \$4.5 million. This is a significant increase, but there's a cause to do this from a legal standpoint. The state, by taking complete custody and control of these children, had a fiduciary duty to them. We promised to provide the highest standard of care. If this case goes to civil court, all the plaintiffs have to prove by a preponderance of the evidence, which is a 50.1% likelihood, that the abuse happened. As lawmakers, we must be prepared to respond to several judgements against the State of New Hampshire. Keep in mind the state has already indicted twelve former employees and promises to indict more. These employees account for the abuse of close to one half of the child victims and the state believes it can prove the defendants abused these kids beyond a reasonable doubt, a 98% likelihood. For our purposes, this means these cases will either be settled and receive a financial award from this fund that we are creating or the cases go to trial. The plaintiffs have several lawyers already committed to working these cases on behalf of the child victims. So far, the Attorney General has one. It's entirely possible that if any of these cases or several of these cases go to trial, that when jurors hear what happened to these children, multimillion dollar verdicts in single cases will result. It's critical to note some of the cases in federal court in recent years exceeded \$20 million, even for incidences less brutal than child rape. The federal court draws from a similar jury pool as our State Superior Court in Merrimack County, where these cases would be heard. You have to anticipate the same jury pool will wield similar outcomes. It's in the state's best financial interest to agree to a process that will resolve all or almost all of these child victim cases as expeditiously as possible with as little additional trauma to the victims as possible. After all, it's the right thing to do. Amendment (1036h) expands the cap on settlements to \$4.5 million, a more realistic cap on settlement amounts. If we want the plaintiffs to come to the table with their claims and avoid going to civil court where \$10 million or higher claims could result, we must be realistic about the logical and likely financial risks. We should increase the cap the state is willing to award in this process. I ask that you join me in more properly compensating any victims of abuse while in the state's custody. Please support amendment (1036h) by voting yes and pressing the green button. Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Rep. Umberger.

Representative Umberger: Thank you, Mister Speaker. The cap in HB 1677 is \$1.5 million for sexual abuse and \$150,000 for physical abuse. These caps were set as a result of the AG looking out across the country for what settlements were out there for sexual abuse and physical abuse and that was the number that the AG came to us with as what was the, I don't want to call it the average settlement because it wasn't necessarily adding up the figures and coming up with a number. It was looking at all of the cases that were out there. Now, as the Representative from Concord said, you don't have to choose the process that we've put together in HB 1677. HB 1677 is designed as a trauma and victim centered process as opposed to going to court, which is not necessarily a victim or trauma centered thing, but this cap that we have put in the bill, I believe, will actually solve all of the problems that were caused and I would agree that these are absolutely horrible, to think that this was going on in our youth centers over a long period of time. It was only recently that the AG in his work discovered the horrific nature of what was going on. So, I ask that you vote red and keep the caps that are currently in HB 1677 of \$1.5 million for sexual abuse and \$150,000 for physical abuse. Thank you, Mister Speaker.

Speaker Packard: The motion before us is on floor amendment (1036h). This is going to be a division vote. Members take your seats. The motion before us is on floor amendment (1036h). This is a division vote. The Chair recognizes Rep. Wallner for a parliamentary inquiry.

Representative Wallner: Thank you, Mister Speaker. Mister Speaker, if I know this amendment will also strengthen this very important bill. And, if I know the intent of this legislation is to provide an alternative for claimants to settle their cases through the settlement fund process as opposed to taking cases to court, which is a much more costly process for the state and for the victim. And, if I know that if the cap on settlements is too low, claimants will choose court over going through the settlement fund process. And, if I know this amendment raises the cap to a more realistic level, which will encourage claimants to use the settlement process, would I now vote yes on this amendment?

Speaker Packard: The Chair recognizes Rep. Weyler for a parliamentary inquiry.

Representative Weyler: Thank you, Mister Speaker. Mister Speaker, if I know that the Attorney General made a thorough study of rewards for sexual abuse attacks on children by authorities and that study led to a proposal to create a settlement fund of \$100 million to use in a new system to avoid going to court, if the damaged parties accepted it. And, if I further know that the attorney for the approximate 500 litigants kept trying to increase the caps on the settlement offered. And, if I know that increasing the caps or the allowed damages will make even that huge sum be insufficient, would I now press the red button to keep from making this effort unworkable? Thank you, Mister Speaker.

Speaker Packard: The motion before us is floor amendment (1036h). This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 165 voting Yea, 184 voting Nay, the amendment fails. We are back to the original bill with the committee amendment so the motion before us is Ought to Pass as Amended. Are you ready for the question? All those in favor, say Aye. Those opposed, Nay. The Ayes have it and the committee report is adopted.

REGULAR CALENDAR CONT'D

HB 1091, relative to search warrants for individuals engaged in fish and game activities. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for the Majority of Fish and Game and Marine Resources. The majority agrees that the law regarding search warrants doesn't need to be changed. However it was clear in testimony, and even the Chief of Enforcement for Fish and Game agreed, the Conservation Officer powers could use some cleanup. The majority would like to work on it through interim study to see if there are any proposals for future bills to help the language. Vote 11-9.

Rep. Larry Laflamme for the Minority of Fish and Game and Marine Resources. This bill seeks to rewrite RSA 206:26 and RSA 211:75, which allows New Hampshire Fish and Game Officers to conduct searches when there is reasonable and articulable suspicion that a violation of New Hampshire Fish and Game laws has occurred. In the past five decades these laws have been challenged only three times, and these challenges were reviewed and denied by the New Hampshire Supreme Court. These results indicate that these laws, as currently written, do not violate any constitutional rights. This bill, in one form or another, has come before this committee on several occasions and has been deemed inexpedient to legislate each time, and this time should be no different.

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

Majority committee report adopted.

HB 1297, relative to taking lobster while engaged in recreational scuba diving. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James Spillane for the Majority of Fish and Game and Marine Resources. Lobsters are a natural resource for the citizens of New Hampshire. No person or group has a preeminent claim on natural resources. Research shows that non-commercial lobster fishing numbers are so small as to be ignored statistically. Scuba divers and free divers currently have the opportunity to harvest scallops and crabs. The bill, as amended, asks the

executive director of Fish and Game to set limits for the number and the season when divers can take lobsters. New Hampshire currently offers a 5-lobster pot non-commercial license, but maintaining and servicing the pots requires a boat, access, and proximity to the seacoast effectively disqualifying harvest to all New Hampshire citizens. Statistics from the entire east coast where diving for lobsters is currently allowed show safety concerns to be unwarranted, and the Atlantic Marine Fisheries Commission 500-page report indicates an overabundance of lobsters and an underutilization of the resource in the Gulf of Maine. Vote 11-8.

Rep. Cathryn Harvey for the Minority of Fish and Game and Marine Resources. This bill would allow Fish and Game (F&G) to issue a scuba diver recreational license. The amendment allows the Executive Director to set seasons, limits and fees but the minority opposes the OTPA. There is a danger of scuba divers disturbing the underwater environment while taking a lobster. There is also a decline in juvenile lobster population that this bill would only worsen, especially for our lobster fishermen. This bill could result in a safety and law enforcement issue since law enforcement boats would be reluctant to operate around a diver down flag. Finally this bill adds an additional burden for F&G which has a limited staff for patrols.

Majority Amendment (0157h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Lobsters and Crabs; Scuba Diver Recreational Lobster License. Amend RSA 211:18 by inserting after paragraph II-a the following new paragraph:

II-b.(a) A person who is a resident of this state and wishes to engage in scuba diving or freediving, also known as skin diving, as a recreational activity, and who is in compliance with RSA 270:31 through 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a scuba diver recreational lobster license issued by the executive director. The executive director shall make available a number of scuba diver recreational lobster licenses that is equivalent to the number of recreational lobster and crab licenses available in the prior calendar year under subparagraph III(a).

(b) The executive director shall set the fee for the scuba diver recreational lobster license which shall be credited to the derelict fishing gear and coastal cleanup fund established in RSA 211:77.

(c) The executive director shall establish the scuba diver recreational lobster season from April 1 through September 15, and a scuba diver recreational lobster license shall be valid for not less than 4 weeks during such season.

(d) The license shall consist of letters and or numbers which the person engaged in scuba diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it readily visible to a conservation officer.

(e) The executive director shall establish a limit on the number of lobsters taken per day by a scuba diver holding a license under this paragraph, provided such limit shall not be less than 3 lobsters per day per licensee. Lobsters shall be taken only for the consumption by the licensee, and the licensee's family and guests.

(f) No person shall at any time take any lobsters by any method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate a lobster into coming out of its hole, shall be permitted.

(g) All lobsters taken under a scuba diver recreational lobster license shall be of legal size, as provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on the seafloor before surfacing.

(h) The scuba diver recreational lobster license shall not be transferred to any other person.

(i) Annual catch reports shall be required of all scuba diver recreational lobster license holders at the time of renewal or, if not renewing license, at year end. Annual catch information, in a format determined by the executive director, shall be required of all divers before renewal application will be accepted.

(j) The executive director shall adopt rules for the issuance of the license under this paragraph, and rules governing the sex and size of lobsters allowed to be taken under this paragraph, provided such rules conform with requirements applicable to non-commercial 5 pot licenses and commercial lobster license holders.

(k) The executive director shall submit a report to the chairpersons of the house and senate committees with the jurisdiction over scuba diving recreational lobster licensing. The report shall include the total number of lobsters reported taken by year by non-commercial scuba diving license holders, the total number of non-commercial scuba diving lobster licenses issued, the number of violations issued, the number of investigations detailed by source, such as public complaint, commercial lobsterman complaint, diver complaint, conservation officer complaint. The executive director shall submit the report within 5 years of the effective date of this paragraph, and every 5 years thereafter.

Amend the bill by replacing all after section 4 with the following:

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

AMENDED ANALYSIS

This bill authorizes the executive director of fish and game to issue a scuba diver recreational lobster license. Majority committee amendment adopted.

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

On a division vote, with 197 members having voted in the affirmative, and 143 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

HB 1356, relative to the taking of gray squirrels. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Timothy Lang for the Majority of Fish and Game and Marine Resources. This bill originally recommended shortening the existing season on grey squirrels. Upon listening to testimony, the committee discovered that other than beavers, which are managed by Fish and Game (F&G) for bearing game regulations, all other rodents (small game) like porcupine, groundhogs and red squirrels have open season year-round. Further testimony revealed that this particular small game species are considered 'pest animals' and cause a significant amount of damage to private property and agricultural property. Currently when a squirrel is shot out of season, a complaint is filed. Addressing these complaints requires a significant amount of effort by F&G, and local law enforcement to verify the 'substantial damage' requirement to justify the shooting. Additionally, there was no testimony that this small game species was in any way endangered, and we all remember the squirrel apocalypse on our roads of a few years ago. Even that mass casualty event did not cause a significant impact on the squirrel population now. Based on all this, the majority agreed that a year-round season was appropriate, and will reduce the workload of our already overburdened F&G Conservation Officers. Vote 12-7.

Rep. Ellen Read for the Minority of Fish and Game and Marine Resources. This bill was originally introduced to clear up what appeared to be a typographical error in the squirrel hunting season. The season was originally set to the beginning of October. When the department took over the setting of seasons and moved two other similar species' seasons to the last weekend in September (similar to all of New Hampshire's neighboring states' seasons) some issues appeared to arise. It seemed that squirrels were moved to September 1, with no record as to why or any procedure that would have resulted in that change. The committee heard testimony regarding studies that show mother squirrels are still lactating and still raising their young at the beginning of September. The minority feels it was reasonable to move the squirrel season to start on September 15, which is very similar to our neighboring states, and still two weeks earlier than the original hunting season of October 1. The minority is opposed to the committee amendment which eliminates the season limit on squirrels entirely, allowing hunting year-round including during the raising of young, something that New Hampshire has never done. Nuisance squirrels are already allowed to be dispatched outside of any hunting season restrictions, which are separate.

Majority Amendment (0166h)

Amend the bill by replacing section 1 with the following:

1 Small Game and Game Birds; Authority to Set Seasons. Amend RSA 207:56, I to read as follows:

I. The executive director, after consultation with the commission, shall have the authority to open and close the seasons for the taking of small game and game birds as defined in RSA 207:1, XXVI and XI, except those birds protected under RSA 209:4 *and except for the taking of gray squirrel which shall be permitted year round*, to fix the number and sex limitations for small game, and any other conditions governing the methods and manner of taking and reporting the same, subject to any restrictions imposed by statute.

AMENDED ANALYSIS

This bill requires the executive director to establish a season for the year round taking of gray squirrel.

MOTION TO LAY ON THE TABLE

Rep. Andrew Bouldin moved that **HB 1356**, relative to the taking of gray squirrels, be laid on the table. On a division vote, with 156 members having voted in the affirmative, and 182 in the negative, the motion failed. The question now being adoption of majority committee amendment (0166h). On a division vote, with 194 members having voted in the affirmative, and 147 in the negative, majority committee amendment (0166h) was adopted.

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

HB 1022, permitting pharmacists to dispense the drug ivermectin by means of a standing order. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leah Cushman for the Majority of Health, Human Services and Elderly Affairs. This bill, as amended, permits Ivermectin to be dispensed via a standing order at a pharmacy. A standing order is a specific prescriptive protocol written by a physician or advanced practice registered nurse (APRN), issued to a participating pharmacy, which enables the pharmacist to dispense a medication when it is requested by a patron. Ivermectin is a drug that has been used in humans globally for the treatment of parasites since 1988 and over 6 billion doses have been administered. It has a robustly safe drug profile, demonstrated over the three decades it has been utilized. Ivermectin is available over the counter in many other countries. In New Hampshire, hormonal contraceptives and Narcan are available at pharmacies via a standing order, both which carry greater risk than Ivermectin. This bill was modeled after the hormonal contraceptives standing order legislation that

became law in 2018. It requires the standing order to “specify a screening protocol for each patient, specify a requirement to document screening performed and the prescription in the patient’s medical record, and include a plan for evaluation and treatment of adverse events.” It also requires that an information sheet be given to the patient which includes “potential adverse effects, drug interactions, Food and Drug Administration (FDA) approved indications for Ivermectin use, the importance of follow-up care, and health care referral information.” Ivermectin has been shown to be helpful in reducing the severity and duration of infection of COVID-19, as well as other viruses. People will resort to purchasing it from questionable sources when they are trying to help themselves or their family members fight illness. Currently, people are buying Ivermectin over the counter in other countries like Mexico and bringing it to the US, purchasing it online from countries such as India, or resorting to getting Ivermectin formulated for livestock from farm stores. This bill enables easier access to an exceptionally safe medication, supplied by FDA-regulated and inspected drug manufacturing facilities, formulated for humans. There is great potential public benefit and minimal potential risk of making this medication available via the mechanisms in this bill, as amended. Vote 11-9.

Rep. Gary Merchant for the Minority of Health, Human Services and Elderly Affairs. A standing order requires a well-evaluated protocol established through consensus of physicians, nurse practitioners, and pharmacists. The lack of a well-defined protocol built on broad consensus of a wide range of clinicians may expose a pharmacist and a prescriber to undue legal liability, to the potential loss of liability insurance coverage, and to potential patient harm.

Majority Amendment (0964h)

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

1 New Section; Ivermectin; Dispensing. Amend RSA 318 by inserting after section 47-m the following new section:

318:47-n Ivermectin; Dispensing.

I. In this section, “standing order” means a written and signed protocol authored by one or more physicians licensed under RSA 329:12 or one or more advanced practice registered nurses licensed under RSA 326-B:18. Such agreement shall specify a protocol allowing the pharmacist licensed under RSA 318:18 to dispense ivermectin under the delegated prescriptive authority of the physician or advanced practice registered nurse, specify a screening protocol for each patient, specify a requirement to document screening performed and the prescription in the patient’s medical record, and include a plan for referring for evaluation and treatment of adverse events. Any such prescription shall be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.

II. Licensed pharmacists following standing orders may dispense ivermectin to persons in this state without a prior prescription. Pharmacies may charge a fee for consultation with the patient.

III. A pharmacist, pharmacy, physician, advanced practice registered nurse, or a medical facility that employs a pharmacist, physician, or advanced practice registered nurse issuing or following standing orders shall be prohibited from seeking personal financial benefit by participating in any incentive-based program or accepting any inducement that influences or encourages therapeutic or product changes or the ordering of tests or services.

IV. A pharmacist, physician, or advanced practice registered nurse shall be held to the same standard of care as when prescribing and dispensing any other medication.

V. The pharmacist shall provide each recipient of ivermectin pursuant to this section with an information sheet written in plain language, which shall include, but is not limited to, potential adverse effects, drug interactions, Food and Drug Administration-approved indications for ivermectin use, the importance of follow-up care, and health care referral information.

VI. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary action against a physician based on a pharmacist’s failure to follow standing orders provided the provisions of this section are satisfied. The board of nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against an advanced practice registered nurse based on a pharmacist’s failure to follow standing orders provided the provisions of this section are satisfied. The board of pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders based on a defect in those standing orders provided the provisions of this section are satisfied.

2 New Section; Prescription and Administration of Ivermectin. Amend RSA 329 by inserting after section 1-h the following new section:

329:1-i Prescription and Administration of Ivermectin. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary action against a physician based on a pharmacist’s failure to follow standing orders provided the provisions of RSA 318:47-n are satisfied.

3 New Section; Prescription and Administration of Ivermectin. Amend RSA 326-B by inserting after section 37 the following new section:

326-B:37-a Prescription and Administration of Ivermectin. The board of nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against an advanced practice registered nurse based on a pharmacist’s failure to follow standing orders provided the provisions of RSA 318:47-n are satisfied.

4 New Section; Prescription and Administration of Ivermectin. Amend RSA 318 by inserting after section 16-f the following new section:

318:16-g Prescription and Administration of Ivermectin. The board of pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders based on a defect in those standing orders provided the provisions of RSA 318:47-n are satisfied.

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

Majority committee amendment adopted.

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

Rep. Knirk spoke against.

Rep. Cushman spoke in favor.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 183 - NAYS 159

YEAS - 183

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
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
Trottier, Douglas

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul
Warden, Mark

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Toomey, Dan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Pearl, Howard
Testerman, Dave
Wolf, Dan

Cambrils, Jose
Klose, John
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Hill, Gregory
Moffett, Michael
Seaworth, Brian
White, Nick

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Melvin, Charles
Potucek, John

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin

Abramson, Max
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry

Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David

Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Spilsbury, Walter

Callum, John
Stapleton, Walter

Cloutier, John
Smith, Steven

Rollins, Skip

NAYS - 159

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

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

Eaton, Daniel
Gomarolo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

Thompson, Dennis

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Vann, Ivy

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Herbert, Christopher
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Veilleux, Daniel

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Schmidt, Janice
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Wilhelm, Matthew

Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Hamer, Heidi
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

Allard, James
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Wall, Janet

Cannon, Gerri
Frost, Sherry
Levesque, Cassandra
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Treleaven, Susan

Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

SULLIVAN

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

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

HB 1044, relative to policies required for health facilities and special health care service licenses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jerry Knirk for the Majority of Health, Human Services and Elderly Affairs. Currently, licensed health care facilities such as hospitals, ambulatory surgery centers, birthing centers, or urgent care centers, among others, are required to provide services to all persons regardless of the source of payment, a requirement added by the legislature in 2016 to ensure access to services for low-income individuals and those covered by Medicaid. This bill would exempt from this requirement health care facilities which exclusively provide services on a basis of direct payment from the patient without any reimbursement or third-party payment. Such a change would allow a small number of for-profit institutions offering urgent care, birthing services, or ambulatory surgery to skim off the patients who can pay the full cash price, changing the payor mix for the hospitals which provide these vital services. Maintaining the payor mix is important. Our critical access hospitals run on razor-thin margins and lose money on services such as their full-service, 24 hour per day emergency rooms and obstetrical services, which serve many people on Medicaid, on Medicare, or with no insurance. Those services, which are critical to have available in the rural areas, are subsidized by higher-paying services and higher-paying insurances. Skimming off the higher paying patients would have a significant, negative economic effect on our critical access hospitals. There will be a substantial risk of hospital closure or the need to drop critical services, such as maternity, leaving large numbers of individuals, especially in rural areas, with no access for timely medical care for emergencies or childbirth. The losses sustained by those facilities will be shifted to those who have insurance, driving up the costs for everyone else and not changing total health care costs. The hospitals recognize the threat of this bill to the existence of our hospitals and the need for all of the hospitals to share the burdens equally. The New Hampshire Hospital Association testified against this bill stating that it will not benefit patients or improve competition. The majority believes that this bill will decrease access to health care and will not drive down the overall cost of health care. Vote 14-7. Rep. Jim Kofalt for the Minority of Health, Human Services and Elderly Affairs. This bill would expand free-market healthcare options by allowing health care facilities to operate solely on a direct-payment basis or on a membership-based model. Current law effectively precludes this possibility because it compels licensed health care facilities to provide services to any patient, regardless of the source of payment.

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

Rep. Kofalt spoke against.

Rep. Knirk spoke in favor.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 171 - NAYS 172**YEAS - 171****CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaias, Brodie
Woodcock, Stephen

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
Tucker, Edith

Hatch, William

Laflamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Andrew
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Graham, John

Boyd, Bill
Booras, Efsthathia
Connors, Erika
Espitia, Manny
Griffith, Willis

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Hamer, Heidi

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda

Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Van Houten, Constance

Schmidt, Janice
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vann, Ivy

Jeady, Jean
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Wolf, Dan

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Grossman, Gaby
Murray, Kate
Meuse, David
Simpson, Alexis

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Paige, Mark
Somssich, Peter

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura
Sytek, John

Cahill, Michael
Gilman, Julie
Harb, Robert
McBeath, Rebecca
Read, Ellen
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Wall, Janet

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Southworth, Thomas

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Treleven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 172

BELKNAP

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

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

Bordes, Mike
Howard, Raymond
Ploszaj, Tom

Comtois, Barbara
Johnson, Dawn
Silber, Norman

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ladd, Rick

Berezhny, Lex
Sanborn, Gail
Simon, Matthew

Binford, David
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Fedolli, Jim
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Testerman, Dave

Andrus, Louise
Klose, John
Pitaro, Matthew
Wells, Natalie

Cambriels, Jose
McGuire, Carol
Boyd, Stephen
White, Nick

Cross, Kenna
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harley, Tina
Katsakiores, Phyllis
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Melvin, Charles
Potucek, John
Pearson, Stephen
Thomas, Douglas
Verville, Kevin
Welch, David

Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Nelson, Jodi
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the majority committee report failed.

Rep. Osborne moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (0991h).

Minority Amendment (0991h)

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

AN ACT relative to direct payment and membership-based health care facilities.

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

1 Residential Care And Health Facility Licensing; Policies Required for Health Facilities and Special Health Care Service Licenses; Direct Payment and Membership-Based Facilities Excluded. Amend RSA 151:2-f, I to read as follows:

I. Adopt and enforce a written policy to assure that the facility provides its services to all persons who require the services the facility provides regardless of the source of payment for the services provided to any person, *unless the facility operates on a membership-based business model or exclusively provides services to persons who make direct payment for services. For purposes of this paragraph, a direct payment is one that is paid directly by the patient and is not reimbursed or otherwise paid by a third party;*

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

AMENDED ANALYSIS

This bill exempts facilities operating with membership-based or direct payment business models from certain special licensing provisions.

MOTION TO LAY ON THE TABLE

Rep. Weber moved that **HB 1044**, relative to direct payment and membership-based health care facilities, be laid on the table.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 166 - NAYS 179

YEAS - 166**CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Umberger, Karen

Knirk, Jerry
Woodcock, Stephen

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Hamer, Heidi
Judy, Jean
Langley, Diane
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Snow, Kendall
Van Houten, Constance

Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Moran, Melbourne
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Wolf, Dan

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Wall, Janet

Chase, Wendy
Frost, Sherry
Levesque, Cassandra
Southworth, Thomas

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 179**BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

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

Bordes, Mike
Howard, Raymond
Ploszaj, Tom

Comtois, Barbara
Johnson, Dawn
Silber, Norman

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

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Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

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

Cambriels, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Toriosian, Peter
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the motion failed.

The question now being adoption of minority committee amendment (0991h).
Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 334 - NAYS 10**YEAS - 334****BELKNAP**

Aldrich, Glen
Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

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

Bordes, Mike
Howard, Raymond
Ploszaj, Tom

Comtois, Barbara
Johnson, Dawn
Silber, Norman

CARROLL

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

Nelson, Bill
Deshaies, Brodie
McAleer, Chris

Buco, Thomas
MacDonald, John
McConkey, Mark

Burroughs, Anita
Smith, Jonathan
Umberger, Karen

CHESHIRE

Abbott, Michael
Fenton, Donovan
Mann, John
Santonastaso, Matthew
Welkowitz, Lawrence

Ames, Richard
Fox, Dru
Parshall, Lucius
Schapiro, Joe

Bordenet, John
Gomarlo, Jennie
Qualey, James
Toll, Amanda Elizabeth

Faulkner, Barry
Maneval, Andrew
Rhodes, Jennifer
Von Plinsky, Sparky

COOS

Craig, Kevin
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William
Thompson, Dennis

Laflamme, Larry
Tucker, Edith

GRAFTON

Abel, Richard
Berezhny, Lex
Egan, Timothy
Greeson, Jeffrey
Massimilla, Linda
Simon, Matthew
Weston, Joyce

Adjutant, Joshua
Binford, David
Folsom, Beth
Hakken-Phillips, Mary
Muirhead, Russell
Stavis, Laurel

Alliegro, Mark
Depalma IV, Joseph
Sanborn, Gail
Ham, Bonnie
Murphy, James
Smith, Suzanne

Almy, Susan
Dontonville, Roger
Gordon, Edward
Ladd, Rick
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Beaulieu, Jane
Boehm, Ralph
Chretien, Jacqueline
Creighton, Jim
DiSilvestro, Linda
Foster, William
Goley, Jeffrey
Greene, Bob
Herbert, Christopher
Judy, Jean
Kofalt, Jim
Lanzara, Tom
Long, Patrick
Marston, Dick
Mooney, Maureen
Nunez, Hershel
Pedersen, Michael
Porter, Marjorie
Newman, Ray
Rouillard, Claire
Snow, Kendall
Telerski, Laura
Vann, Ivy

Alexander, Joe
Griffin, Barbara
Bergeron, Paul
Booras, Efsthathia
Cohen, Bruce
Cushman, Leah
Erf, Keith
Freitas, Mary
Gorski, Ted
Griffith, Willis
Homola, Susan
Kelsey, Niki
Sanborn, Laurie
Lascelles, Richard
King, Mark
Mayville, Mary
Moran, Melbourne
Nutter-Upham, Frances
Perez, Maria
Post, Lisa
Renzullo, Andrew
Rung, Rosemarie
Somero, Paul
Toomey, Dan
Veilleux, Daniel

Ammon, Keith
King, Bill
Berry, Ross
Bouchard, Donald
Connors, Erika
Kelley, Diane
Espitia, Manny
Griffin, Gerald
Gould, Linda
Hamer, Heidi
Infantine, William
Klee, Patricia
Labranche, Tony
Leishman, Peter
Murray, Megan
McGhee, Kat
Mullen, Sue
Nutting-Wong, Allison
Petrigno, Peter
Prout, Andrew
Rice, Kimberly
Newman, Sue
Stevens, Deb
Ulery, Jordan
Warden, Mark

Bouldin, Andrew
Baroody, Benjamin
Blasek, Melissa
Burt, John
Cornell, Patricia
Smith, Denise
Fedolfi, Jim
Gagne, Larry
Graham, John
Healey, Robert
Schmidt, Janice
Klein-Knight, Nicole
Langley, Diane
Lewicke, John
Mangipudi, Latha
McLean, Mark
Notter, Jeanine
Pauer, Diane
Piedra, Israel
Query, Joshua
Rombeau, Catherine
Sheehan, Vanessa
Lekas, Tony
Van Houten, Constance
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Cambrijs, Jose
Gallager, Eric
Lane, Connie
McWilliams, Rebecca
Pitaro, Matthew
Schamberg, Thomas
Shurtleff, Steve
Walsh, Thomas
Wolf, Dan

Allard, James
Cross, Kenna
Hall, Muriel
Luneau, David
Moffett, Michael
Richards, Beth
Schuett, Dianne
Soucy, Timothy
Wazir, Safiya
Woods, Gary

Andrus, Louise
Ebel, Karen
Hill, Gregory
MacKay, James
Pearl, Howard
Rogers, Katherine
Schultz, Kristina
Testerman, Dave
Wells, Natalie
Yakubovich, Michael

Bartlett, Christy
Ellison, Arthur
Klose, John
McGuire, Carol
Pimentel, Roderick
Boyd, Stephen
Seaworth, Brian
Wallner, Mary Jane
White, Nick

ROCKINGHAM

Abbas, Daryl
Altschiller, Debra
Bernardy, JD
Cali-Pitts, Jacqueline
Dolan, Tom
Ford, Oliver
Grossman, Gaby
Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark

Abrami, Patrick
Ayer, Paul
Bershtein, Alan
DeSimone, Debra
Doucette, Fred
Gay, Betty
Grote, Jaci
Harley, Tina
Murray, Kate
Litchfield, Melissa
Maggiore, Jim

Abramson, Max
Baldasaro, Al
Bunker, Lisa
DiLorenzo, Charlotte
Edgar, Michael
Gilman, Julie
Guthrie, Joseph
Hobson, Deborah
Katsakiores, Phyllis
Love, David
Major, Norman

Acton, Dennis
Baxter, Tim
Cahill, Michael
Dodge, Dustin
Edwards, Jess
Green, Dennis
Hamblet, Joan
Nelson, Jodi
Khan, Aboul
Lynn, Bob
Malloy, Dennis

McMahon, Charles
Osborne, Jason
Potucek, John
Roy, Terry
Soti, Julius
Thomas, Douglas
Verville, Kevin
Ward, Gerald

Melvin, Charles
Paige, Mark
Pratt, Kevin
Pearson, Stephen
Spillane, James
Torosian, Peter
Vose, Michael
Welch, David

Meuse, David
Pantelakos, Laura
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Weyler, Kenneth

Milz, David
Piemonte, Tony
Read, Ellen
Somssich, Peter
Sytek, John
True, Chris
Wallace, Scott
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Chase, Wendy
Frost, Sherry
Hayward, Peter
Kenney, Cam
Newton, Clifford
Treleaven, Susan
Wuelper, Kurt

Bailey, Glenn
DeLemus, Susan
Grassie, Chuck
Horgan, James
Kittredge, Mac
Pitre, Joseph
Turcotte, Leonard

Bixby, Peter
Fargo, Kristina
Groen, Fenton
Horrigan, Timothy
Levesque, Cassandra
Rich, Cecilia
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Harrington, Michael
Kaczynski, Thomas
Smith, Marjorie
Southworth, Thomas
Wall, Janet

SULLIVAN

Aron, Judy
Merchant, Gary
Spilsbury, Walter
Tanner, Linda

Callum, John
O'Hearne, Andrew
Stapleton, Walter

Cloutier, John
Oxenham, Lee
Smith, Steven

Gottling, Suzanne
Rollins, Skip
Sullivan, Brian

NAYS - 10 CARROLL

Knirk, Jerry

CHESHIRE

Eaton, Daniel

Weber, Lucy

GRAFTON

Fellows, Sallie

HILLSBOROUGH

Dutzy, Sherry

Harriott-Gathright, Linda

MERRIMACK

Caplan, Tony

ROCKINGHAM

McBeath, Rebecca

STRAFFORD

Conley, Casey

Schmidt, Peter

and minority committee amendment (0991h) was adopted.

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

HB 1077, repealing the prohibition on conversion therapy for minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the Majority of Health, Human Services and Elderly Affairs. It has been a source of frustration for the majority that, although the bill was significantly amended, many continue to respond to the amended bill as if it were still the original bill. As amended, the bill agrees that conversion therapy is a coercive treatment with the explicit intention of turning people against their own feelings. That's why the amendment insists that no licensed professional shall work against an individual client's will. To put it bluntly: counseling where someone drops a person off at the office of a professional with the instructions to "fix him/her" against that individual's will or desire remains forbidden. Additionally, the bill addresses the genuine fear that some professionals have, that in helping a client work through his or her unwanted feelings about certain sexual attractions, the professionals would be in danger of professional discipline. This is an attempt to fix a problem that, according to testimony both in and outside of the hearing, truly does exist. Should this bill become law it will send a clear message to each client that the professional is there to work with and not against the wishes of the client regarding sexual attractions. It also sends a clear message that the professional is not working to support the wishes of others, whether they be parents or guardians or members of a movement, if these are in opposition to the client's wishes in counseling. Vote 13-7.

Rep. Joe Schapiro for the Minority of Health, Human Services and Elderly Affairs. This bill, as amended, dramatically weakens protections for LGBTQ youth. Conversion therapy is a mean-spirited and coercive treatment with the explicit intention of turning people against their own feelings. Often involving abusive shaming techniques, there is no evidence that it does what it sets out to do: changing one's sexual orientation or gender identity. In fact, there is a correlation with diminished self-esteem, depression and suicidality. While supporters of this bill insist that the statute as is, prevents well-meaning mental health clinicians from assisting adolescents in exploring their sexual feelings and their concerns about gender identity, the minority feels that this is an attempt to fix a problem that does not actually exist. In the process, the supporters of this bill have ignored the power differential that exists between parents or adult therapists and vulnerable adolescents and they have falsely equated "speech-only" therapy with "client directed" therapy. While this bill purports to assist teens who are crying out for help, it does just the opposite. It opens the door for those who would impose their values on youth who are in the process of understanding their feelings and on the way toward forging an adult identity. Should this bill become law it will send a harsh message to our youth that their innate feelings are unworthy of our care and protection.

Majority Amendment (0921h)

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

AN ACT amending the prohibition on conversion therapy.

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

1 Conversion Therapy; Chapter Title Amended. Amend the chapter title preceding RSA 332-L to read as follows:

[PROHIBITING] CONVERSION THERAPY [ON MINORS]

2 Prohibiting Conversion Therapy; Definitions and Prohibitions. Amend RSA 332-L:1 and 2 to read as follows:

332-L:1 Definition. In this chapter, "conversion therapy" means practices or treatments that seek to change an individual's sexual orientation or gender identity ***against an individual's will***, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. [~~Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.~~]

332-L:2 Prohibition; Violations and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA 330-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy [~~with a person under 18 years of age~~] ***as defined in RSA 332-L:1.***

II. Any licensed professional, as listed in paragraph I, who proposes to engage or engages in conversion therapy [~~on a patient under 18 years of age~~] ***as defined in RSA 332-L:1*** shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

III. In any claim of unprofessional conduct under paragraph II, the licensed professional shall not be presumed to have engaged in unprofessional conduct if the therapy in question was client-directed or was not against the client's will, regardless of whether the client was an adult or minor.

IV. If the therapy in question is alleged to have consisted of speech only, the relevant licensing authority shall presume that the therapy was client-directed unless the client shows, by a preponderance of the evidence, that the therapy was conducted against the client's will.

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

AMENDED ANALYSIS

This bill:

I. Removes the prohibition on engaging in conversion therapy with a minor less than 18 years of age.

II. Amends the definition of conversion therapy to provide that no licensed professional shall engage in conversion therapy against an individual client's will.

III. Establishes a presumption that a licensed professional's actions shall not constitute unprofessional conduct if the therapy in question was client-directed or was not against the client's will, regardless of whether the client was an adult or minor.

IV. Establishes a presumption that in cases where the therapy was speech only, the therapy shall be presumed to be client-directed, unless the client shows that the therapy was against the client's will.

MOTION TO LAY ON THE TABLE

Rep. Alexander moved that **HB 1077**, repealing the prohibition on conversion therapy for minors, be laid on the table.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 197 - NAYS 147**YEAS - 197****BELKNAP**

Bordes, Mike	Harvey-Bolia, Juliet	Mackie, Jonathan
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CARROLL

Buco, Thomas	Burroughs, Anita	Deshaies, Brodie	MacDonald, John
Smith, Jonathan	Knirk, Jerry	Marsh, William	McAlear, Chris
Woodcock, Stephen			

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Alexander, Joe	Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Paul	Berry, Ross	Blasek, Melissa	Booras, Efsthathia
Bouchard, Donald	Chretien, Jacqueline	Cohen, Bruce	Connors, Erika
Cornell, Patricia	DiSilvestro, Linda	Dutzy, Sherry	Espitia, Manny
Freitas, Mary	Goley, Jeffrey	Graham, John	Griffith, Willis
Hamer, Heidi	Harriott-Gathright, Linda	Herbert, Christopher	Schmidt, Janice
Klee, Patricia	Klein-Knight, Nicole	Sanborn, Laurie	Langley, Diane
Leishman, Peter	Long, Patrick	King, Mark	Murray, Megan
Mangipudi, Latha	McGhee, Kat	McLean, Mark	Moran, Melbourne
Mullen, Sue	Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael
Pedersen, Michael	Perez, Maria	Petrigno, Peter	Piedra, Israel
Porter, Marjorie	Prout, Andrew	Query, Joshua	Newman, Ray
Rice, Kimberly	Rombeau, Catherine	Rouillard, Claire	Rung, Rosemarie
Newman, Sue	Snow, Kendall	Stevens, Deb	Telerski, Laura
Toomey, Dan	Van Houten, Constance	Vann, Ivy	Veilleux, Daniel
Warden, Mark	Wilhelm, Matthew		

MERRIMACK

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

ROCKINGHAM

Abbas, Daryl	Altschiller, Debra	Bershtein, Alan	Bunker, Lisa
Cahill, Michael	Cali-Pitts, Jacqueline	DeSimone, Debra	DiLorenzo, Charlotte
Dodge, Dustin	Edgar, Michael	Ford, Oliver	Gilman, Julie
Grossman, Gaby	Grote, Jaci	Hamblet, Joan	Nelson, Jodi
Murray, Kate	Khan, Aboul	Maggiore, Jim	Malloy, Dennis
McBeath, Rebecca	Melvin, Charles	Meuse, David	Milz, David
Paige, Mark	Pantelakos, Laura	Read, Ellen	Simpson, Alexis
Somssich, Peter	Sweeney, Joe	Sytek, John	Ward, Gerald
Yokela, Josh			

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Horrigan, Timothy
 Schmidt, Peter
 Vincent, Kenneth

Cannon, Gerri
 Fontneau, Timothy
 Kenney, Cam
 Rich, Cecilia
 Wall, Janet

Chase, Wendy
 Frost, Sherry
 Levesque, Cassandra
 Southworth, Thomas

Conley, Casey
 Grassie, Chuck
 Smith, Marjorie
 Treleaven, Susan

Cloutier, John
 Oxenham, Lee

Gottling, Suzanne
 Spilsbury, Walter

SULLIVAN

Merchant, Gary
 Sullivan, Brian

O'Hearne, Andrew
 Tanner, Linda

NAYS - 147**BELKNAP**

Aldrich, Glen
 Howard, Raymond
 Silber, Norman

Bean, Harry
 Johnson, Dawn
 Sylvia, Michael

Comtois, Barbara
 Lang, Timothy
 Terry, Paul

Hough, Gregg
 Ploszaj, Tom

CARROLL

Avellani, Lino
 Umberger, Karen

Nelson, Bill

Cordelli, Glenn

McConkey, Mark

CHESHIRE**COOS**

Qualey, James

Rhodes, Jennifer

Theberge, Robert

GRAFTON

Alliegro, Mark
 Sanborn, Gail

Berezhny, Lex
 Greeson, Jeffrey

Binford, David
 Ladd, Rick

Folsom, Beth
 Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
 King, Bill
 Cushman, Leah
 Fedolfi, Jim
 Gorski, Ted
 Homola, Susan
 Kofalt, Jim
 Lewicke, John
 Notter, Jeanine
 Renzullo, Andrew

Ammon, Keith
 Boehm, Ralph
 Kelley, Diane
 Foster, William
 Gould, Linda
 Infantine, William
 Labranche, Tony
 Marston, Dick
 Nunez, Hershel
 Sheehan, Vanessa

Boyd, Bill
 Burt, John
 Smith, Denise
 Griffin, Gerald
 Greene, Bob
 Jeudy, Jean
 Lanzara, Tom
 Mayville, Mary
 Pauer, Diane
 Somero, Paul

Griffin, Barbara
 Creighton, Jim
 Erf, Keith
 Gagne, Larry
 Healey, Robert
 Kelsey, Niki
 Lascelles, Richard
 Mooney, Maureen
 Post, Lisa
 Lekas, Tony

MERRIMACK

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

Cambrils, Jose
 McGuire, Carol
 Boyd, Stephen
 Wells, Natalie

Cross, Kenna
 Moffett, Michael
 Seaworth, Brian
 White, Nick

Hill, Gregory
 Pearl, Howard
 Testerman, Dave
 Yakubovich, Michael

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Al
 Doucette, Fred
 Guthrie, Joseph
 Janigian, John
 Love, David
 McMahon, Charles
 Pratt, Kevin
 Soti, Julius
 Tripp, Richard
 MacDonald, Wayne

Abramson, Max
 Baxter, Tim
 Edwards, Jess
 Harb, Robert
 Katsakiores, Phyllis
 Lynn, Bob
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Spillane, James
 True, Chris
 Wallace, Scott

Acton, Dennis
 Bernardy, JD
 Gay, Betty
 Harley, Tina
 Layon, Erica
 Pearson, Mark
 Piemonte, Tony
 Roy, Terry
 Thomas, Douglas
 Verville, Kevin
 Welch, David

Ayer, Paul
 Dolan, Tom
 Green, Dennis
 Hobson, Deborah
 Litchfield, Melissa
 Major, Norman
 Potucek, John
 Pearson, Stephen
 Torosian, Peter
 Vose, Michael
 Weyler, Kenneth

STRAFFORD

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

Bailey, Glenn
 Hayward, Peter
 Newton, Clifford

DeLemus, Susan
 Horgan, James
 Pitre, Joseph

Groen, Fenton
 Kaczynski, Thomas
 Turcotte, Leonard

SULLIVAN

Aron, Judy
 Smith, Steven

Callum, John

Rollins, Skip

Stapleton, Walter

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1080, relative to the rights of conscience for medical professionals. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the Majority of Health, Human Services and Elderly Affairs. This bill reproduces language either already in law or else under consideration in many other states. One only has to think about what happened in the past when a totalitarian state required medical personnel, against their conscience, to perform harmful experiments and procedures on others. For many medical personnel, abortion is of that order. At the hearing we were told that should we adopt this bill, the quality of medical care in New Hampshire would suffer as people would choose not to practice medicine here. The fact is, for many years Massachusetts had a law like this bill only with tougher penalties, yet continued to draw people to practice medicine and was consistently rated as having a very high quality of care. We were told that such protections already exist in New Hampshire. If that be the case, then no one should be concerned that this bill might pass into law, since no additional prohibitions would be added. It was further suggested that other matters of conscience additional to abortion and other practitioners besides medical personnel should be added to this bill to widen the scope. These additions could be the theme of future legislation. Vote 11-10.

Rep. Lucy Weber for the Minority of Health, Human Services and Elderly Affairs. First, this bill codifies the right of a health care provider to conscientiously object to participation in an abortion, sterilization or prescription of artificial contraception. Second, it absolves the health care provider of all liability, administrative, civil or criminal, to any person or entity as a result of any exercise of conscience under the bill. This is an astonishingly broad limitation on liability. Third, it prohibits any person, health care provider, health care institution, public or private institution, or any licensing board from discriminating against the health care provider from discriminating against the health care provider based on that conscientious objection. The term "public or private institution" is undefined in statute, and there is nothing to limit the terms to institutions which provide health care. "Health care provider" is so broadly defined to include not only licensed medical professionals, but also potentially, receptionists who book appointments and cleaners who clean operating suites. Fourth, a civil action is created for the health care provider, with a minimum recovery of \$10,000 plus costs and attorneys' fees. It appears that someone could seek employment in a reproductive health care center, be hired, and immediately assert a right of conscience that would prohibit them from doing the work for which they were hired. This bill would prohibit the facility from discharging them for not doing the work for which they were hired. The provisions of the bill are so broad as to far exceed the implications of its title. Finally, the minority finds it offensive that those who oppose abortion, sterilization or artificial contraception already have legal protections available to them, such as the AMA Code of Ethics, which covers physicians and nurse practitioners, and will have their consciences further protected under this bill, while licensed medical practitioners who believe, as a matter of conscience, that they should treat a woman after the 24th week of pregnancy, especially under the most difficult of circumstances, such as rape, incest or fetal deformities incompatible with life, are currently forbidden under New Hampshire law, from practicing medicine in accordance with their consciences.

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

Rep. Weber spoke against.

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

YEAS 175 - NAYS 165**YEAS - 175****BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail

Berezhny, Lex
Greeson, Jeffrey

Binford, David
Ladd, Rick

Folsom, Beth
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Lekas, Tony

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Ulery, Jordan

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Fedolfi, Jim
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Somero, Paul

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Wolf, Dan

Andrus, Louise
Kennedy, Margaret
Pearl, Howard
Walsh, Thomas
Yakubovich, Michael

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

Cross, Kenna
McGuire, Carol
Boyd, Stephen
White, Nick

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Pearson, Mark
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 165**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Dontonville, Roger
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Adjutant, Joshua
Egan, Timothy
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

Almy, Susan
Fellows, Sallie
Massimilla, Linda
Stavis, Laurel

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

HILLSBOROUGH

Bouldin, Andrew

Baroody, Benjamin

Beaulieu, Jane

Bergeron, Paul

Booras, Efstathia
Connors, Erika
Espitia, Manny
Griffith, Willis
Jeudy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Van Houten, Constance

Cohen, Bruce
Dutzy, Sherry
Graham, John
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Woods, Gary

Bartlett, Christy
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Caplan, Tony
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Maggiore, Jim
Paige, Mark
Somssich, Peter

Belanger, Cody
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Gilman, Julie
Murray, Kate
McBeath, Rebecca
Read, Ellen
Yokela, Josh

Cahill, Michael
Grossman, Gaby
Lynn, Bob
Meuse, David
Simpson, Alexis

STRAFFORD

Bixby, Peter
Fargo, Kristina
Kenney, Cam
Rich, Cecilia
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Levesque, Cassandra
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Treleven, Susan

Conley, Casey
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

O'Hearne, Andrew

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

MOTION TO PRINT DEBATE

Rep. Greeson moved that the debate on **HB 1080**, relative to the rights of conscience for medical professionals, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON HB 1080

Representative Weber: Thank you, Mister Speaker. What this bill does, is it protects those who do not want to participate in abortions or sterilization or artificial contraception from any discrimination in the workplace based on that decision. It's titled *the rights of conscience for medical professionals*. Now I believe the rights of conscience should apply to all people. First, in this case, doctors and nurse practitioners already have the protection of the AMA code of medical ethics and most employers make accommodation for those who object to certain procedures, which means for those medical professionals, the bill is not needed. Secondly, let's look at the terms of the bill. The definition of medical professional is so broad that it includes those who are manning the reception desk and those who clean the floor of the surgical suite. It's basically everyone who works in any kind of medical establishment. The definition is so broad, that if someone wanted to act maliciously, could seek employment at a reproductive health care center and then be hired and assert their right of conscience. And what would happen then? Well, despite not doing the job for which they were hired, they could not be terminated because the bill says that termination constitutes discrimination. And, what happens if you discriminate? The bill creates a new right of civil action and the recovery against the health care center would be a minimum of \$10,000 plus costs, even if the employee was perhaps asserting the privilege wrongly. That's a lot of burden on what are normally small businesses. But here's the part that I particularly object to in this bill. All persons should have a right to act in accordance with their conscience and sometimes that's difficult. People have lost their jobs over it and people have died for it. It isn't always easy and, in this case, what we are doing is on the one hand we are affording an absolute guaranteed clear easy way for people who believe in one course of action to act in accordance with their conscience. They are

protected. People who believe that, as a medical professional, as an act of conscience they must help a woman who is past 24 weeks of a problem pregnancy who is making the most difficult decision she will ever make in her life with the help of her family and her medical professionals. Those medical professionals are currently legally forbidden for acting in accordance with their conscience. So, on the one hand we have people whose consciences are protected and on the other hand we have people whose consciences have a legal barrier. That is just wrong. I ask you to press the red button so another motion can be made.

Speaker Packard: Rep. Mark Pearson has requested a roll call. We are down to the last speaker. Is that sufficiently seconded? It is sufficiently seconded. This is going to be a roll call vote. Members will take their seats. The Chair recognizes Rep. Mark Pearson.

Representative Mark Pearson: Thank you, Mister Speaker. Conscience is a precious thing. I think most of us have seen the documentaries about the unspeakable things that doctors and their staffs were forced to do in Nazi Germany. And yet one hears that in numbers of states medical people are forced to participate in a procedure that as they and I understand it is the taking of an innocent human life. There are numerous places where abortion is practiced but is a small portion of what is being done. This bill would allow persons of conscience in this matter to keep their jobs there, not disrupting the facility while allowing....

Speaker Packard: The member will suspend. The member has a right to be heard. The member may continue.

Representative Mark Pearson: Thank you, Mister Speaker. This bill would allow persons of conscience in this matter to keep their jobs, while allowing others to stand in for them in those procedures only. I've heard several objections to this bill. First, these protections are already there in law. If that's the case, then no one has anything to fear for us making it a bit more explicit, do they? We are not adding anything. We are just making these protections that we are told are already there in the law just a little bit more explicit. It's an abundance of caution. A phrase we have all been using. Second, we've been told no medical professional in New Hampshire has ever been put in job risk for that. You have not spoken to the people I have. Next, during the hearing, I was asked as prime sponsor of this bill, would I be willing to include other medical procedures in other kinds of professions. Thank you to my colleagues across the aisle for bringing that up. My response is over the summer I shall be happy to work with my colleagues in my committee who pose these questions so we can file some bipartisan LSRs. Fourth, this bill is signed into law. The objections say would lead to a reduction in the number of capable medical people coming to work here in New Hampshire and thus our quality of care would suffer. We should discount such fear mongering. The fact is for many years Massachusetts had a bill just like this, actually with tougher penalties and yet continued to draw good people to practice medicine and was consistently rated as having one of high quality. I've discovered that states with laws like the one proposed here, have drawn many quite capable pro-life medical staff. Maybe even we would get better for allowing such conscience here. And, finally it was suggested that an individual might join the staff of a facility where abortion is the main procedure performed and then once they start asserting rights of conscience. It does not take much mental acuity to know that no pro-life person would choose to work at such a place. I close with a quote about Nazi Germany made by Martin Niemoller, a German Lutheran Pastor about how people of conscience have to stand up for each other even if their issues differ. These are the words that are found on the US Holocaust Memorial. "First, they (meaning Nazi's) came for the communists and I did not speak out because I was not a communist. Then they came for the trade unionist and I did not speak out because I was not a trade unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me and there was no one left to speak for me."

Speaker Packard: The member will suspend for a minute. I think the testimony is getting a little bit off base. If we can bring it back to the bill itself.

Representative Mark Pearson: Yes sir. People of conscience, Mister Speaker, need to stand together and I ask people to stand with me on this because there may well be a time next time when I'm being asked to stand with you. Thank you, Mister Speaker.

Speaker Packard: The motion before us is the majority report of Ought to Pass. This is a roll call vote. Members take your seats. The motion before us is the majority report of Ought to Pass on HB 1080. This is a roll call vote. The Chair recognizes Rep. Weber for a parliamentary inquiry.

Representative Weber: Thank you, Mister Speaker. Mister Speaker, if I know that our constitution tells us that rights ought to be reciprocal and I know that to favor the rights of conscience of one group of people over the rights of conscience of another group of people is just wrong, would I press the red button?

Speaker Packard: The House will be in order. The Chair recognizes Rep. Layon for a parliamentary inquiry.

Representative Layon: Thank you, Mister Speaker. If I know an aspiring doctor, nurse or other health care professional has very little say in what procedures they participate in and no law to cite today if they're asked to violate their conscience by terminating by what they believe to be an innocent life. And, if I know that potential care providers decide early when they decide to take pre-med classes or not what path they are going to go down and we don't know how many future nurses, doctors and other health care professionals don't enter this profession because they are afraid they may have to violate their conscience in this way. And, if I know if those tasked to do no harm should not have to undergo harm themselves in order to do their job, would I then press the green button in order to pass this bill?

Speaker Packard: The motion before us is the majority report of Ought to Pass on HB 1080. 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. 175 voting Yea, 165 voting Nay, the committee report is adopted.

REGULAR CALENDAR CONT'D

HB 1180, relative to state recognition of biological sex. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Acton for the Majority of Health, Human Services and Elderly Affairs. This bill enables public entities to differentiate between biological males and females looking to take part in athletic competition. No action is mandated or specified in this bill. The goal is simply to allow the athlete's biological sex to be considered in the creation of policies related to the ability to take part in sports. The committee felt it is a matter of basic fairness to allow an evaluation of biological sex when determining eligibility. Allowing a biological male who simply identifies as a female to compete in women's sports can be viewed as a violation of the rights of the female competitors. This bill allows for the biological sex of the athlete to be considered if so desired by the local decision-making public entity. Vote 11-10.

Rep. Gerri Cannon for the Minority of Health, Human Services and Elderly Affairs. This bill, as introduced, will deny the rights of people to identify their perceived gender, the gender they live every day, as determined by state entities. The New Hampshire School Board already provides a transgender student policy labeled JBAB for our schools for them to adapt to their unique environments. The NHIAA has documented a transgender policy for interscholastic sports. The NCAA has defined requirements for transgender sports players in colleges and in universities. Policies from these organizations address the needs and concerns of all members of our communities. This bill puts transgender people on notice: you are not equal to the rest of the population, and you need to comply with social norms defined by the rest of your community. We are ignoring the fact that this bill will be in conflict with current state and federal discrimination laws and opening our communities to potentially expensive legal proceedings as transgender people and their families stand up for their rights to be free.

Majority Amendment (0959h)

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

1 New Paragraph; Initiating Amendments and Corrections to Birth Records; Recognition of Biological Sex. Amend RSA 5-C:87 by inserting after paragraph XI the following new paragraph:

XII. Nothing in this subdivision is intended to prohibit any public entity from differentiating between the male and female sexes in athletic competitions. In this paragraph, "the male and female sexes" refers to biologically male and female human beings.

2 New Section; Administration of Motor Vehicle Laws; State Recognition of Biological Sex. Amend RSA 260 by inserting after section 21-b the following new section:

260:21-c State Recognition of Biological Sex. Nothing in RSA 260, RSA 263, or any related provision of law, is intended to prohibit any public entity from differentiating between the male and female sexes in athletic competitions. In this paragraph, "the male and female sexes" refers to biologically male and female human beings.

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

MOTION TO LAY ON THE TABLE

Rep. Weber moved that **HB 1180**, relative to state recognition of biological sex, be laid on the table.

Rep. Greenson requested a roll call; sufficiently seconded.

YEAS 167 - NAYS 169

YEAS - 167

CARROLL

Buco, Thomas
Marsh, William

Burroughs, Anita
McAlier, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon
Thompson, Dennis

Hatch, William
Tucker, Edith

Laflamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

Adjutant, Joshua
Egan, Timothy
Muirhead, Russell
Smith, Suzanne

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

Depalma IV, Joseph
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Alexander, Joe
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Graham, John
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Hamer, Heidi
Judy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Van Houten, Constance

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombau, Catherine
Stevens, Deb
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
White, Nick

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Kenney, Cam
Rich, Cecilia
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Levesque, Cassandra
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Treleaven, Susan

Conley, Casey
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 169**BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Santonastaso, Matthew

COOS**GRAFTON**

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Greeseon, Jeffrey

Binford, David
Ham, Bonnie

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
King, Bill

Ammon, Keith
Berry, Ross

Boyd, Bill
Blasek, Melissa

Griffin, Barbara
Boehm, Ralph

Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa

Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Somero, Paul

Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Lekas, Tony

Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Andrus, Louise
Kennedy, Margaret
Pearl, Howard
Testerman, Dave

Cambriels, Jose
Klose, John
Pitaro, Matthew
Walsh, Thomas

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bernardy, JD
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
Bershtein, Alan
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David

Abramson, Max
Baxter, Tim
DeSimone, Debra
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Belanger, Cody
Dodge, Dustin
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

SULLIVAN

Aron, Judy

Callum, John

Rollins, Skip

Stapleton, Walter

and the motion failed.

The question being adoption of majority committee amendment (0959h).

Rep. Mark Pearson spoke against.

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

On a division vote, with 170 members having voted in the affirmative, and 170 in the negative, majority committee amendment (0959h) failed.

The question now being adoption of the motion of Ought to Pass.

Reps. Tanner, Weber and Cannon spoke against.

MOTION TO LAY ON THE TABLE

Rep. Query moved that **HB 1180**, relative to state recognition of biological sex, be laid on the table.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 175 - NAYS 167

YEAS - 175

BELKNAP

Harvey-Bolia, Juliet

CARROLL

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Umberger, Karen

Knirk, Jerry
Woodcock, Stephen

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Craig, Kevin
Theberge, Robert

Kelley, Eamon
Thompson, Dennis

Hatch, William
Tucker, Edith

Laflamme, Larry

GRAFTON

Abel, Richard
Dontonville, Roger
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Adjutant, Joshua
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

Almy, Susan
Fellows, Sallie
Muirhead, Russell
Smith, Suzanne

Depalma IV, Joseph
Gordon, Edward
Murphy, James
Sykes, George

HILLSBOROUGH

Alexander, Joe
Bergeron, Paul
Cohen, Bruce
Dutzy, Sherry
Graham, John
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Van Houten, Constance

Bouldin, Andrew
Booras, Efstathia
Connors, Erika
Espitia, Manny
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Vann, Ivy

Baroody, Benjamin
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Hamer, Heidi
Judy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
White, Nick

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

Belanger, Cody
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

STRAFFORD

Bixby, Peter
Fargo, Kristina
Kenney, Cam
Rich, Cecilia
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Levesque, Cassandra
Southworth, Thomas

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Treleaven, Susan

Conley, Casey
Horrigan, Timothy
Schmidt, Peter
Vincent, Kenneth

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 167**BELKNAP**

Aldrich, Glen
Howard, Raymond
Ploszaj, Tom
Varney, Peter

Bean, Harry
Johnson, Dawn
Silber, Norman

Comtois, Barbara
Lang, Timothy
Sylvia, Michael

Hough, Gregg
Mackie, Jonathan
Terry, Paul

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Merner, Troy

GRAFTON

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Greeson, Jeffrey

Binford, David
Ham, Bonnie

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Somero, Paul

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Lekas, Tony

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Ulery, Jordan

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Andrus, Louise
Kennedy, Margaret
Pearl, Howard
Testerman, Dave

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

Cross, Kenna
McGuire, Carol
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Major, Norman
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Newton, Clifford

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spillsbury, Walter

and the motion was adopted.

The House recessed at 6:00 p.m.

RECESS

The House reconvened at 6:55 p.m.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

HB 1347, relative to licensing requirements for health care facilities that operate on a membership-based business model. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leah Cushman for the Majority of Health, Human Services and Elderly Affairs. This bill, as amended, exempts nursing homes and rehabilitation centers that accept direct payment or operate on a membership-based business model from the moratorium on new facilities and from the requirement for them to accept all forms of payment. In New Hampshire, there is limited ability to open a medical facility of any kind without accepting all forms of payment, which includes commercial insurance and Medicare and Medicaid. This presents a financial burden for new and existing facilities, as the administrative costs associated with processing insurance can be upwards of 35% of total facility expenditures. It also restricts the ability of facilities to set their own policies, as they are all required to accept Medicare and Medicaid, and therefore are required to comply with the Center for Medicaid and Medicare Services (CMS) requirements. There is growing demand

for alternative options in healthcare, but barriers of entry stifle the ability of entrepreneurs to enter and improve the market. The success of the direct primary care model's impact on patient satisfaction at an affordable price is proof positive of the benefits of healthy competition in the healthcare industry. This bill fosters competition and innovation in the nursing and rehabilitation facility market. Vote 12-9.

Rep. Jerry Knirk for the Minority of Health, Human Services and Elderly Affairs. Currently, nursing homes, skilled nursing facilities, and rehabilitation facilities are required to provide services to all persons regardless of the source of payment, a requirement added by the legislature in 2016 to ensure access to services for low-income individuals and those covered by Medicaid. This bill, as amended, would exempt from this requirement those facilities which operate on a membership-based business model or exclusively provide services on a basis of direct payment from the patient, without any reimbursement or third-party payment. Such a change would allow a small number of for-profit institutions offering long-term care or rehabilitation services to skim off the patients who can pay the full cash price, changing the payor mix of the remaining facilities. Maintaining the payor mix is important. Sixty percent of residents in nursing homes are covered by Medicaid. As we all know from our county delegation work, the Medicaid reimbursement is not sufficient to cover the nursing home costs, requiring the subsidy of the private-pay patients and our county property taxes. Skimming off the higher paying patients will have a significant negative economic effect on our county nursing homes, leading to revenue loss and the need to increase property taxes on our county residents. This bill will increase the property tax burden on our constituents in order to subsidize for-profit chains which establish exclusive private nursing homes. Many residents are admitted to a nursing home starting with private pay, but when they spend down their assets, they go on to Medicaid. At that point, they would likely be discharged from the private pay only or membership-based model to the county nursing home, allowing the private pay only or membership-based model to have skimmed off their resources and leaving them to the county to care for when their resources are exhausted. In addition to the effect on our county nursing homes, private nursing homes with a standard payor mix will also suffer loss of revenue. Additionally, there is currently a moratorium on new licenses for nursing homes and rehabilitation hospitals in New Hampshire. This bill, as amended, exempts from that moratorium nursing homes, skilled nursing facilities, and rehabilitation facilities which operate on a membership-based business model or exclusively provide services on a basis of direct payment from the patient, while maintaining the moratorium on facilities which accept the usual payor mix. This will provide an unfair advantage to the exclusive, private facilities by allowing only the exclusive private facilities to open in the future. In summary, this bill will raise the property taxes on your constituents.

Majority Amendment (0996h)

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

AN ACT relative to licensing requirements for health care facilities that operate on a membership-based or direct payment business model.

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

1 Residential Care and Health Facility Licensing; License or Registration Required. Amend RSA 151:2, VI(a) to read as follows:

VI.(a) No new license shall be issued for, and there shall be no increase in licensed capacity of, any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. This moratorium shall not apply to any ***facility under this chapter that operates on a membership-based business model or exclusively provides services to persons who make direct payment for services, or any*** rehabilitation facility whose sole purpose is to treat individuals for substance use disorder or mental health issues or to any continuing care facility for which a certificate of authority has been issued by the insurance commissioner pursuant to RSA 420-D:2.

2 Residential Care and Health Facility Licensing; Policies Required. Amend RSA 151:2-f to read as follows: 151:2-f Policies Required for Health Facilities and Special Health Care Service Licenses.

I. Every facility licensed under RSA 151:2, I(a) or (d) and every person holding a special health care service license under RSA 151:2-e shall:

~~III.]~~ **(a)** Adopt and enforce a written policy to assure that the facility provides its services to all persons who require the services the facility provides regardless of the source of payment for the services provided to any person;

~~III.]~~ **(b)** Adopt, publicize, and apply an assistance plan for persons who are uninsured or who do not have the financial resources to pay for the facility's services due to financial hardship;

~~III.]~~ **(c)** Provide data to the commissioner of the department of health and human services regarding the volume, cost and outcomes of services provided in the facility; and

~~IV.]~~ **(d)** Pay fees under RSA 151:2-e, III to the commissioner of the department to cover the costs of administering the licensing of special health care services, the administration of the quality and patient safety requirements of this section, and the collection and analysis of the data collected under this section.

II. Subparagraphs I(a) and (b) shall not apply to any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services facilities, which operate on a membership-based business model or exclusively provide services to persons who make direct payment for services. For the purpose of this paragraph, a direct payment is one that is paid directly by the patient and is not reimbursed or otherwise paid by a third party.

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

AMENDED ANALYSIS

This bill exempts direct payment and membership-based health care facilities from the moratorium on the issuance of certain licensing requirements and from the adoption of certain policies relative to access to care and financial assistance plans.

MOTION TO LAY ON THE TABLE

Rep. Mark Pearson moved that **HB 1347**, relative to licensing requirements for health care facilities that operate on a membership-based business model, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1369, relative to COVID-19 health and safety policies at New Hampshire performing arts venues. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Jerry Knirk for the Majority of Health, Human Services and Elderly Affairs. This bill, as amended, allows New Hampshire performing arts venues, as a business decision, to implement protocols of masking, testing and/or vaccination requirements for patrons in order to improve the safety of patrons and employees during an outbreak of a communicable disease. They are businesses and should be allowed to implement protocols for employee and patron safety if desired or if needed to comply with the requirements of the artist, who can book other venues if their safety requests are not met. The original bill referred to COVID-19. The amendment removes references to COVID-19, broadening the applicability to other communicable diseases which we may encounter in the future. It also adds protection for patrons, guaranteeing them refunds if policies change after ticket purchase, unless they have acknowledged that all orders are subject to venue policies at the time of the show, which may be different than the policies at the time of purchase. Performing arts venues operate on thin margins. During outbreaks of respiratory diseases, utilization of mitigation strategies such as improved ventilation, masking, testing and/or vaccination requirements will safely allow them to lessen social distancing, therefore increasing capacity in order to survive financially. Communicable disease protocols can be a marketing opportunity for the venue. A venue may choose to advertise that they implement such protocols to set them apart as a venue which cares for the safety of patrons and employees. Many patrons would feel more comfortable attending a performance when they know that their safety is being considered. Conversely, if a venue is too restrictive, people will not attend. It is a business decision. Vote 11-9.

Rep. Leah Cushman for the Minority of Health, Human Services and Elderly Affairs. This bill, as amended, outlines in statute an authority that private business already possess. It states that performing arts venues have the authority to establish "communicable disease health and safety policies, including mask requirements, vaccine requirements, testing requirements, or a combination thereof." During the bill hearing, testimony was given that these venues are already implementing these policies. The amendment removes "COVID-19," broadening the scope to all communicable diseases. It also adds a clause to require venues to refund ticket purchases if their communicable disease policies change between the time of purchase and the time of the event, but the New Hampshire Attorney General's office already has enforced refunds for patrons under such circumstances. The amendment also includes a clause which states that refunds are not required if there is a clause in the policy at the time of purchase indicating that the policy is subject to change without refunds, which again is already permitted without this bill. The bill is completely unnecessary and the minority of the committee recommends it be voted Inexpedient to Legislate.

Majority Amendment (0707h)

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

AN ACT relative to communicable disease health and safety policies at New Hampshire performing arts venues.

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

1 New Chapter; Performing Arts Venues Communicable Disease Health and Safety Policies. Amend RSA by inserting after chapter 359-S the following new chapter:

CHAPTER 359-T

PERFORMING ARTS VENUES COMMUNICABLE DISEASE HEALTH AND SAFETY POLICIES

359-T:1 Performing Arts Venues; Communicable Disease Health and Safety Policies. Notwithstanding any other provision of law, the owners, operators, and promoters of performing arts venues located in New Hampshire shall have the authority to establish communicable disease health and safety policies, including mask requirements, vaccine requirements, testing requirements, or a combination thereof, in order to protect patrons, staff, performers, and the venue's financial investments. If policies posted at the time of ticket purchase relative to communicable disease change after the ticket purchase is completed, the venue shall refund the ticket price at the patron's request, unless the patron has acknowledged that all orders are subject to venue policies at the time of the show, which may be different than the policies at the time of purchase.

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

AMENDED ANALYSIS

This bill provides that performing arts venues in New Hampshire have the authority to establish their own communicable disease health and safety policies.

MOTION TO LAY ON THE TABLE

Rep. Cushman moved that **HB 369-FN**, relative to the use of physical agent modalities by occupational therapists, be laid on the table.

Rep. Prout requested a roll call; sufficiently seconded.

YEAS 177 - NAYS 146

YEAS - 177

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Deshaies, Brodie

Nelson, Bill
Smith, Jonathan

Burroughs, Anita
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul
Warden, Mark

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
McLean, Mark
Pauer, Diane
Rice, Kimberly
Stevens, Deb

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
King, Mark
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Lekas, Tony

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Seaworth, Brian
White, Nick

Andrus, Louise
Klose, John
Pimentel, Roderick
Testerman, Dave
Wolf, Dan

Cambrils, Jose
McGuire, Carol
Pitaro, Matthew
Walsh, Thomas
Yakubovich, Michael

Cross, Kenna
Moffett, Michael
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Ayer, Paul

Abrami, Patrick
Baldasaro, Al

Abramson, Max
Baxter, Tim

Acton, Dennis
Bernardy, JD

Bershtein, Alan
 Doucette, Fred
 Guthrie, Joseph
 Nelson, Jodi
 Layon, Erica
 McMahon, Charles
 Pantelakos, Laura
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Tripp, Richard
 MacDonald, Wayne
 Yokela, Josh

DeSimone, Debra
 Edwards, Jess
 Harb, Robert
 Janigian, John
 Litchfield, Melissa
 Melvin, Charles
 Piemonte, Tony
 Roy, Terry
 Sweeney, Joe
 True, Chris
 Wallace, Scott

Dodge, Dustin
 Ford, Oliver
 Harley, Tina
 Katsakiores, Phyllis
 Love, David
 Milz, David
 Potucek, John
 Pearson, Stephen
 Sytek, John
 Verville, Kevin
 Welch, David

Dolan, Tom
 Gay, Betty
 Hobson, Deborah
 Khan, Aboul
 Lynn, Bob
 Osborne, Jason
 Pratt, Kevin
 Soti, Julius
 Torosian, Peter
 Vose, Michael
 Weyler, Kenneth

Bailey, Glenn
 Hayward, Peter
 Pitre, Joseph

DeLemus, Susan
 Horgan, James
 Turcotte, Leonard

Groen, Fenton
 Kaczynski, Thomas
 Vincent, Kenneth

Harrington, Michael
 Kittredge, Mac
 Wuelper, Kurt

Aron, Judy
 Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

STRAFFORD

SULLIVAN

NAYS - 146 CARROLL

Buco, Thomas
 McAleer, Chris

MacDonald, John
 Woodcock, Stephen

Knirk, Jerry

Marsh, William

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

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

Bordenet, John
 Fox, Dru
 Parshall, Lucius
 Weber, Lucy

Eaton, Daniel
 Gomarlo, Jennie
 Schapiro, Joe
 Welkowitz, Lawrence

CHESHIRE

COOS

Kelley, Eamon

Abel, Richard
 Egan, Timothy
 Stavis, Laurel

Adjutant, Joshua
 Fellows, Sallie
 Smith, Suzanne

Almy, Susan
 Massimilla, Linda
 Sykes, George

Dontonville, Roger
 Murphy, James
 Weston, Joyce

GRAFTON

HILLSBOROUGH

Bouldin, Andrew
 Bouchard, Donald
 DiSilvestro, Linda
 Graham, John
 Herbert, Christopher
 Labranche, Tony
 Murray, Megan
 Nutter-Upham, Frances
 Petrigno, Peter
 Newman, Ray
 Snow, Kendall
 Vann, Ivy

Baroody, Benjamin
 Chretien, Jacqueline
 Dutzy, Sherry
 Griffith, Willis
 Schmidt, Janice
 Langley, Diane
 Mangipudi, Latha
 Nutting-Wong, Allison
 Piedra, Israel
 Rombeau, Catherine
 Teterski, Laura
 Veilleux, Daniel

Beaulieu, Jane
 Connors, Erika
 Espitia, Manny
 Hamer, Heidi
 Jeudy, Jean
 Leishman, Peter
 McGhee, Kat
 Pedersen, Michael
 Porter, Marjorie
 Rung, Rosemarie
 Toomey, Dan
 Wilhelm, Matthew

Bergeron, Paul
 Cornell, Patricia
 Freitas, Mary
 Harriott-Gathright, Linda
 Klee, Patricia
 Long, Patrick
 Mullen, Sue
 Perez, Maria
 Query, Joshua
 Newman, Sue
 Van Houten, Constance

Alicea, Caroletta
 Ellison, Arthur
 Luneau, David
 Schamberg, Thomas
 Wallner, Mary Jane

Bartlett, Christy
 Gallagher, Eric
 MacKay, James
 Schuett, Dianne
 Wazir, Safiya

Caplan, Tony
 Hall, Muriel
 McWilliams, Rebecca
 Schultz, Kristina
 Woods, Gary

Ebel, Karen
 Lane, Connie
 Richards, Beth
 Shurtleff, Steve

MERRIMACK

ROCKINGHAM

Altschiller, Debra
 DiLorenzo, Charlotte
 Grossman, Gaby
 Pearson, Mark
 Paige, Mark
 Ward, Gerald

Bunker, Lisa
 Edgar, Michael
 Grote, Jaci
 Maggiore, Jim
 Read, Ellen

Cahill, Michael
 Gilman, Julie
 Hamblet, Joan
 Malloy, Dennis
 Simpson, Alexis

Cali-Pitts, Jacqueline
 Green, Dennis
 Murray, Kate
 Meuse, David
 Somssich, Peter

STRAFFORD

Ankarberg, Aidan

Bixby, Peter

Cannon, Gerri

Chase, Wendy

Conley, Casey
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

Fargo, Kristina
Kenney, Cam
Schmidt, Peter

Fontneau, Timothy
Levesque, Cassandra
Rich, Cecilia

Grassie, Chuck
Smith, Marjorie
Treleven, Susan

SULLIVAN

Cloutier, John
Smith, Steven

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

Oxenham, Lee

and the motion was adopted.

MOTION TO PRINT DEBATE

Rep. Alexander moved that the debate on **HB 1180**, relative to state recognition of biological sex, be printed in the Permanent Journal.

On a division vote, with 183 members having voted in the affirmative, and 150 in the negative, the motion was adopted.

DEBATE ON HB 1180

Speaker Packard: For what reason does the member rise? State your motion.

Representative Weber: I move to lay HB 1180 on the table.

Speaker Packard: That is a proper motion. A roll call has been requested by Rep. Greeson. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members take your seats. This is a roll call vote. The motion before us is to table HB 1180. This is a roll call vote. The Chair recognizes Rep. Cannon for a parliamentary inquiry.

Representative Cannon: Thank you, Mister Speaker. Mister Speaker and fellow Representatives, over the past three years we have heard a bill...

Speaker Packard: Representative, this is a parliamentary inquiry.

Representative Cannon: If I know over the past three years, we have heard similar bills about transgender people in sports. In the past two years, those bills have gone nowhere. If I know that the transgender population and the medical staff working with them, as well as our school systems and even the collegiate environment are making changes to the policies that allow transgender girls to work, to play and to work with other straight girls, would you please vote with me and table this bill? Thank you.

Speaker Packard: The Chair recognizes Rep. Mark Pearson for a parliamentary inquiry.

Representative Mark Pearson: Thank you, Mister Speaker. If I know that 60 years ago Title IX was put into law so that girls could compete with boys, women with men in a much more equal way than they had before. And, Mister Speaker, if I know that we are seeing an increased amount every time this bill comes by there is more and more and more cases of champion girls who are now losing to people who, as on male teams didn't win much at all. And, Mister Speaker, if I know that this bill is not telling schools what to do, but allowing them to have their local decisions, would I now not press the button against tabling? Thank you, Mister Speaker.

Speaker Packard: The motion before us is the tabling motion on HB 1180. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 167 voting Yea, 169 voting Nay, the tabling motion fails. We are back to the amendment, which is (0959h). The Chair recognizes Rep. Mark Pearson to speak against the amendment.

Representative Mark Pearson: Thank you, Mister Speaker. When this amendment was first crafted, it represented knowledge that we had having spoken to correctional officials and since then, however, we have learned that in a few places around the country, certain laws have been put in place. And, when that has come, the kind of problems that occur when fixed laws replace flexible policies, we want to preserve what we have now with our flexibility because one size does not fit all. Inadvertently, the amendment will weaken this. We have just discovered this and so I am strongly suggesting that we vote no on this amendment.

Speaker Packard: Rep. Gould has requested a roll call. Is that sufficiently seconded? It is not sufficiently seconded. This will be a division vote. Members take your seats. The question before us is the adoption of the amendment (0959h). This is a division vote. The Chair recognizes Rep. Mark Pearson for a parliamentary inquiry.

Representative Mark Pearson: Thank you, Mister Speaker and pardon me for the confusion. Once again, my PI is if I know that the amendment, when we first put it together was brilliant. And, if I know subsequent knowledge that has come to us have said that this could be counterproductive, would I not press the red button against the amendment? Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Rep. Gay for a parliamentary inquiry.

Representative Gay: Thank you, Mister Speaker. If I know the goal of this amendment is to protect women's sports. And, if I know this bill without the amendment could allow carding or blocking trans people from public bathrooms. And, if I know this bill without the amendment could also complicate the job of New Hampshire corrections, who already must follow federal requirements for safe incarceration under the Prison Rape Elimination Act of 2003 or PREA as they call it. And, if I know that women and girls participating in sports with

trans women, teens and adults deserve to compete against people whose transition started before they reached male strength, as advocated by Caitlyn Jenner, then wouldn't I support this amendment by pressing the green button? I request a division vote. Thank you, Mister Speaker.

Speaker Packard: The motion before us is the vote on the amendment (0959h) to HB 1180. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 170 voting Yea and 170 voting Nay, the amendment fails. The question now is on Ought to Pass, the majority of Ought to Pass. The Chair recognizes Rep. Tanner.

Representative Tanner: Thank you, Mister Speaker. I guess they are coming for me. This bill is all about discrimination plain and simple. The few transgender children who participate in sports with varying athletic abilities, size, shape, as much as other youth do. Some youths have outstanding athletic ability, some not so much. Gender identity shouldn't play a role in the opportunities that we give students in all activities and courses we offer in school, including sports. There are governing bodies at all levels of sport competition that regulate seasons, rules and eligibility to participate in sports. At our high school level in New Hampshire, it is part of the New Hampshire Interscholastic Athletic Association. This association that oversees all high school competition in the state has concluded that it would be fundamentally unjust and contrary to applicable state and federal laws to preclude a student from participation on a gender specific sports team that is consistent with the public gender identity of that student in his or her school and community. Local schools are charged with verifying that the school district has determined that the expression of the student's gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive sports. If you think a high school boy would suddenly put on a skirt and tryout for a girls' team, it just doesn't happen in high school. I taught in high school for 30 years. School sports at all levels should be centered on inclusion, education and participation. There is ample evidence that an opportunity for adolescents to participate in sports results in positive outcomes such as better grades, better work in class, self-discipline, higher educational and occupational aspirations and improved self-esteem. Youth learn a lot of lessons in sports. I coached for many years. They learn to get better, to have a role on a team, they learn sportsmanship, leadership, hard work and they learn to be gracious in winning and to be resilient in the face of defeat, which some of us could take a lesson on. This is all discrimination, okay? It's not about a safety issue. I taught for a long-time co-ed high school Phys-education and for over 30 years I had no concerns with safety. It's not about coed competition. We had coed competition in classes and there were as many girls that did well as boys. It's not about fairness, which is an elusive term when the tallest basketball player on my team was 5'4" and the other team had a 6' center because there will be differences not related to gender identity. It's not about winning and losing because eventually you meet some team or some person who will be better than you, worked harder or just had a lucky day. NCAA and the Olympic Committee, where competition is a little bit higher, have other rules and regulations but they also let transgender people identify and play in sports. So this bill is giving permission to schools and governmental agencies to deny a young person the ability to participate based on their gender identity, their authentic self, who they think they are, how they feel and that is wrong to deny that. As a country, as New Hampshire, we have made our nondiscrimination laws a statement how New Hampshire treats people in protected classes and transgender people are in a protected class. I believe that discrimination is wrong and that everybody should have the ability to succeed in our public schools and life. Everybody. Don't come for them. Thank you.

Speaker Packard: The Chair recognizes Rep. Weber.

Representative Weber: Thank you, Mister Speaker. We had an amendment that took away 2/3rds of a very bad bill, but that failed, so I'll tell you about the 2/3rds of the very bad bill that remain. One of the things that, one of the areas that people would be allowed to assign people only to their biological sex, if they chose to do that, is in the prison system. The rationale for that was transgender women who had not completed their transition, being in prison with females. So, here is the problem. What we should be doing for our prison population is making sure that absolutely everyone is safe. Every single prisoner. We know that because we just had the bill about the youth development center. We need to keep everybody safe and the way of doing that is not assigning somebody who is partway through a transition from male to female back to a male prison. That's not safe. The other thing is that it is not fair to put all the burden of safety on transgender people. What we ought to be doing in the prisons is to ensure the safety of all the prisoners and that is being worked on with prison policies and their policies of how people are housed, which takes into account and recognizes their gender identity without forcing them to relinquish it. We had very strong language from both, I believe somebody was a superintendent of corrections in one of the counties and also from the Department of Corrections at the state level, that the provisions of this bill are going to make their lives infinitely more difficult. So that's one thing. The other section that is still in the bill is the inclusion of what was called areas of intimate privacy. You know what that sounds like to me? That sounds like a bathroom bill. Do you remember what happened in North Carolina when North Carolina passed a bathroom bill? It wasn't pretty. People actually pulled out of athletic competitions and all kinds of other things because they had gone down that road. I know

that people are going to tell me this just permits people to do it, it doesn't require. But here's the rub with that. If you permit people to discriminate in all three of these areas, sports, prisons and places of intimate privacy, then a transgender person who is assigned unfairly to a place for their biological sex will no longer have the protections against discrimination that they now have because we just removed them in this bill. There will be no recourse for them. So for those reasons, because this bill is now back to its original and exceedingly flawed form, I ask you to press the red button so that another motion can be made. Thank you.

Speaker Packard: Does the member yield to questions? The member does not yield. The Chair recognizes Rep. Cannon.

Representative Cannon: Thank you, Mister Speaker. So what is our purpose here? Are we putting in legislation to control a very small portion of our population? Our transgender population for everyone is about 1/3 of 1% of our entire population. Of that, only about 500 members are students. Most of those students are there to get an education. Very few of them are there to participate in sports and it's very rare when one of those students is a superstar. I understand we have a need to make sports fair between transgender girls and cisgirls. Cisgirls is the terminology. Our schools are aware of this. The athletic associations are aware of this. The IOC, the NCAA are aware of this. They've been putting in place policies to help both the transgender girls and the straight girls play in the same sports. In the medical community, they've identified medication that allows students and people to block hormones of students, of young people, from proceeding through puberty. These transgender girls who are taking these puberty blocking drugs grow at the same rate as their girlfriends in the community. They don't grow to be the same as every other male. Most of these girls won't start estrogen therapy until they are 18 years old. Up until that time they won't have testosterone in their system. They won't be growing at the same rate as other boys. They won't have some of the impact as far as their skeletal strength and muscular structure as other boys. There are a number of organizations that are defining what the policies are for transgender girls in sports. First off, in the school system, the New Hampshire School Board Association has put policies in place for transgender girls to be in school systems to get an education just like everyone else. They don't touch on sports. The sports area is left up to the New Hampshire Interscholastic Athletic Association. That association has defined a rule that a transgender student that wants to play in sports needs to be registered as a girl or a boy depending on the gender they identify as at the beginning of entering high school with the full support of their parents and plan for them to grow. If they are participating in sports on a girls' sports team, they have to stay participating on a girls' sports team. If they grow and they're participating on a boys' sports team, they have to stay on a boys' sports team. They can't cross over between those two genders. In the NCAA, they just released in February a policy concerning transgender girls in sports in the intercollegiate environment. Even the IOC, the Olympic Committee, has similar policies. These policies require that a transgender athlete has to start getting tested for their testosterone levels so that they may compete at the same level as other girls. That policy has just gone into place and it's going to start with one test a year and it's going to go next year to two tests a year. So they are going to keep track of the hormone levels to make sure they are providing a safe environment for transgender girls or women and other women in the sports environment. These are only a few of the organizations that are working with the transgender community to provide a level playing field for the environment which they work and play in. This bill that's been introduced is on the leading edge of what is already happening in other places and if we implement this bill, it's ignoring that this work is already being done in other areas and it may be more appropriate to be done by other associations or organizations that are working with transgender people, rather than putting something into statute that will negatively affect future transgender women or transgender men that are just trying to live their life like everyone else on a level playing field. Please vote red on this bill. Thank you.

Speaker Packard: Does the member yield to questions? The member does not yield. We are down to the final speaker. Rep. Gould has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. For what reason does the member rise?

Representative Query: I'd like to make a motion.

Speaker Packard: State your motion.

Representative Query: Table.

Speaker Packard: The motion is in order. We've had intervening business so the motion is in order. The House will come to order. We have a request for a roll call from Rep. Baldasaro. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote on the tabling motion. That is what is before us now. The House will come to order. The motion before us is to table HB 1180. The Chair recognizes Rep. Mullen for a parliamentary inquiry.

Representative Mullen: Thank you, Mister Speaker. Mister Speaker, if I know that since the last tabling motion this bill has changed tremendously and that it now includes safety issues in prison, privacy issues in bathrooms as well as global discrimination issues. And, if I believe that tabling this bill sends a message to New Hampshire about our position on discrimination, would I please press the green button in favor of the tabling motion? Thank you.

Speaker Packard: The Chair recognizes Rep. Layon for a parliamentary inquiry.

Representative Layon: Thank you, Mister Speaker. If I know that NCAA and Olympic standards for transgendered athletes require the recognition of biologic sex in order to respect the rights of the transgender athletes and those whom they compete with. And, if I know that circuit court rulings have hinged upon whether

or not the law in a particular state recognizes the states' role in recognizing biologic sex in order to make these distinctions, would I then press the green button, sorry the red button. Sorry. Would I then press the red button in order to allow our state to continue to recognize biologic sex so that we can make sure that we are not discriminating against people and we can recognize their unique individuality and their specific needs. **Speaker Packard:** The motion before us is the tabling motion on HB 1180. 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. 175 voting Yea, 167 voting Nay, the tabling motion passes.

REGULAR CALENDAR CONT'D

HB 1379, relative to the department of health and human services' rulemaking authority regarding immunization requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. Current statute authorizes the addition of new immunization requirements for children by administrative rule. This bill recognizes that decisions of such gravity ought to be made by the entire legislature and should be afforded a thorough and transparent public debate. The committee considered two different amendments, the first of which would have simply extended the vaccine requirements that presently exist in administrative rule (for varicella, Hepatitis B, and Haemophilus influenza type b) through their expiration in 2026, thereby giving the legislature ample time to consider adding these to statute with full oversight and decision-making by the entire legislature. That amendment failed by a single vote and the committee instead voted to adopt amendment 2022-0844h, which adds varicella vaccine requirements to statute, extends requirements for two other vaccines that are currently in rules until 2026, and provides for a temporary, non-renewable 20-month immunization mandate which must be approved by a three-fifths vote of the Joint Legislative DHHS Oversight Committee. Vote 12-9.

Amendment (0844h)

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

1 Communicable Disease; Immunization. RSA 141-C:20-a, I is repealed and reenacted to read as follows:

I. All parents or legal guardians shall have their children who are residing in this state immunized against diphtheria, mumps, pertussis, poliomyelitis, rubella, rubeola, tetanus, and varicella. Immunization against hepatitis B and haemophilus influenzae shall be required until June 30, 2026, unless otherwise authorized by statute. The commissioner may add an immunization requirement to the above list for up to 20 months with the approval of the legislative oversight committee on health and human services established in RSA 126-A:13. Such action shall require a 3/5 vote by the oversight committee and shall be permitted only one time per communicable disease. Continuation beyond 20 months shall require specific statutory authority for the immunization requirement. The commissioner may only adopt rules under RSA 541-A relative to changes in the number of doses, dosage, route of administration, and age requirements for immunization against the diseases identified in this paragraph.

2 Communicable Disease; Rulemaking. Amend RSA 141-C:6, XIII to read as follows:

XIII. [Other] Communicable diseases requiring immunization under RSA 141-C:20-a, I.

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

AMENDED ANALYSIS

This bill limits immunization requirements to those diseases identified in statute. The bill also provides the commissioner of health and human services with limited authority to include an additional immunization requirement with the approval of the oversight committee on health and human services. Committee amendment adopted.

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

YEAS 169 - NAYS 164

YEAS - 169

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin
Thompson, Dennis

Laflamme, Larry

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Gordon, Edward

Berezhny, Lex
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

Sanborn, Gail
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Somero, Paul

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Foster, William
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Ulery, Jordan

King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

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

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

Hill, Gregory
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 164**CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaias, Brodie
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS**GRAFTON**

Kelley, Eamon

Tucker, Edith

Abel, Richard
Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

Adjutant, Joshua
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

Almy, Susan
Fellows, Sallie
Muirhead, Russell
Smith, Suzanne

Depalma IV, Joseph
Hakken-Phillips, Mary
Murphy, James
Sykes, George

HILLSBOROUGH

Bouldin, Amanda	Bouldin, Andrew	Boyd, Bill	Baroody, Benjamin
Beaulieu, Jane	Bergeron, Paul	Bouchard, Donald	Chretien, Jacqueline
Connors, Erika	Cornell, Patricia	DiSilvestro, Linda	Dutzy, Sherry
Espitia, Manny	Freitas, Mary	Goley, Jeffrey	Gould, Linda
Griffith, Willis	Hamer, Heidi	Harriott-Gathright, Linda	Herbert, Christopher
Schmidt, Janice	Judy, Jean	Klee, Patricia	Klein-Knight, Nicole
Labranche, Tony	Langley, Diane	Leishman, Peter	Long, Patrick
King, Mark	Murray, Megan	Mangipudi, Latha	McGhee, Kat
Mullen, Sue	Nutter-Upham, Frances	Nutting-Wong, Allison	Pedersen, Michael
Perez, Maria	Petrigno, Peter	Piedra, Israel	Porter, Marjorie
Query, Joshua	Newman, Ray	Rombeau, Catherine	Rouillard, Claire
Rung, Rosemarie	Newman, Sue	Snow, Kendall	Stevens, Deb
Telerski, Laura	Toomey, Dan	Van Houten, Constance	Vann, Ivy
Veilleux, Daniel	Wilhelm, Matthew		

MERRIMACK

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

ROCKINGHAM

Altschiller, Debra	Bunker, Lisa	Cahill, Michael	Cali-Pitts, Jacqueline
DiLorenzo, Charlotte	Edgar, Michael	Gilman, Julie	Grossman, Gaby
Grote, Jaci	Hamblet, Joan	Murray, Kate	Maggiore, Jim
Malloy, Dennis	McBeath, Rebecca	Meuse, David	Paige, Mark
Pantelakos, Laura	Read, Ellen	Simpson, Alexis	Somssich, Peter
Ward, Gerald			

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Fargo, Kristina	Fontneau, Timothy	Grassie, Chuck	Horrigan, Timothy
Kenney, Cam	Levesque, Cassandra	Smith, Marjorie	Oxaal, Ariel
Schmidt, Peter	Rich, Cecilia	Treleaven, Susan	Vincent, Kenneth
Wall, Janet			

SULLIVAN

Cloutier, John	Gottling, Suzanne	Merchant, Gary	Oxenham, Lee
Sullivan, Brian	Tanner, Linda		

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

HB 1409, relative to the age at which a minor may receive mental health treatment without parental consent. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for the Majority of Health, Human Services and Elderly Affairs. As amended, this bill does three things: it explicitly grants a minor aged 16 years or older the right to consent to mental health treatment; it explicitly allows a licensed mental health professional to treat a minor aged 16 years or older with the consent of the minor; and it makes it clear that parental consent must be obtained before any medication is prescribed. When a parent is unable or unwilling to actively provide for the mental health needs of their minor child, this bill allows the minor to seek the treatment they need and want without parental permission. This provides one more avenue for a minor without adequate parental support to get the professional support they need to work through difficult situations, and is aimed at sparing the minor the despair that some report feeling. The majority believes that therapy would be directed towards the repair of the family unit if that is appropriate, or towards helping the minor cope with whatever their situation is if restoration of the family unit is not appropriate. Vote 11-10.

Rep. Mark Pearson for the Minority of Health, Human Services and Elderly Affairs. The question underlying this and similar bills is simple: who has charge of our children, parents/guardians or the state? The age at which minors may receive counseling without consent in this bill has been brought down to 16. The prime sponsor indicated the eventual goal is 12! At issue is not whether a child could talk with a trusted coach, teacher, pastor or friend when working through a problem. Of course they could! The issue is "mental health treatment." If someone is in need of that level of counseling, that person's family system has major issues warranting either family systems therapy or state intervention, not mere individual and secretive counseling. Additionally, secrets have a way of being disclosed. This writer, in his professional capacity, recalls, in other states in which he lived, numbers of times over the years when an insurance statement was sent to the parents of a child who had attempted to keep therapy sessions private. Such a revelation of what the child had been doing only made things worse, not better. This is but one way in which the parents became aware of what was going on. Almost half of the committee was convinced that the bill, though well-intended, was bad at best and dangerous at worst. And given the stated desire of eventually lowering the age to 12, we are even more concerned.

Majority Amendment (0513h)

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

1 New Subdivision; Mental Health Practice; Services Provided to Minors. Amend RSA 135-C by inserting after section 67 the following new subdivision:

Mental Health Services for Minors

135-C:68 Mental Health Services; Consent of Minor. A minor 16 years of age or older may voluntarily consent to mental health services, and a licensed mental health care provider may provide such services without the consent of the minor's parent or legal guardian, provided, however, that the provider shall not prescribe medication without the consent of a parent or guardian.

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

AMENDED ANALYSIS

This bill allows a minor 16 years of age or older to consent to mental health treatment without parental consent.

MOTION TO LAY ON THE TABLE

Rep. Mark Pearson moved that **HB 1409**, relative to the age at which a minor may receive mental health treatment without parental consent, be laid on the table.

Rep. Altschiller requested a roll call; sufficiently seconded.

YEAS 171 - NAYS 163**YEAS - 171****BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Alexander, Joe
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Ammon, Keith
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Boyd, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Perez, Maria
Rice, Kimberly
Lekas, Tony

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Testerman, Dave

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

Cambirls, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty

Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Somssich, Peter
Sytek, John
Verville, Kevin
Welch, David

Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sweeney, Joe
True, Chris
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 163

CARROLL

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

Abbott, Michael
Faulkner, Barry
Maneval, Andrew
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Fenton, Donovan
Mann, John
Toll, Amanda Elizabeth

Bordenet, John
Fox, Dru
Parshall, Lucius
Von Plinsky, Sparky

Eaton, Daniel
Gomarlo, Jennie
Rhodes, Jennifer
Weber, Lucy

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Petrigno, Peter
Newman, Ray
Snow, Kendall
Van Houten, Constance

Bouldin, Andrew
Berry, Ross
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vann, Ivy

Baroody, Benjamin
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Beaulieu, Jane
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Infantine, William
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
White, Nick

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Ward, Gerald

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Kenney, Cam
 Schmidt, Peter
 Wall, Janet

Cannon, Gerri
 Fontneau, Timothy
 Levesque, Cassandra
 Rich, Cecilia

Chase, Wendy
 Grassie, Chuck
 Smith, Marjorie
 Treleven, Susan

Conley, Casey
 Horrigan, Timothy
 Oxaal, Ariel
 Vincent, Kenneth

SULLIVAN

Cloutier, John
 Sullivan, Brian

Gottling, Suzanne
 Tanner, Linda

Merchant, Gary

Oxenham, Lee

and the motion was adopted.

MOTION TO REMOVE FROM THE TABLE

Rep. Read moved that **HB 1264**, establishing ranked-choice voting for state party primary elections and municipal elections, be removed from the table.

Rep. Read requested a roll call; sufficiently seconded.

YEAS 116 - NAYS 219

**YEAS - 116
BELKNAP**

Lang, Timothy

CARROLL

Buco, Thomas
 Woodcock, Stephen

Knirk, Jerry

Marsh, William

McAleer, Chris

CHESHIRE

Abbott, Michael
 Mann, John
 Von Plinsky, Sparky

Eaton, Daniel
 Parshall, Lucius
 Welkowitz, Lawrence

Fenton, Donovan
 Schapiro, Joe

Maneval, Andrew
 Toll, Amanda Elizabeth

COOS

Craig, Kevin

Kelley, Eamon

Tucker, Edith

GRAFTON

Adjutant, Joshua
 Fellows, Sallie
 Stavis, Laurel

Almy, Susan
 Hakken-Phillips, Mary
 Smith, Suzanne

Berezhny, Lex
 Muirhead, Russell

Egan, Timothy
 Murphy, James

HILLSBOROUGH

Bouldin, Amanda
 Chretien, Jacqueline
 Dutzy, Sherry
 Hamer, Heidi
 Labranche, Tony
 McGhee, Kat
 Pedersen, Michael
 Query, Joshua
 Newman, Sue
 Toomey, Dan

Bouldin, Andrew
 Connors, Erika
 Espitia, Manny
 Harriott-Gathright, Linda
 King, Mark
 Mullen, Sue
 Petrigno, Peter
 Newman, Ray
 Stevens, Deb
 Vann, Ivy

Beaulieu, Jane
 Cornell, Patricia
 Freitas, Mary
 Jeudy, Jean
 Murray, Megan
 Nutter-Upham, Frances
 Piedra, Israel
 Rombeau, Catherine
 Lekas, Tony
 Veilleux, Daniel

Bouchard, Donald
 Cushman, Leah
 Griffith, Willis
 Klein-Knight, Nicole
 Mangipudi, Latha
 Nutting-Wong, Allison
 Porter, Marjorie
 Rung, Rosemarie
 Telerski, Laura
 Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
 Gallagher, Eric
 McWilliams, Rebecca

Bartlett, Christy
 Hall, Muriel
 Pimentel, Roderick

Caplan, Tony
 Lane, Connie
 Wolf, Dan

Ellison, Arthur
 Luneau, David
 Woods, Gary

ROCKINGHAM

Abramson, Max
 Edgar, Michael
 Grote, Jaci
 Meuse, David
 Somssich, Peter

Altschiller, Debra
 Gay, Betty
 Hamblet, Joan
 Paige, Mark
 Yokela, Josh

Baxter, Tim
 Gilman, Julie
 Maggiore, Jim
 Read, Ellen

Bunker, Lisa
 Grossman, Gaby
 Malloy, Dennis
 Simpson, Alexis

STRAFFORD

Bixby, Peter
 Horrigan, Timothy
 Schmidt, Peter
 Wuelper, Kurt

Chase, Wendy
 Kenney, Cam
 Rich, Cecilia

Conley, Casey
 Levesque, Cassandra
 Vincent, Kenneth

Grassie, Chuck
 Oxaal, Ariel
 Wall, Janet

SULLIVAN

Cloutier, John

Merchant, Gary

Oxenham, Lee

Tanner, Linda

NAYS - 219**BELKNAP**Aldrich, Glen
Hough, Gregg
Ploszaj, Tom
Varney, PeterBean, Harry
Howard, Raymond
Silber, NormanComtois, Barbara
Johnson, Dawn
Sylvia, MichaelHarvey-Bolia, Juliet
Mackie, Jonathan
Terry, Paul**CARROLL**Avellani, Lino
Deshaies, Brodie
Umberger, KarenNelson, Bill
MacDonald, JohnBurroughs, Anita
Smith, JonathanCordelli, Glenn
McConkey, Mark**CHESHIRE**Ames, Richard
Gomarlo, Jennie
Weber, LucyBordenet, John
Qualey, JamesFaulkner, Barry
Rhodes, JenniferFox, Dru
Santonastaso, Matthew**COOS**Hatch, William
Thompson, Dennis

Laflamme, Larry

Merner, Troy

Theberge, Robert

GRAFTONAbel, Richard
Folsom, Beth
Ham, Bonnie
Simon, MatthewAlliegro, Mark
Sanborn, Gail
Ladd, Rick
Sykes, GeorgeDepalma IV, Joseph
Gordon, Edward
Massimilla, Linda
Weston, JoyceDontonville, Roger
Greeson, Jeffrey
Nordgren, Sharon**HILLSBOROUGH**Lekas, Alicia
Griffin, Barbara
Berry, Ross
Creighton, Jim
Erf, Keith
Goley, Jeffrey
Greene, Bob
Infantine, William
Kofalt, Jim
Lascelles, Richard
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, JordanAlexander, Joe
King, Bill
Blasek, Melissa
Kelley, Diane
Foster, William
Gorski, Ted
Healey, Robert
Schmidt, Janice
Sanborn, Laurie
Leishman, Peter
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Van Houten, ConstanceAmmon, Keith
Baroody, Benjamin
Boehm, Ralph
Smith, Denise
Griffin, Gerald
Gould, Linda
Herbert, Christopher
Kelsey, Niki
Langley, Diane
Lewicke, John
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Snow, Kendall
Warden, MarkBoyd, Bill
Bergeron, Paul
Burt, John
DiSilvestro, Linda
Gagne, Larry
Graham, John
Homola, Susan
Klee, Patricia
Lanzara, Tom
Long, Patrick
Mooney, Maureen
Perez, Maria
Rice, Kimberly
Somero, Paul**MERRIMACK**Allard, James
Ebel, Karen
McGuire, Carol
Richards, Beth
Schuett, Dianne
Soucy, Timothy
Wazir, SafiyaAndrus, Louise
Hill, Gregory
Moffett, Michael
Rogers, Katherine
Schultz, Kristina
Testerman, Dave
Wells, NatalieCambriels, Jose
Klose, John
Pearl, Howard
Boyd, Stephen
Seaworth, Brian
Wallner, Mary Jane
White, NickCross, Kenna
MacKay, James
Pitaro, Matthew
Schamberg, Thomas
Shurtleff, Steve
Walsh, Thomas
Yakubovich, Michael**ROCKINGHAM**Abbas, Daryl
Baldasaro, Al
Cali-Pitts, Jacqueline
Dolan, Tom
Green, Dennis
Hobson, Deborah
Katsakiores, Phyllis
Love, David
McMahon, Charles
Pantelakos, Laura
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Weyler, KennethAbrami, Patrick
Bernardy, JD
DeSimone, Debra
Doucette, Fred
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Lynn, Bob
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, ScottActon, Dennis
Bershtein, Alan
DiLorenzo, Charlotte
Edwards, Jess
Harb, Robert
Janigian, John
Layon, Erica
Pearson, Mark
Milz, David
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Ward, GeraldAyer, Paul
Cahill, Michael
Dodge, Dustin
Ford, Oliver
Harley, Tina
Murray, Kate
Litchfield, Melissa
McBeath, Rebecca
Osborne, Jason
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Welch, David

STRAFFORD

Ankarberg, Aidan
 Fargo, Kristina
 Hayward, Peter
 Smith, Marjorie

Bailey, Glenn
 Fontneau, Timothy
 Horgan, James
 Pitre, Joseph

Cannon, Gerri
 Groen, Fenton
 Kaczynski, Thomas
 Treleaven, Susan

DeLemus, Susan
 Harrington, Michael
 Kittredge, Mac
 Turcotte, Leonard

SULLIVAN

Aron, Judy
 Spilsbury, Walter

Callum, John
 Stapleton, Walter

Gottling, Suzanne
 Smith, Steven

Rollins, Skip
 Sullivan, Brian

and the motion failed.

REGULAR CALENDAR CONT'D

HB 1439, relative to hospital visitation policies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for the Majority of Health, Human Services and Elderly Affairs. The committee believes that this bill will bring greater transparency to hospital visitation policies, much needed after the past two years which saw too many patients isolated by visitation policies. While end of life visits are already in the Patients' Bill of Rights, the committee heard of several cases where "last visits" were denied or else patients were transferred to hospice for visitation reasons alone. Recognizing that federally funded health care facilities are in a delicate situation, this bill, as amended, provides the flexibility to the facilities so long as written policies for visitation are posted publicly. The committee believes that this bill walks the line between balancing the needs of all the different stakeholders, and provides greater clarity for Granite Staters when they or their loved ones are hospitalized. The committee believes that no infant should be kept from their parents, and no one should die alone. Vote 11-10.

Rep. Lucy Weber for the Minority of Health, Human Services and Elderly Affairs. No one wants anyone to be unsupported by a family member or friend during a medical emergency. However, we must balance the right of one patient to have the support of a loved one with the right of the next patient to be free from infection or disruption in their care. Both the majority and the minority amendments include these elements. The minority believes that putting the requirements into the Patients' Bill of Rights is the appropriate way to approach the issue. The majority amendment puts the requirements into the facility licensing statute as well, and imposes additional requirements of documentation in the patient's medical record. The minority is concerned that at a time when both personnel and resources are strained to the breaking point, to put a facility at potential risk of loss of license over a failure of documentation creates too heavy a burden on the facility.

Majority Amendment (1029h)

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

1 Title. Section 2 of this act shall be known and may be cited as the "No Patient Left Alone Act".

2 New Section; Residential Care and Health Facility Licensing; Presence of Parent, Spouse, or Caregiver Permitted. Amend RSA 151 by inserting after section 2-i the following new section:

151:2-j Visitation Policies; Presence of Parent, Spouse, or Caregiver Permitted.

I. Subject to paragraphs III and IV, a minor who is admitted to a health care facility licensed pursuant to RSA 151:2 shall have the right to have a parent, guardian, or other person standing in loco parentis, who shall be permitted to be physically present while the minor patient is receiving hospital care.

II. Subject to paragraphs III and IV, an adult who is admitted to a hospital, residential care facility, nursing home, or rehabilitation facility, licensed pursuant to RSA 151:2, I, shall have the right to designate a spouse, family member, or caregiver who shall be permitted to be physically present while the adult patient is receiving hospital care.

III. A health care facility may establish visitation policies that limit or restrict visitation when:

(a) The presence of visitors would be medically or therapeutically contraindicated in the best clinical judgment of health care professionals;

(1) The reason for denial of a visitor for a medical or therapeutic contraindication shall be documented in the patient's medical record.

(2) Upon request the patient, or patient's representative if the patient is incapacitated, shall be provided the reason for denial;

(b) The presence of visitors would interfere with the care of or rights of any patient;

(c) Visitors are engaging in disruptive, threatening, or violent behavior toward any staff member, patient, or other visitor; or

(d) Visitors are noncompliant with written hospital policy.

IV. A health care facility may require visitors to wear personal protective equipment provided by the facility, or provided by the visitor and approved by the facility. A health care facility may require visitors to comply with reasonable safety protocols and rules of conduct. The health care facility may revoke visitation rights for failure to comply with this section.

V. Nothing in this section shall be construed to require a health care facility to allow a visitor to enter an operating room, isolation room, isolation unit, behavioral health setting or other typically restricted area or to remain present during the administration of emergency care in critical situations. Nothing in this section shall be construed to require a health care facility to allow a visitor access beyond the rooms, units or wards in which the patient the visitor is visiting is receiving care or beyond general common areas in the health care facility.

VI. The rights specified in this section shall not be terminated, suspended, or waived by the health care facility, the department of health and human services, or any governmental entity, notwithstanding declarations of emergency declared by the governor or the legislature. No health care facility licensed pursuant to RSA 151:2 shall require a patient to waive the rights specified in this section.

VII. Each health care facility licensed pursuant to RSA 151:2 shall post:

- (a) Informational materials explaining the rights specified in this section on its website;
- (b) The patients' bill of rights which applies to the facility on its website and in all patient treatment rooms; and
- (c) Hospital visitation policy detailing the rights and responsibilities specified in this section, and the limitations placed upon those rights by written hospital policy on its website and in all patient treatment rooms.

VIII. Unless expressly required by federal law or regulation, the department or any other state agency shall not take any action arising out of this section against a health care facility for:

- (a) Giving a visitor individual access to a property or location controlled by the health care facility;
- (b) Failing to protect or otherwise ensure the safety or comfort of a visitor given access to a property or location controlled by the health care facility;
- (c) The acts or omissions of any visitor who is given access to a property or location controlled by the health care facility.

IX. Nothing in this section shall supersede the right of a patient who is terminally ill to have visitors pursuant to RSA 151:21, XVIII.

3 New Paragraph; Residential Care and Health Facility Licensing; Patients' Bill of Rights. Amend RSA 151:21 by inserting after paragraph XXI the following new paragraph:

XXII. The patient shall be entitled to have visitors pursuant to RSA 151:2-j.

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

Majority committee amendment adopted.

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

Rep. Weber offered minority committee amendment (0946h).

Minority Amendment (0946h)

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

1 New Paragraph; Residential Care and Health Facility Licensing; Patients' Bill of Rights. Amend RSA 151:21 by inserting after paragraph XXI the following new paragraph:

XXII.(a) In addition to the rights specified in paragraph XVIII, the patient shall be entitled to designate a spouse, family member, or caregiver who may visit the facility while the patient is receiving care. A patient who is a minor may have a parent, guardian, or person standing in loco parentis visit the facility while the minor patient is receiving care. A health care facility may establish visitation policies that limit or restrict visitation under this paragraph when:

- (1) The presence of visitors would be medically or therapeutically contraindicated in the best clinical judgment of health care professionals;
- (2) The presence of visitors would interfere with the care of or rights of any patient;
- (3) Visitors are engaging in disruptive, threatening or violent behavior toward any staff member, patient or other visitor; or
- (4) Visitors are noncompliant with hospital policy.

(b) A health care facility may require visitors to wear personal protective equipment, provided by the facility, or provided by the visitor and approved by the facility. A health care facility may require visitors to comply with reasonable safety protocols and rules of conduct. The health care facility may revoke visitation rights for failure to comply with this subparagraph.

(c) Nothing in this paragraph shall be construed to require a health care facility to allow a visitor to enter an operating room, isolation room, isolation unit, behavioral health setting, or other typically restricted area, or to remain present during the administration of emergency care in critical situations. Nothing in this paragraph shall be construed to require a health care facility to allow a visitor access beyond the rooms, units, or wards in which the patient the visitor is visiting is receiving care or beyond general common areas in the health care facility.

(d) The rights specified in this paragraph shall not be terminated, suspended, or waived by the health care facility, the department of health and human services, or any governmental entity, notwithstanding declarations of emergency declared by the governor or the legislature. No health care facility licensed pursuant to RSA 151:2 shall require a patient to waive the rights specified in this paragraph.

(e) Each health care facility licensed pursuant to RSA 151:2 shall post on its website informational materials explaining the rights specified in this paragraph.

(f) Unless expressly required by federal law or regulation, the department or any other state agency shall not take any action arising out of this paragraph against a health care facility for:

(1) Giving a visitor individual access to a property or location controlled by the health care facility;

(2) Failing to protect or otherwise ensure the safety or comfort of a visitor given access to a property or location controlled by the health care facility;

(3) The acts or omissions of any visitor who is given access to a property or location controlled by the health care facility.

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

Rep. Weber spoke in favor.

Rep. Layon spoke against and yielded to questions.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 158 - NAYS 177

YEAS - 158

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vann, Ivy

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Beaulieu, Jane
Connors, Erika
Espitia, Manny
Hamer, Heidi
Judy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina

Cannon, Gerri
Fontneau, Timothy

Chase, Wendy
Grassie, Chuck

Conley, Casey
Horrigan, Timothy

Kenney, Cam
Schmidt, Peter
Wall, Janet

Levesque, Cassandra
Rich, Cecilia

Smith, Marjorie
Treleven, Susan

Oxaal, Ariel
Vincent, Kenneth

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

NAYS - 177

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Testerman, Dave
Wolf, Dan

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

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVANAron, Judy
Stapleton, WalterCallum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and minority committee amendment (0946h) 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 1455, relative to state enforcement of federal vaccination mandates. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the Majority of Health, Human Services and Elderly Affairs. Our country, at its best, is a delicate balance between an overriding national authority and the rights of the states, enshrined, in part, in the tenth amendment. One of the reasons New Hampshire has done well, both in terms of our economy and in terms of the relative lesser impact of COVID-19, is, that whenever we can, we do things "The New Hampshire Way." This bill enshrines this. But we're not the only state who responds to the federal government this way. One need look only at "Sanctuary States," places where leadership and law, prohibit assisting in the enforcement of laws about illegal immigrants. While the issues are different, the states' assertions are quite similar. The question has been posed as to whether New Hampshire will lose federal reimbursement for Medicare and Medicaid should this bill be signed into law. So far, no state that has similarly refused to assist the federal government in determining who has been vaccinated, has lost such reimbursement. We hope that as New Hampshire joins the number of states saying no, the federal government will work with the states to adjust things back to a more equitable balance of power and authority. Vote 11-10.

Rep. Jerry Knirk for the Minority of Health, Human Services and Elderly Affairs. This bill prohibits the State of New Hampshire from assisting in the enforcement of any federal order, rule, or law which requires a person to submit proof of vaccination against COVID-19 as a condition of employment. This creates a conflict for the Department of Health and Human Services (DHHS). The Department of Health and Human Services, a state agency, is responsible for confirming that health care facilities are in compliance with federal mandates as part of the accreditation process of health care facilities. This includes compliance with the Center for Medicaid and Medicare Services' (CMS) mandate requiring COVID-19 vaccination of health care workers. Prohibiting DHHS from doing its duty of accrediting health care facilities will lead to loss of accredited facilities. This loss of accreditation will lead to loss of reimbursement from CMS for Medicare and Medicaid patients (which provides the majority of funding of our nursing homes), and ultimately, termination from the Medicare and Medicaid programs. It will also lead to loss of payment from private insurers. The loss of reimbursements would require the state of New Hampshire to backfill hundreds of millions of dollars in funding to keep our hospitals and nursing homes open. The US Supreme Court has upheld the CMS mandate for vaccination of health care workers, staying the lower court injunction and the text of the decision makes it clear that they support the CMS vaccine mandate. Furthermore, there have been no appeals to the Supreme Court decision, so it stands.

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

Rep. Knirk spoke against.

Rep. Mark Pearson spoke in favor.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 174 - NAYS 159

YEAS - 174**BELKNAP**Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, PaulBean, Harry
Howard, Raymond
Ploszaj, Tom
Varney, PeterComtois, Barbara
Johnson, Dawn
Silber, NormanHarvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael**CARROLL**Avellani, Lino
MacDonald, JohnNelson, Bill
Smith, JonathanCordelli, Glenn
McConkey, MarkDeshaies, Brodie
Umberger, Karen**CHESHIRE**

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Mermer, Troy

GRAFTONAlliegro, Mark
Sanborn, Gail
Simon, MatthewBerezhny, Lex
Gordon, EdwardDepalma IV, Joseph
Greeson, JeffreyFolsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Perez, Maria
Rice, Kimberly
Lekas, Tony

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

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

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

Hill, Gregory
Pearl, Howard
Testerman, Dave
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 159**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

Thompson, Dennis

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry

Beaulieu, Jane
Connors, Erika
Espitia, Manny

Freitas, Mary
 Harriott-Gathright, Linda
 Klee, Patricia
 Long, Patrick
 McGhee, Kat
 Pedersen, Michael
 Query, Joshua
 Newman, Sue
 Toomey, Dan
 Wilhelm, Matthew

Goley, Jeffrey
 Herbert, Christopher
 Labranche, Tony
 King, Mark
 Mullen, Sue
 Petrigno, Peter
 Newman, Ray
 Snow, Kendall
 Van Houten, Constance

Griffith, Willis
 Schmidt, Janice
 Langley, Diane
 Murray, Megan
 Nutter-Upham, Frances
 Piedra, Israel
 Rombeau, Catherine
 Stevens, Deb
 Vann, Ivy

Hamer, Heidi
 Jeudy, Jean
 Leishman, Peter
 Mangipudi, Latha
 Nutting-Wong, Allison
 Porter, Marjorie
 Rung, Rosemarie
 Telerski, Laura
 Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
 Ebel, Karen
 Lane, Connie
 Pimentel, Roderick
 Schuett, Dianne
 Wallner, Mary Jane

Allard, James
 Ellison, Arthur
 Luneau, David
 Richards, Beth
 Schultz, Kristina
 Wazir, Safiya

Bartlett, Christy
 Gallagher, Eric
 MacKay, James
 Rogers, Katherine
 Shurtleff, Steve
 Woods, Gary

Caplan, Tony
 Hall, Muriel
 McWilliams, Rebecca
 Schamberg, Thomas
 Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
 DiLorenzo, Charlotte
 Grote, Jaci
 Malloy, Dennis
 Pantelakos, Laura
 Ward, Gerald

Bunker, Lisa
 Edgar, Michael
 Hamblet, Joan
 McBeath, Rebecca
 Read, Ellen

Cahill, Michael
 Gilman, Julie
 Murray, Kate
 Meuse, David
 Simpson, Alexis

Cali-Pitts, Jacqueline
 Grossman, Gaby
 Maggiore, Jim
 Paige, Mark
 Somssich, Peter

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Kenney, Cam
 Schmidt, Peter
 Wall, Janet

Cannon, Gerri
 Fontneau, Timothy
 Levesque, Cassandra
 Rich, Cecilia

Chase, Wendy
 Grassie, Chuck
 Smith, Marjorie
 Treleven, Susan

Conley, Casey
 Horrigan, Timothy
 Oxaal, Ariel
 Vincent, Kenneth

SULLIVAN

Cloutier, John
 Sullivan, Brian

Gottling, Suzanne
 Tanner, Linda

Merchant, Gary

Oxenham, Lee

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

HB 1481, repealing the statute relative to medical freedom in immunizations. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Erica Layon for the Majority of Health, Human Services and Elderly Affairs. The committee believes that forced compliance is not the New Hampshire way, and therefore opposes this bill which would repeal the Medical Freedom in Immunizations law. This law does not apply to childhood vaccines, and it prevents the overreach seen in states to our south which discriminated based upon vaccination status. New Hampshire has a long history of smart personal decisions without the use of state force as evidenced by our high seatbelt use in adults among others, and we therefore oppose this bill. Vote 12-9.

Rep. Joe Schapiro for the Minority of Health, Human Services and Elderly Affairs. This bill would repeal the "Medical Freedom in Immunizations" Act. This act, passed and signed into law in 2021, decreed that the State of New Hampshire and its political subdivisions shall not compel residents to receive a Covid-19 vaccine in order to secure, receive, or access any public facility, any public benefit, or any public service. While there are some exceptions in the act, this statute removes an important tool to deal with a deadly surge of Covid-19 should it occur. Public colleges and universities where dorm living is known to amplify community spread are precluded from requiring vaccinations. In addition, this act sets a precedent for future pandemics which, unfortunately, are likely to occur. It is time that New Hampshire balances the equation between personal choice and public health. Repealing the "Medical Freedom in Immunizations" Act would represent an important first step.

MOTION TO LAY ON THE TABLE

Rep. Mark Pearson moved that **HB 1481**, repealing the statute relative to medical freedom in immunizations, be laid on the table.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 175 - NAYS 156

YEAS - 175 BELKNAP

Aldrich, Glen
 Hough, Gregg
 Mackie, Jonathan
 Terry, Paul

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

Comtois, Barbara
 Johnson, Dawn
 Silber, Norman

Harvey-Bolia, Juliet
 Lang, Timothy
 Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

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Sanborn, Gail
Ladd, Rick

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Gordon, Edward
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Depalma IV, Joseph
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Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
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Greene, Bob
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

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

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

Hill, Gregory
Pearl, Howard
Testerman, Dave
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Welch, David

Abrami, Patrick
Baldasaro, Al
Cali-Pitts, Jacqueline
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abramson, Max
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Acton, Dennis
Bernardy, JD
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

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Ankarberg, Aidan
Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

Bailey, Glenn
Harrington, Michael
Kittredge, Mac

Conley, Casey
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 156**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

Eaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth

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Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTONAbel, Richard
Egan, Timothy
Muirhead, Russell
Smith, SuzanneAdjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, GeorgeAlmy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, JoyceDontonville, Roger
Massimilla, Linda
Stavis, Laurel**HILLSBOROUGH**Bouldin, Amanda
Beaulieu, Jane
Connors, Erika
Espitia, Manny
Hamer, Heidi
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vann, IvyAmmon, Keith
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, DanielBouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, MatthewBaroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Van Houten, Constance**MERRIMACK**Alicia, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wallner, Mary JaneAllard, James
Ellison, Arthur
Luneau, David
Richards, Beth
Schultz, Kristina
Wazir, SafiyaBartlett, Christy
Gallager, Eric
MacKay, James
Rogers, Katherine
Shurtleff, Steve
Woods, GaryCaplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy**ROCKINGHAM**Altschiller, Debra
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, EllenBunker, Lisa
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, AlexisCahill, Michael
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, PeterDiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald**STRAFFORD**Bixby, Peter
Fontneau, Timothy
Levesque, Cassandra
Rich, CeciliaCannon, Gerri
Grassie, Chuck
Smith, Marjorie
Treleaven, SusanChase, Wendy
Horriggan, Timothy
Oxaal, Ariel
Vincent, KennethFargo, Kristina
Kenney, Cam
Schmidt, Peter
Wall, Janet**SULLIVAN**Cloutier, John
Sullivan, BrianGottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and the motion was adopted.

REGULAR CALENDAR CONT'D**HB 1495-FN, relative to vaccine mandates for government contractors. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Acton for the Majority of Health, Human Services and Elderly Affairs. This bill seeks to prohibit the state from requiring businesses to require vaccines or documentation related to vaccination or immunity status. The majority feels that the state should not have the power to force businesses to require employees or customers to prove vaccine status in order to enter their facilities or conduct business. We recently witnessed this type of requirement implemented in various cities around the country with disastrous results, including attempts to bar the unvaccinated from entering essential facilities such as food markets. The majority feels strongly that this type of requirement should never be instituted in New Hampshire. The committee amended the bill to include language that exempts medical facilities or providers, subject to a valid and enforceable federal Medicaid or Medicare mandate that imposes vaccination requirements. Vote 11-10.

Rep. Lucy Weber for the Minority of Health, Human Services and Elderly Affairs. One of the concerns about the underlying bill was that the Department of Health and Human Services (DHHS) is, by contract, the licensing authority which enforces the federal requirements from the Center for Medicare and Medicaid Services (CMS) which includes certain vaccine requirements. The amendment has created an exception which fixes the problem with respect to these specific health institutions. The minority remains concerned because the bill applies to the state and all of its political subdivisions including our counties and municipalities, and there may be other businesses, outside of the expertise of the Health, Human Services and Elderly Affairs Committee, for which this bill would create similar conflicts.

Majority Amendment (1013h)

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

AN ACT prohibiting the state from requiring businesses to require vaccine or documentation related to vaccination or immunity status.

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

1 New Chapter; Prohibition on Certain Vaccine Requirements. Amend RSA by inserting after chapter 9-F the following new chapter:

CHAPTER 9-G**PROHIBITION ON CERTAIN VACCINE REQUIREMENTS**

9-G:1 Prohibition on Requiring Vaccination or Documentation. The state of New Hampshire and its political subdivisions shall not:

I. Require any business to require the vaccination of any customer or employee except as specified in RSA 141-C:20-a, I; or

II. Require any business to require or check for the possession of any documentation for certifying vaccination or immunity status.

III. This section shall not apply to state agencies certifying a medical facility or provider which is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a vaccination requirement.

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

AMENDED ANALYSIS

This bill prohibits the state of New Hampshire and its political subdivisions from requiring any business to require vaccination or documentation of vaccination or immunity, except for state agencies certifying a medical facility or provider which is subject to a Medicare or Medicaid vaccination requirement or under RSA 141-C:20-a, I.

Majority committee amendment adopted.

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

Rep. Weber spoke against.

Rep. Layon spoke in favor.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 153**YEAS - 179****BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Langley, Diane
Marston, Dick
Notter, Jeanine

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lanzara, Tom
Mayville, Mary
Nunez, Hershel

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lascelles, Richard
McLean, Mark
Pauer, Diane

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Lewicke, John
Mooney, Maureen
Post, Lisa

Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Renzullo, Andrew
Somero, Paul

Rice, Kimberly
Lekas, Tony

Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Testerman, Dave
Wolf, Dan

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

Cambriels, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Welch, David

STRAFFORD

Ankarberg, Aidan
Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

Bailey, Glenn
Harrington, Michael
Kittredge, Mac

Conley, Casey
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

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
Faulkner, Barry
Maneval, Andrew
Toll, Amanda Elizabeth

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

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Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

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Smith, Suzanne

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Murphy, James
Sykes, George

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Nordgren, Sharon
Weston, Joyce

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Massimilla, Linda
Stavis, Laurel

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Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

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Goley, Jeffrey
Herbert, Christopher
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
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Newman, Ray
Snow, Kendall
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Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vann, Ivy

Beaulieu, Jane
Connors, Erika
Espitia, Manny
Hamer, Heidi
Judy, Jean
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

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Alicea, Caroletta
 Ellison, Arthur
 Luneau, David
 Richards, Beth
 Soucy, Timothy

Bartlett, Christy
 Gallagher, Eric
 MacKay, James
 Schamberg, Thomas
 Wallner, Mary Jane

Caplan, Tony
 Hall, Muriel
 McWilliams, Rebecca
 Schuett, Dianne
 Wazir, Safiya

Ebel, Karen
 Lane, Connie
 Pimentel, Roderick
 Shurtleff, Steve
 Woods, Gary

ROCKINGHAM

Altschiller, Debra
 DiLorenzo, Charlotte
 Grote, Jaci
 Malloy, Dennis
 Pantelakos, Laura
 Ward, Gerald

Bunker, Lisa
 Edgar, Michael
 Hamblet, Joan
 McBeath, Rebecca
 Read, Ellen

Cahill, Michael
 Gilman, Julie
 Murray, Kate
 Meuse, David
 Simpson, Alexis

Cali-Pitts, Jacqueline
 Grossman, Gaby
 Maggiore, Jim
 Paige, Mark
 Somssich, Peter

STRAFFORD

Bixby, Peter
 Fontneau, Timothy
 Levesque, Cassandra
 Rich, Cecilia

Cannon, Gerri
 Grassie, Chuck
 Smith, Marjorie
 Treleaven, Susan

Chase, Wendy
 Horrigan, Timothy
 Oxaal, Ariel
 Vincent, Kenneth

Fargo, Kristina
 Kenney, Cam
 Schmidt, Peter
 Wall, Janet

SULLIVAN

Cloutier, John
 Sullivan, Brian

Gottling, Suzanne
 Tanner, Linda

Merchant, Gary

Oxenham, Lee

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

CACR 18, relating to reproductive medical decisions. Providing that the state shall not infringe or unduly inconvenience the right of reproductive medical decisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeanine Notter for the Majority of Judiciary. This CACR seeks to codify in our New Hampshire Constitution a right to abortion. This appears to be one of many bills this session introduced as a result of the Fetal Life Protection Act. New Hampshire's 24-week abortion ban became effective January 1, 2022. At the public hearing, someone testifying was asked how many late term abortions were performed in New Hampshire before the ban took place. We were assured that they were very rare. There is no data to support or disprove this because New Hampshire does not require statistics. In fact, we are one of only three states (CA and MD are the other two) that does not report data to the Centers for Disease Control and Prevention (CDC). Looking at another state with similar legislation, New York had a 24-week ban in place from 1970 to 2019. Did it impact abortion access? The numbers don't bear that assumption out. In fact, in New York City in 2015, about one in three pregnancies ended in elective abortion. And if we were to argue that access is particularly an issue for the poor and low income, fully 75% of elective abortions historically have been performed on either poor or low-income women. We don't need to place some vaguely worded guarantee to the "right to make personal medical reproductive decisions" provision in our constitution. Women have unimpeded access to abortion in the state up until the sixth month, a far more liberal standard even than most European countries, where 47 of the 50 countries in 2021 allow abortion under limited circumstances or at or before 14 weeks' gestation. Only one country of the 50 has a 24-week standard – the Netherlands. Contrast this with our state's previous climate of abortion on demand up to birth. Another line we heard at the hearing was, "It's 2022. We know more." The majority agrees. We know so much more about the life in the womb than we did in 1973. We know that at four weeks, a baby's pain receptors begin to develop, followed by nerve fibers that carry messages to the brain. At six weeks, the baby will respond to touch. At eight weeks, the cerebral cortex starts to develop and will eventually grow to have the same number of nerves as an adult. At ten weeks, if the baby is touched at ten weeks, his/her hands and eyes will open and close. At 12 weeks, not only can the baby smile, he/she now swallows and responds to simple stimulation of the skin. At 20 weeks, all physiological connections are in place to feel pain. At the executive session, it was said that in 1973, they thought the unborn was a "thing." That may be so, but going further back, in the early 2nd century, AD, Didache (The Teaching of the 12) states in Chapter 2, "...you shall not murder a child by abortion nor kill that which is born...". Clearly, the life of the unborn was viewed as something to protect and defend. For those of us who believe that life begins at conception, and that the unborn life is truly a human, a ban on late-term abortion is a huge compromise on our part. To enshrine abortion violence in the constitution is an abhorrence. Vote 11-8.

Rep. Rebecca McBeath for the Minority of Judiciary. The minority believes that this proposed amendment to New Hampshire Constitution augments the recently approved Right to Privacy Amendment added by the voters in 2018. The 2018 Amendment provides, "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent." This CACR would refine citizens' privacy rights and prohibit the state from infringing upon or inconveniencing a citizen's right to make reproductive medical decisions.

MOTION TO LAY ON THE TABLE

Rep. Notter moved that **CACR 18**, relating to reproductive medical decisions. Providing that the state shall not infringe or unduly inconvenience the right of reproductive medical decisions, be laid on the table. Rep. Altschiller requested a roll call; sufficiently seconded.

YEAS 175 - NAYS 157**YEAS - 175****BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

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
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

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

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Testerman, Dave
Wolf, Dan

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

Cambriels, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Welch, David

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Vincent, Kenneth

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 157**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

Adjutant, Joshua
Egan, Timothy
Muirhead, Russell
Smith, Suzanne

Almy, Susan
Fellows, Sallie
Murphy, James
Sykes, George

Depalma IV, Joseph
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Hamer, Heidi
Jeu, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Vann, Ivy

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Veilleux, Daniel

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Graham, John
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Wilhelm, Matthew

Beaulieu, Jane
Connors, Erika
Espitia, Manny
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Woods, Gary

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen
Yokela, Josh

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Kenney, Cam
Schmidt, Peter

Cannon, Gerri
Fontneau, Timothy
Levesque, Cassandra
Rich, Cecilia

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Treleven, Susan

Conley, Casey
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1014, allowing public meetings to be conducted virtually. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McLean for the Majority of Judiciary. This bill gives public bodies the option to meet by electronic or other means of communication in lieu of meeting in person. The majority of the Judiciary Committee

expressed concern that the bill allowed for 100% remote access without the need for any physical location. The complete absence of a requirement for any physical location could lead to a lack of access for those that do not possess the technology required to attend. While the minority amendment does seek to address this shortcoming, the bill also directs that the meeting be adjourned if the public is unable to access the meeting. The committee felt that this section of the bill was problematic as the public is poorly defined, and that it forces a full adjournment for any technical issues. Options, like recessing temporarily to address any technical issues, are not available in this bill. Vote 11-10.

Rep. Alexis Simpson for the Minority of Judiciary. The minority of the committee recommends Ought to Pass with Amendment in response to a need from state and local public bodies to be able to meet remotely or to provide a remote option for their members. This bill would provide direction for public notice and access to remote meetings and meetings with an option for remote attendance under the Right-to-Know Law, RSA 91-A. There is no requirement here, only guidance for a body that wants to offer a remote option. The bill also addresses potential right-to-know issues with online chat functions. The amendment would require a physical location for all public meetings, but would allow the quorum to be met by members remotely and in person. We have heard from leaders in communities around the state that have been unable to make a quorum in person. They would like to be able to count those participating remotely as part of a quorum. Remote options have been overwhelmingly supported by the public to enhance accessibility. The amendment also makes it clear that when there is a remote option for a body that takes public comment, the public must be able to provide comment remotely.

MOTION TO LAY ON THE TABLE

Rep. Gordon moved that **HB 1014**, allowing public meetings to be conducted virtually, be laid on the table. Rep. Turcotte requested a roll call; sufficiently seconded.

YEAS 175 - NAYS 155

YEAS - 175

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

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Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

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

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Tosorian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Welch, David

STRAFFORD

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

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Vincent, Kenneth

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

**NAYS - 155
CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

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

Almy, Susan
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Dontonville, Roger
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Veilleux, Daniel

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Wilhelm, Matthew

Boyd, Bill
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Van Houten, Constance

Baroody, Benjamin
Connors, Erika
Espitia, Manny
Hamer, Heidi
Judy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy
Woods, Gary

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte

Bunker, Lisa
Edgar, Michael

Cahill, Michael
Gilman, Julie

Cali-Pitts, Jacqueline
Grossman, Gaby

Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Murray, Kate
Meuse, David
Simpson, Alexis

Maggiore, Jim
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Kenney, Cam
Schmidt, Peter

Cannon, Gerri
Fontneau, Timothy
Levesque, Cassandra
Rich, Cecilia

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Treleven, Susan

Conley, Casey
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1073, repealing the right-to-know exemption for attorney-client work product. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the Majority of Judiciary. This bill, as amended, clarifies the right-to-know exemption for the attorney client privilege or the attorney work product doctrine in RSA 91-A by adding the phrase “consistent with the public’s right-to-know.” The majority recognizes these privileges are very important for public bodies’ ability to function effectively, but also sees an inherent conflict between those privileges and the constitutional promise of transparency embodied in the public’s right-to-know. We believe the addition of this phrase will provide guidance to the courts by establishing both the privilege and the conflict in the law. Vote 14-5.

Rep. Rebecca McBeath for the Minority of Judiciary. The minority of the committee believes that repealing or diminishing of attorney-client privilege and attorney communication ethical standards for any group of clients is inconsistent with national best practice principles and against the public good. Attorney-client confidentiality is the basis of the trust that is the hallmark of the client-lawyer relationship and encourages the client to seek legal assistance and to communicate fully and frankly with an attorney. Whether as a private citizen or member of a public body, it is the individual that seeks a relationship and advice from legal counsel. The disclosure of client information is extreme and irrevocable and can bring unintended harm. The minority supports the retention of the current statutory language regarding access to governmental records, adopted in 2021, and further, believes that the addition of the ambiguous language contained in this amended bill will result in encouraging law suits, costly to municipal governments, to determine its proper application.

Majority Amendment (0689h)

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

AN ACT modifying attorney exemptions under RSA 91-A.

Amend the bill by replacing section 1 with the following:

1 Access to Governmental Records and Meetings; Exemptions; Attorney Records. Amend RSA 91-A:5, XII to read as follows:

XII. Records protected under the attorney-client privilege or the attorney work product doctrine *consistent with the public’s right to know*.

AMENDED ANALYSIS

This bill narrows the scope of attorney-related records exempt from the right to know law.

Majority committee amendment adopted.

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

HB 1101, relative to a forfeiture of personal property. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the Majority of Judiciary. This bill supports our state’s criminal asset forfeiture policy. It requires seizure made under state law, not connected to any joint task force, to be processed under New Hampshire criminal forfeiture law. Ensuring that we retain these cases in state will provide our citizens with better due process which might be diminished in the federal civil process. Vote 17-4.

Rep. Douglas Trottier for the Minority of Judiciary. This bill would limit the conditions under which seized property may be transferred to a federal agency. A mission of law enforcement is to stop illegal drugs from entering our communities, hold those that distribute them accountable, and target violent offenders. If this bill passes, it will affect every law enforcement agency in New Hampshire and will restrict their ability to combat drugs in our state. If drug dealers are not held accountable, what is to deter them from distributing drugs to our children and citizens, knowing they will not lose any property used in the commission of a drug crime? The minority of the committee recommends that law enforcement be allowed to do their jobs and to allow property to be forfeited that is being used in drug-related crimes.

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.

HB 1107, establishing a committee to study the rental or lease of housing to a person who has pets. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The majority of the Judiciary Committee believes that this issue has already been studied sufficiently and therefore this bill is not needed. This bill would establish a committee to study the rental or lease of housing to a person who has pets. The study would include questions such as whether legislation should be proposed to prohibit discrimination or to add protection for pet owners and pets under property leasing and landlord-tenant laws. The majority believes that landlords should not be forced to allow pets in their housing units if they do not wish, and also believes another mandate on landlords during a housing crisis is ill advised. Vote 11-10.

MOTION TO LAY ON THE TABLE

Rep. Alexander moved that **HB 1107**, establishing a committee to study the rental or lease of housing to a person who has pets, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1133, prohibiting the termination of a lease during the sale of real property. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The majority of the Judiciary Committee believes this bill is not needed. This bill prohibits the termination of a residential lease during the sale of the property being leased. It is already the law and well known that a lease during its term supersedes the sale of a property. When the owner enters into a lease for a specific term, the owner is contractually waiving his or her right to terminate the lease prior to the expiration of the lease term. The tenant is already protected by their lease. This bill is unnecessary and could cause confusion or unintended consequences. Vote 11-10.

Committee report adopted.

HB 1200, relative to notice of rent increases in residential rental property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Sylvia for the Majority of Judiciary. This bill would require 45 days' notice of rent increase to the tenant from their landlord. Should the tenant choose to seek alternative housing, and the notice to vacate remains at 30 days, a market signal of more tenants shopping for apartments would allow landlords to raise rents. This interference in the terms of a lease will harm tenants by creating an artificial perception of demand. Such an indication will signal to landlords more demand and allow increases in rents. Further, if a tenant locates a new apartment immediately, they would likely be paying for two apartments as they would need to secure the new apartment and finish their contract on the first apartment. The majority of the committee believes this result would be harmful to tenants in an already tight market. Vote 11-10.

Rep. Marjorie Smith for the Minority of Judiciary. New Hampshire's housing shortage, particularly for those with limited income, is well documented. This bill has a very narrow focus. When a landlord decides to increase rent at the expiration of a lease, the landlord would be required to give the current tenant 45 days' notice. This would give the tenant 15 days additional time to try to find housing the tenant might be able to afford, or to find some extra income – perhaps an extra shift, or other additional work. It does not cost the landlord anything and potentially saves the landlord the additional costs involved in finding another tenant. Everyone benefits.

MOTION TO LAY ON THE TABLE

Rep. Gordon moved that **HB 1200**, relative to notice of rent increases in residential rental property, be laid on the table.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 1291, prohibiting discrimination against tenants holding certain vouchers for purposes of renting dwellings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Alexander for the Majority of Judiciary. The majority of the Judiciary Committee believes this bill would exacerbate the housing crisis in our state. This bill would require landlords to accept Section 8 Housing Choice Vouchers. The problem here is the Section 8 Housing Choice Voucher itself. Once a Section 8 applicant is approved or an existing tenant obtains their voucher, then a landlord would be forced into accepting and complying with 77 pages of federal regulation and 12 pages of the Housing Assistance Program (HAP) contract with the landlord having no say in the regulations or the contract. Essentially, the landlord would be forced into entering into a government contract without any say in the content of that contract. In addition, the government can change the regulations at any time and future iterations of the contract again with the landlord having no say. More simply said, for approved applicants or existing tenants, the bill would force

landlords to sign into a federal program with no say in the matter, which was strategically designed to be voluntary. These regulations and the HAP contract place many burdens and additional costs onto the landlord, all of which will be another pressure to raise rents and worsen our affordable housing issue. A provision of the bill allows a landlord to be excluded if their rent is higher than the rent allowed by the program. This will incentivize increasing rents. The program can raise their rent limit, which they may do easily, leading to a rent price war. Some insurance companies don't write insurance if Section 8 is more than a certain percentage of the tenants. This could cause increasing insurance rates and loss of coverage. The majority of the Judiciary Committee believes we need to fix the Section 8 program and incentivize landlords to participate in the program but not force it upon New Hampshire landlords. Vote 11-10.

Rep. Cam Kenney for the Minority of Judiciary. The Housing Voucher Program is the largest housing assistance program in New Hampshire for low-income tenants. This bill would make a blanket refusal to accept voucher holders unlawful, but still allows landlords to apply the normal screening policies they would apply to every other applicant. Additionally, landlords can reject a voucher holder if the rent is higher than what the housing authority would approve. Also, landlords can reject a voucher holder if the apartment does not meet the minimum quality standards established by the Department of Housing and Urban Development (HUD). Landlords should not be allowed to discriminate against low-income families just because they want to avoid an untrue stigma. The demand for vouchers is so high, applicants are on a waiting list usually for five to eight years. Yet, after waiting years for the voucher, many tenants lose them because they may only have 90 days to secure housing, and they cannot find a landlord who will accept them in this short time frame. It is time for New Hampshire to join the rest of New England by making this discrimination unlawful.

MOTION TO LAY ON THE TABLE

Rep. Gordon moved that **HB 1291**, prohibiting discrimination against tenants holding certain vouchers for purposes of renting dwellings, be laid on the table.

Rep. Prout requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 148

YEAS - 179

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaiies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, Paul

Alexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, Tony

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory

Andrus, Louise
Klose, John

Cambrils, Jose
McGuire, Carol

Cross, Kenna
Moffett, Michael

Pearl, Howard
Schamberg, Thomas
Wells, Natalie

Pimentel, Roderick
Seaworth, Brian
White, Nick

Pitaro, Matthew
Testerman, Dave
Wolf, Dan

Boyd, Stephen
Walsh, Thomas
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
DeSimone, Debra
Edwards, Jess
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
True, Chris
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
Dodge, Dustin
Ford, Oliver
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
Verville, Kevin
Welch, David

Abramson, Max
Bernardy, JD
Dolan, Tom
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Groen, Fenton
Kaczynski, Thomas
Vincent, Kenneth

Bailey, Glenn
Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

DeLemus, Susan
Hayward, Peter
Pitre, Joseph

Fontneau, Timothy
Horgan, James
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 148

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius

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
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Van Houten, Constance

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Langley, Diane
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vann, Ivy

Beaulieu, Jane
Connors, Erika
Espitia, Manny
Hamer, Heidi
Judy, Jean
Leishman, Peter
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Schuett, Dianne
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Shurtleff, Steve
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Soucy, Timothy

Ebel, Karen
Lane, Connie
Richards, Beth
Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Somssich, Peter

Bunker, Lisa
Edgar, Michael
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Cahill, Michael
Gay, Betty
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

STRAFFORD

Bixby, Peter
Fargo, Kristina
Levesque, Cassandra
Rich, Cecilia

Cannon, Gerri
Grassie, Chuck
Smith, Marjorie
Treleaven, Susan

Chase, Wendy
Horrigan, Timothy
Oxaal, Ariel
Wall, Janet

Conley, Casey
Kenney, Cam
Schmidt, Peter

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and the motion is adopted.

REGULAR CALENDAR CONT'D

HB 1389-FN, establishing a superior court land use review docket. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Marjorie Smith for the Majority of Judiciary. The sponsor's goal was to create a Superior Court land use docket. A proposed amendment would have increased the number of judges on the Superior Court and would have provided for additional funding. The judicial branch offered no opinion, giving no indication that if the number of judges were increased the court would choose to allocate additional resources for this purpose. The Judiciary Committee would like to hear from the court and other interested parties as to the costs and benefits related to this proposed change, and therefore voted overwhelmingly for Interim Study. Vote 20-1.

Rep. Mark McLean for the Minority of Judiciary. This bill, as amended, creates a land use review docket in the Superior Court and adds one judge to the Superior Court's headcount to oversee the docket. This presiding justice of the land use review docket would be qualified by reason of their knowledge and experience of land use and real property law. Because land use cases are currently dispersed throughout the court, the application of expertise can be uneven, with one judge having more expertise and another having less. This has created a perception that the courts may tend to favor municipalities and towns when rendering judgment. The intention of this bill is to move these types of cases to an area of the court with a high level of expertise so that judgments will be fairer and more even.

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

HB 1425-FN, relative to the taking of real property by eminent domain. **OUGHT TO PASS.**

Rep. Mark McLean for Judiciary. This bill seeks to allow for fairer compensation when real property is taken by eminent domain during an emergency. In broad terms, the bill replaces the owner's current right to recover damages from the taking with the right to recover replacement costs, compensation for loss of use, and attorney and administrative fees from filing the recovery claim. In addition, the bill also gives the owner the right of first refusal to purchase the property back in the event that the property should be put up for sale. Because of its extreme nature, the taking of property should only occur in exceptional circumstances. In such circumstances, the majority of the committee felt that this bill went a long way towards making the owner more whole, and therefore recommend Ought to Pass. Vote 11-10.

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

YEAS 179 - NAYS 150**YEAS - 179****BELKNAP**

Aldrich, Glen
Hough, Gregg
Ploszaj, Tom
Varney, Peter

Bean, Harry
Johnson, Dawn
Silber, Norman

Comtois, Barbara
Lang, Timothy
Sylvia, Michael

Harvey-Bolia, Juliet
Mackie, Jonathan
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTONAdjutant, Joshua
Depalma IV, Joseph
Greeson, Jeffrey
Simon, MatthewAlliegro, Mark
Folsom, Beth
Ham, BonnieAlmy, Susan
Sanborn, Gail
Ladd, RickBerezny, Lex
Gordon, Edward
Muirhead, Russell**HILLSBOROUGH**Lekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Gagne, Larry
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Somero, PaulAlexander, Joe
King, Bill
Burt, John
Erf, Keith
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Lekas, TonyAmmon, Keith
Berry, Ross
Creighton, Jim
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Rung, Rosemarie
Ulery, JordanBoyd, Bill
Blasek, Melissa
Cushman, Leah
Griffin, Gerald
Graham, John
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Sheehan, Vanessa
Warden, Mark**MERRIMACK**Allard, James
Klose, John
Pitaro, Matthew
Testerman, Dave
Wolf, DanCambrils, Jose
McGuire, Carol
Boyd, Stephen
Walsh, Thomas
Yakubovich, MichaelCross, Kenna
Moffett, Michael
Schamberg, Thomas
Wells, NatalieHill, Gregory
Pearl, Howard
Seaworth, Brian
White, Nick**ROCKINGHAM**Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Nelson, Jodi
Layon, Erica
McMahon, Charles
Pantelakos, Laura
Prudhomme-O'Brien, Katherine
Spillane, James
Tosorian, Peter
Vose, Michael
Weyler, KennethAbrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Love, David
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, JoshAbramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Katsakiores, Phyllis
Lynn, Bob
Milz, David
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, ScottActon, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Khan, Aboul
Pearson, Mark
Osborne, Jason
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David**STRAFFORD**Ankarberg, Aidan
Harrington, Michael
Kittredge, MacBailey, Glenn
Hayward, Peter
Pitre, JosephDeLemus, Susan
Horgan, James
Turcotte, LeonardGroen, Fenton
Kaczynski, Thomas
Wuelper, Kurt**SULLIVAN**Aron, Judy
Stapleton, WalterCallum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 150**BELKNAP**

Howard, Raymond

CARROLLBucu, Thomas
McAleer, ChrisBurroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIREAbbott, Michael
Faulkner, Barry
Maneval, Andrew
Toll, Amanda ElizabethAmes, Richard
Fenton, Donovan
Mann, John
Von Plinsky, SparkyBordenet, John
Fox, Dru
Parshall, Lucius
Weber, LucyEaton, Daniel
Gomarilo, Jennie
Schapiro, Joe**COOS**

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Smith, Suzanne

Egan, Timothy
Murphy, James
Sykes, George

Fellows, Sallie
Nordgren, Sharon
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Snow, Kendall
Van Houten, Constance

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Schmidt, Janice
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Stevens, Deb
Vann, Ivy

Beaulieu, Jane
Connors, Erika
Espitia, Manny
Hamer, Heidi
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Telerski, Laura
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Soucy, Timothy

Andrus, Louise
Ellison, Arthur
Luneau, David
Richards, Beth
Wallner, Mary Jane

Bartlett, Christy
Gallager, Eric
MacKay, James
Schuett, Dianne
Wazir, Safiya

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Shurtleff, Steve
Woods, Gary

ROCKINGHAM

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

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Kenney, Cam
Schmidt, Peter
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Levesque, Cassandra
Rich, Cecilia

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Treleven, Susan

Conley, Casey
Horrigan, Timothy
Oxaal, Ariel
Vincent, Kenneth

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

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

HB 1477-FN, prohibiting abortions after detection of fetal heartbeat. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Diane Langley for the Majority of Judiciary. This bill fundamentally removes a woman's right to make a decision about her body. There are women who are unaware that they are pregnant during the first trimester; as a result they would not know they needed to set-up an appointment with a medical provider to explore options around the continuation or termination of their pregnancy. Women could find themselves having exceeded the parameters of this legislation before they were ever able to schedule an appointment with a provider. This bill exceeds individual boundaries, removing the right to make a decision about a woman's body from the one person who is able to make that decision, the woman herself. Vote 11-10.

Rep. Mark McLean for the Minority of Judiciary. This bill prohibits abortion after the detection of a fetal heartbeat as defined as "cardiac activity or the steady repetitive rhythmic contraction of the fetal heart." In the fifty years since the *Roe* decision, our ever-increasing understanding of the nature of the fetus has led to a corresponding increase in how it is valued. The minority of the committee felt that at the stage of life defined in the bill, development has advanced to the point where its status as an individual human entity has been established. The minority therefore felt that the bill had merit and recommended Ought to Pass.

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

Rep. McLean spoke against.

Rep. Langley spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Marjorie Smith moved that **HB 1477-FN**, prohibiting abortions after detection of fetal heartbeat, be laid on the table.

Rep. Wuelper requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 143**YEAS - 185
CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Umberger, Karen

Knirk, Jerry
Woodcock, Stephen

CHESHIRE

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

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

Bordenet, John
Fox, Dru
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Gomarlo, Jennie
Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Dontonville, Roger
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Adjutant, Joshua
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

Berezhny, Lex
Fellows, Sallie
Muirhead, Russell
Smith, Suzanne

Depalma IV, Joseph
Gordon, Edward
Murphy, James
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Espitia, Manny
Griffith, Willis
Infantine, William
Klein-Knight, Nicole
Lewicke, John
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Newman, Sue
Telerski, Laura
Veilleux, Daniel

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rombeau, Catherine
Snow, Kendall
Toomey, Dan
Warden, Mark

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
King, Mark
Mullen, Sue
Perez, Maria
Prout, Andrew
Rouillard, Claire
Stevens, Deb
Van Houten, Constance
Wilhelm, Matthew

Beaulieu, Jane
Connors, Erika
Erf, Keith
Graham, John
Healey, Robert
Klee, Patricia
Leishman, Peter
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Lekas, Tony
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Cross, Kenna
Hall, Muriel
MacKay, James
Boyd, Stephen
Soucy, Timothy
Wolf, Dan

Allard, James
Ebel, Karen
Klose, John
McWilliams, Rebecca
Schamberg, Thomas
Wallner, Mary Jane
Woods, Gary

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Pimentel, Roderick
Schuett, Dianne
Wazir, Safiya

Caplan, Tony
Gallager, Eric
Luneau, David
Richards, Beth
Shurtleff, Steve
White, Nick

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grossman, Gaby
Murray, Kate
Lynn, Bob
Meuse, David
Pantelakos, Laura
Vose, Michael

Bunker, Lisa
Dodge, Dustin
Grote, Jaci
Katsakiores, Phyllis
Maggiore, Jim
Milz, David
Read, Ellen
Ward, Gerald

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Layon, Erica
Malloy, Dennis
Osborne, Jason
Simpson, Alexis

Cali-Pitts, Jacqueline
Gilman, Julie
Janigian, John
Litchfield, Melissa
McBeath, Rebecca
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigian, Timothy
Oxaal, Ariel
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Wall, Janet

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Wuelper, Kurt

Conley, Casey
Harrington, Michael
Smith, Marjorie
Treleaven, Susan

SULLIVAN

Cloutier, John
Spilsbury, Walter

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

Oxenham, Lee

NAYS - 143**BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark

Nelson, Bill

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Greeson, Jeffrey

Almy, Susan
Ham, Bonnie

Folsom, Beth
Ladd, Rick

Sanborn, Gail
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Burt, John
Smith, Denise
Gorski, Ted
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Sheehan, Vanessa

Alexander, Joe
King, Bill
Creighton, Jim
Foster, William
Gould, Linda
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Post, Lisa
Somero, Paul

Ammon, Keith
Blasek, Melissa
Cushman, Leah
Griffin, Gerald
Greene, Bob
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Renzullo, Andrew
Ulery, Jordan

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Gagne, Larry
Herbert, Christopher
Sanborn, Laurie
Mayville, Mary
Nunez, Hershel
Rice, Kimberly

MERRIMACK

Andrus, Louise
Moffett, Michael
Walsh, Thomas

Cambrils, Jose
Pearl, Howard
Wells, Natalie

Hill, Gregory
Pitaro, Matthew
Yakubovich, Michael

McGuire, Carol
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
McMahon, Charles
Prudhomme-O'Brien, Katherine
Spillane, James
Tripp, Richard
Wallace, Scott

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Ford, Oliver
Harb, Robert
Khan, Aboul
Melvin, Charles
Roy, Terry
Sytek, John
True, Chris
Welch, David

Abramson, Max
Baxter, Tim
Dolan, Tom
Gay, Betty
Harley, Tina
Love, David
Potucek, John
Pearson, Stephen
Thomas, Douglas
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Doucette, Fred
Green, Dennis
Hobson, Deborah
Pearson, Mark
Pratt, Kevin
Soti, Julius
Torosian, Peter
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Hayward, Peter
Pitre, Joseph

Bailey, Glenn
Horgan, James
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas

Groen, Fenton
Kittredge, Mac

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Rollins, Skip

Stapleton, Walter

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 1490-FN, relative to equal access to places of public accommodation regardless of vaccination status.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Kurt Wuelper for the Majority of Judiciary. This bill ensures equal access to places of public accommodation regardless of vaccination status. It also provides no one should be denied access to public accommodation because the person refuses to use a medical device. The majority believes that one's vaccination status is and should be protected private information. Similarly, no one should be required to use any medical device simply to buy groceries, take a bus, or attend a public event. The committee rejected establishing similar protection

across the board and focused on this narrower area. We believe discrimination on these bases significantly reduces the natural rights of our people, but in areas like employment or education there could be valid reasons for requiring vaccination for the protection of others. The majority recognizes these areas are matters of individual choice and believe they follow a rationale similar to what we used to protect sexual orientation or gender identity. Vote 11-10.

Rep. Mark Paige for the Minority of Judiciary. This bill would create an additional class (“vaccination status”) deserving protection under RSA 354-A:16. Currently, RSA 354-A:16 prohibits discrimination against certain protected classes in places of public accommodation. These classes include race, age, sex, creed, and religion, among others that, unfortunately, have faced a long history of discrimination. The minority believes that the reasons giving rise to the current list of classes protected are substantially distinguishable from the reasons proffered to extend that list to include “vaccination status.” Moreover, it is important to note that the legislature enacted RSA Chapter 354-A (the state’s anti-discrimination statutes) under the state’s police power to ensure the public’s welfare, health, and safety. Including “vaccination status” as a protected class for purposes of access to public accommodations (including health care providers) would threaten public health, rather than protect it. For example, the New Hampshire Hospital Association testified at hearing that a vaccine requirement is an essential tool to protect their employees and patients against COVID-19. Other employers and businesses across the state should be able to protect their employees and patrons from potentially lethal diseases, such as COVID-19. Finally, the bill also prohibits a place of public accommodation from discriminating against a person for refusal to use a “medical device.” The term “medical device” is too vague, and its meaning will have to be sorted out through costly litigation.

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

Rep. Paige spoke against.

Rep. Wuelper spoke in favor.

Rep. Silber requested a roll call; sufficiently seconded.

YEAS 161 - NAYS 170

YEAS - 161

BELKNAP

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

COOS

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
King, Bill
Creighton, Jim
Erf, Keith
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Renzullo, Andrew
Lekas, Tony

Ammon, Keith
Berry, Ross
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Pauer, Diane
Rice, Kimberly
Ulery, Jordan

Boyd, Bill
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Graham, John
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Post, Lisa
Sheehan, Vanessa

Griffin, Barbara
Boehm, Ralph
Smith, Denise
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Prout, Andrew
Somero, Paul

MERRIMACK

Andrus, Louise
Klose, John
Pitaro, Matthew
Wells, Natalie

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
White, Nick

Cross, Kenna
Moffett, Michael
Testerman, Dave
Yakubovich, Michael

Hill, Gregory
Pearl, Howard
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Cali-Pitts, Jacqueline
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Welch, David

Abramson, Max
Baxter, Tim
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Bernardy, JD
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Horgan, James
Turcotte, Leonard

DeLemus, Susan
Kaczynski, Thomas
Wuelper, Kurt

Groen, Fenton
Kittredge, Mac

Hayward, Peter
Pitre, Joseph

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 170**CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

Abbott, Michael
Faulkner, Barry
Mann, John
Toll, Amanda Elizabeth

Ames, Richard
Fenton, Donovan
Parshall, Lucius
Von Plinsky, Sparky

CHESHIRE

Bordenet, John
Gomarlo, Jennie
Santonastaso, Matthew
Weber, Lucy

Eaton, Daniel
Maneval, Andrew
Schapiro, Joe

Craig, Kevin
Tucker, Edith

Kelley, Eamon

COOS

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell
Smith, Suzanne

Adjutant, Joshua
Fellows, Sallie
Murphy, James
Sykes, George

Almy, Susan
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Chretien, Jacqueline
Dutzy, Sherry
Griffith, Willis
Infantine, William
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Van Houten, Constance
Wilhelm, Matthew

Bouldin, Amanda
Bergeron, Paul
Connors, Erika
Espitia, Manny
Hamer, Heidi
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Vann, Ivy

Bouldin, Andrew
Bouchard, Donald
Cornell, Patricia
Freitas, Mary
Harriott-Gathright, Linda
Judy, Jean
Langley, Diane
Murray, Megan
Nunez, Hershel
Perez, Maria
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Burt, John
DiSilvestro, Linda
Goley, Jeffrey
Herbert, Christopher
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Warden, Mark

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Seaworth, Brian
Wazir, Safiya

Allard, James
Ellison, Arthur
Luneau, David
Richards, Beth
Shurtleff, Steve
Wolf, Dan

MERRIMACK

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
DiLorenzo, Charlotte

Bershtein, Alan
Dodge, Dustin

Bunker, Lisa
Edgar, Michael

Cahill, Michael
Gilman, Julie

Grossman, Gaby
Lynn, Bob
Meuse, David
Simpson, Alexis

Grote, Jaci
Maggiore, Jim
Paige, Mark
Wallace, Scott

Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Murray, Kate
McBeath, Rebecca
Read, Ellen

STRAFFORD

Bailey, Glenn
Conley, Casey
Harrington, Michael
Smith, Marjorie
Treleven, Susan

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Oxaal, Ariel
Vincent, Kenneth

Cannon, Gerri
Fontneau, Timothy
Kenney, Cam
Schmidt, Peter
Wall, Janet

Chase, Wendy
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and the majority committee report failed.

Rep. Marjorie Smith moved the minority committee report of Inexpedient to Legislate.

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

On a division vote, with 171 members having voted in the affirmative, and 160 in the negative, the minority committee report was adopted.

HB 1519-FN, defining “religious belief” and protecting it from discrimination. **INEXPEDIENT TO LEGISLATE.** Rep. Alexis Simpson for Judiciary. This bill would add the term “religious belief” to certain statutes regarding discrimination. In many of the places where it suggests adding “religious belief,” the term religion is already present. The term religion encompasses more than just religious belief. Adding “religious belief” to the statutes where religion is already stated is redundant and unnecessary. In statutes regarding discrimination, singling out “religious belief” where religion is not stated explicitly is insufficient and exclusive since belief is not part of all religions. “Religious belief” fails to include “religious practice” which is a key component of the definition of religion. In addition, freedom from discrimination on the basis of religion is protected by the United States and New Hampshire Constitutions. Vote 17-4. Committee report adopted.

HB 1625, repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Paige for the Majority of Judiciary. This bill would repeal New Hampshire’s “buffer zone” law (RSA 132:37-40) which prohibits a person from remaining on a public sidewalk within a radius of up to 25 feet of a reproductive health care facility’s entrance or exit. Outside that zone, people are free to exercise their First Amendment rights. This bill suffers from several flaws. To begin with, it relies on a misguided premise that the U.S. Supreme Court’s decision *McCullen v. Coakley* (striking down portions of a Massachusetts buffer zone law) renders New Hampshire’s buffer zone unconstitutional. As a preliminary matter, the constitutionality of our law is a question for the courts, not the legislature. Regardless, New Hampshire’s current law is distinguishable from Massachusetts’ in important respects. For instance, the Massachusetts law in *McCullen* mandated a fixed buffer zone of 35 feet and imposed both criminal and civil penalties. In contrast, New Hampshire law enables a buffer zone *up to* 25 feet (depending on the circumstances) and imposes only civil penalties. That the New Hampshire law contains a high degree of flexibility is not an accident; the drafters of our current buffer law carefully crafted it after the Court decided *McCullen*, thus with particular knowledge of the constitutional limits of buffer zone laws. Additionally, it is unclear what problem this bill would fix. In fact, individuals who testified in favor of the bill indicated that presently they successfully express their views outside reproductive facilities, suggesting the existing statutory arrangement works. Finally, buffer zone laws are nothing new in New Hampshire and are successfully used in other contexts, such as around polling place entrances. Vote 12-9.

Rep. Mark McLean for the Minority of Judiciary. This bill repeals RSA 132:37-40, which allows for the creation of a “buffer zone” around reproductive health care facilities. This law was enacted several years ago amid safety concerns around abortion clinics and has long been seen as problematic by free speech advocates. In 2014, the US Supreme Court struck down the Massachusetts buffer zone law upon which this law is based, and the call for a repeal of its New Hampshire counterpart has followed ever since. The minority of the committee expressed the belief that existing criminal threatening laws are adequate to address security concerns at reproductive health care facilities, and noted that no facility has ever implemented the law’s provisions in spite of the urgent need expressed by its supporters. The minority therefore felt that the constitutional concerns, coupled with the lack of implementation, warranted a recommendation of Ought to Pass.

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

Rep. McLean spoke against.

Rep. Paige spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Marjorie Smith moved that **HB 1625**, repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility, be laid on the table.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 160 - NAYS 170**YEAS - 160****CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

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

Ames, Richard
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe

Eaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Dontonville, Roger
Hakken-Phillips, Mary
Nordgren, Sharon
Weston, Joyce

Adjutant, Joshua
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

Almy, Susan
Fellows, Sallie
Muirhead, Russell
Smith, Suzanne

Depalma IV, Joseph
Gordon, Edward
Murphy, James
Sykes, George

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Connors, Erika
Espitia, Manny
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Hammer, Heidi
Judy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Van Houten, Constance

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Graham, John
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wolf, Dan

Allard, James
Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy
Woods, Gary

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberger, Thomas
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Levesque, Cassandra
Rich, Cecilia

Cannon, Gerri
Grassie, Chuck
Smith, Marjorie
Treleaven, Susan

Chase, Wendy
Horriggan, Timothy
Oxaal, Ariel
Vincent, Kenneth

Conley, Casey
Kenney, Cam
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

NAYS - 170**BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

Thompson, Dennis

GRAFTON

Alliegro, Mark
Greeson, Jeffrey

Berezhny, Lex
Ham, Bonnie

Folsom, Beth
Ladd, Rick

Sanborn, Gail
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Somero, Paul

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Lekas, Tony

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Ulery, Jordan

MERRIMACK

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

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

Hill, Gregory
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Toriosian, Peter
Vose, Michael
Weyler, Kenneth

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the motion failed.

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

YEAS 162 - NAYS 168**YEAS - 162****CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

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

Ames, Richard
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe

Eaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth

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Tucker, Edith

Hatch, William

Laflamme, Larry

Thompson, Dennis

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Nordgren, Sharon
Weston, Joyce

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Egan, Timothy
Massimilla, Linda
Stavis, Laurel

Almy, Susan
Fellows, Sallie
Muirhead, Russell
Smith, Suzanne

Depalma IV, Joseph
Gordon, Edward
Murphy, James
Sykes, George

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Connors, Erika
Espitia, Manny
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Hamer, Heidi
Judy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Van Houten, Constance

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Graham, John
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Vann, Ivy

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Shurtleff, Steve
Wolf, Dan

Allard, James
Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy
Woods, Gary

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Yokela, Josh

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Levesque, Cassandra
Rich, Cecilia

Cannon, Gerri
Grassie, Chuck
Smith, Marjorie
Treleven, Susan

Chase, Wendy
Horrigan, Timothy
Oxaal, Ariel
Vincent, Kenneth

Conley, Casey
Kenney, Cam
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

NAYS - 168**BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Greeson, Jeffrey

Berezhny, Lex
Ham, Bonnie

Folsom, Beth
Ladd, Rick

Sanborn, Gail
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Somero, Paul

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Lekas, Tony

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Ulery, Jordan

MERRIMACK

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

Cambrils, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

Hill, Gregory
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the majority committee report failed.

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

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 168 - NAYS 162

YEAS - 168**BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
Smith, Jonathan

Nelson, Bill
McConkey, Mark

Cordelli, Glenn
Umberger, Karen

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Greeson, Jeffrey

Berezhny, Lex
Ladd, Rick

Folsom, Beth
Simon, Matthew

Sanborn, Gail

HILLSBOROUGH

Lekas, Alicia
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Ammon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Somero, Paul

Boyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Lekas, Tony

Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
Pearl, Howard
Testerman, Dave
Yakubovich, Michael

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

Cambrijs, Jose
McGuire, Carol
Boyd, Stephen
Wells, Natalie

Cross, Kenna
Moffett, Michael
Seaworth, Brian
White, Nick

ROCKINGHAM

Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Tosorian, Peter
Vose, Michael
Weyler, Kenneth

Abramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne

Acton, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Kittredge, Mac

Bailey, Glenn
Hayward, Peter
Pitre, Joseph

DeLemus, Susan
Horgan, James
Turcotte, Leonard

Groen, Fenton
Kaczynski, Thomas
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 162**CARROLL**

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Deshaies, Brodie
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

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

Ames, Richard
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe

Eaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth

COOS

Kelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

Thompson, Dennis

GRAFTON

Abel, Richard
Dontonville, Roger
Hakken-Phillips, Mary
Murphy, James
Sykes, George

Adjutant, Joshua
Egan, Timothy
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

Almy, Susan
Fellows, Sallie
Massimilla, Linda
Stavis, Laurel

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

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Connors, Erika
Espitia, Manny
Griffith, Willis
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Hamer, Heidi
Judy, Jean
Langley, Diane
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Van Houten, Constance

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Graham, John
Herbert, Christopher
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
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Alicea, Caroletta
Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy
Woods, Gary

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Malloy, Dennis
Pantelakos, Laura
Yokela, Josh

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
McBeath, Rebecca
Read, Ellen

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Maggiore, Jim
Paige, Mark
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Levesque, Cassandra
Rich, Cecilia

Cannon, Gerri
Grassie, Chuck
Smith, Marjorie
Treleven, Susan

Chase, Wendy
Horrigan, Timothy
Oxaal, Ariel
Vincent, Kenneth

Conley, Casey
Kenney, Cam
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

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

HB 1673-FN, relative to women's health privacy and repealing the fetal health protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie Smith for the Majority of Judiciary. As part of the continuing refinement of the Fetal Life Protection Act, this bill incorporates changes in three areas. First, both the majority amendment and the minority amendment contain identical language clarifying the legislature's intention that ultrasound tests be required only in such cases necessary to confirm the gestational age of the fetus of at least 24 weeks. Second, exceptions to the 24-week standard are defined to include cases in which fetal anomalies are incompatible with life, or a medical emergency makes it necessary to preserve the life or health of the pregnant woman. The third change eliminates the criminal and civil penalties for violation of the Fetal Protection Act. Medical care in the reproductive health or gynecology field, including abortion, is provided by medical professionals who are licensed by the New Hampshire Board of Medicine and the New Hampshire Board of Nursing. These boards oversee the education, background, and training of every doctor, nurse, nurse practitioner, and physician assistant in New Hampshire. In addition to state requirements for professional licensing and continuing medical education, both licensed providers and facilities are subject to professional credentialing and quality assurance reviews from insurance companies. Therefore, the state already has in place a comprehensive system for requiring compliance with state law and regulations. Vote 11-10.

Rep. Kurt Wuelper for the Minority of Judiciary. The minority believes the majority amendment makes the Fetal Life Protection Act (FLPA) a sham. By removing all the penalties there will be no way to hold any viola-

tor accountable. By adding the misleading “incompatible with life” exception, which the minority doubts even exist with today’s medical technology and the majority provided no example, another uncontested excuse for abortion is added. [They really posit aborting the baby will keep the mother from experiencing the tragedy of having to deliver a baby who was dead or was going to die soon after.] The minority knows the mother’s real choice is for her baby to die from a medical condition or by her intention. We believe the latter is the greater tragedy. Similarly, adding “health” to the exceptions definition simply opens the door to a readily abused excuse. The minority believes clarification of the ultrasound requirement in the FLPA will satisfy all reasonable objectors to that act and is the far better course.

Majority Amendment (0730h)

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

AN ACT relative to the scope of the fetal life protection act.

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

1 Fetal Life Protection Act; Prohibitions; Ultrasound Examination Requirement. Amend RSA 329:44 to read as follows:

329:44 Prohibition.

I. Except in the case of ***fetal anomalies incompatible with life or*** a medical emergency as [specifically] defined in paragraph III, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus. In making such a determination, the health care provider shall make such inquiries of the pregnant woman and perform or cause to be performed all such medical examinations, imaging studies, and tests as a reasonably prudent health care provider in the community, knowledgeable about the medical facts and conditions of both the woman and the fetus involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age, provided, however, that the health care provider shall conduct an obstetric ultrasound examination of the patient for the purpose of making the determination. ***This subdivision shall be construed to require the performance of an ultrasound only if the provider either knows that the fetus has a gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a gestational age of at least 24 weeks.***

II. Except in ***the case of fetal anomalies incompatible with life or*** a medical emergency as [specifically] defined in paragraph III, no health care provider shall knowingly perform, induce, or attempt to perform an abortion upon a pregnant woman when the probable gestational age of her fetus has been determined to be at least 24 weeks or in the absence of a determination by a health care provider pursuant to paragraph I as to the fetus’ probable gestational age.

III. For the purposes of this subdivision only, “medical emergency” means a condition in which an abortion is necessary to preserve the life ***or health*** of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function, as defined in RSA 329:43, V, of the pregnant woman.

2 Repeal. The following are repealed:

I. RSA 329:46, establishing criminal penalties against health care providers for violation of the fetal life protection act.

II. RSA 329:47, establishing civil remedies against health care providers for violation of the fetal life protection act.

III. RSA 329:48, relative to review by the board of medicine.

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

AMENDED ANALYSIS

This bill expands the circumstances under which an abortion may be performed after 24 weeks, construes the ultrasound requirement, and repeals the criminal, civil, and administrative penalties for violation of the fetal life protection act.

Rep. Simon spoke against.

Rep. Marjorie Smith spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 163 - NAYS 165

YEAS - 163

CARROLL

CHESHIRE

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

Ames, Richard
Fenton, Donovan
Parshall, Lucius
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Schapiro, Joe

Eaton, Daniel
Maneval, Andrew
Toll, Amanda Elizabeth

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Depalma IV, Joseph
Gordon, Edward
Murphy, James
Sykes, George

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

Almy, Susan
Egan, Timothy
Massimilla, Linda
Stavis, Laurel

Berezhny, Lex
Fellows, Sallie
Muirhead, Russell
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Cornell, Patricia
Freitas, Mary
Hamer, Heidi
Jeudy, Jean
Langley, Diane
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rouillard, Claire
Stevens, Deb
Vann, Ivy

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Baroody, Benjamin
Chretien, Jacqueline
Dutzy, Sherry
Graham, John
Herbert, Christopher
Klein-Knight, Nicole
Lewicke, John
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Beaulieu, Jane
Connors, Erika
Espitia, Manny
Griffith, Willis
Schmidt, Janice
Labranche, Tony
Long, Patrick
McGhee, Kat
Pauer, Diane
Piedra, Israel
Rombeau, Catherine
Snow, Kendall
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
Pimentel, Roderick
Shurtleff, Steve
Wolf, Dan

Allard, James
Ellison, Arthur
Luneau, David
Richards, Beth
Soucy, Timothy
Woods, Gary

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wazir, Safiya

ROCKINGHAM

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

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Pantelakos, Laura
Yokela, Josh

Cahill, Michael
Gilman, Julie
Murray, Kate
McBeath, Rebecca
Read, Ellen

Cali-Pitts, Jacqueline
Grossman, Gaby
Lynn, Bob
Meuse, David
Simpson, Alexis

STRAFFORD

Bixby, Peter
Fargo, Kristina
Levesque, Cassandra
Rich, Cecilia

Cannon, Gerri
Grassie, Chuck
Smith, Marjorie
Treleaven, Susan

Chase, Wendy
Horrigan, Timothy
Oxaal, Ariel
Vincent, Kenneth

Conley, Casey
Kenney, Cam
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

NAYS - 165**BELKNAP**

Aldrich, Glen
Hough, Gregg
Mackie, Jonathan
Terry, Paul

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

Comtois, Barbara
Johnson, Dawn
Silber, Norman

Harvey-Bolia, Juliet
Lang, Timothy
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

GRAFTONAlliegro, Mark
Ham, BonnieFolsom, Beth
Ladd, RickSanborn, Gail
Simon, Matthew

Greeson, Jeffrey

HILLSBOROUGHLekas, Alicia
Griffin, Barbara
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kelsey, Niki
Lascelles, Richard
Mooney, Maureen
Prout, Andrew
Somero, PaulAlexander, Joe
King, Bill
Burt, John
Smith, Denise
Gagne, Larry
Healey, Robert
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Renzullo, Andrew
Lekas, TonyAmmon, Keith
Berry, Ross
Creighton, Jim
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Mayville, Mary
Nunez, Hershel
Rice, Kimberly
Ulery, JordanBoyd, Bill
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Infantine, William
Lanzara, Tom
McLean, Mark
Post, Lisa
Sheehan, Vanessa
Warden, Mark**MERRIMACK**Andrus, Louise
Klose, John
Boyd, Stephen
Wells, NatalieCambrils, Jose
McGuire, Carol
Seaworth, Brian
White, NickCross, Kenna
Moffett, Michael
Testerman, Dave
Yakubovich, MichaelHill, Gregory
Pitaro, Matthew
Walsh, Thomas**ROCKINGHAM**Abbas, Daryl
Ayer, Paul
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Pearson, Mark
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, KennethAbrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
McMahon, Charles
Piemonte, Tony
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, WayneAbramson, Max
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Harb, Robert
Janigian, John
Litchfield, Melissa
Melvin, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, ScottActon, Dennis
Bernardy, JD
Dolan, Tom
Gay, Betty
Harley, Tina
Katsakiores, Phyllis
Love, David
Milz, David
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Verville, Kevin
Welch, David**STRAFFORD**Ankarberg, Aidan
Harrington, Michael
Kittredge, MacBailey, Glenn
Hayward, Peter
Pitre, JosephDeLemus, Susan
Horgan, James
Turcotte, LeonardGroen, Fenton
Kaczynski, Thomas
Wuelper, Kurt**SULLIVAN**Aron, Judy
Stapleton, WalterCallum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the majority committee amendment failed.

The question being adoption of the motion of Ought to Pass.

Rep. Simon offered minority committee amendment (0688h).

Minority Amendment (0688h)

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

AN ACT relative to certain provisions of the fetal life protection act requiring an ultrasound examination.

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

1 Fetal Life Protection Act; Prohibitions; Ultrasound Examination Requirement. Amend RSA 329:44, I to read as follows:

I. Except in the case of a medical emergency as specifically defined in paragraph III, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus. In making such a determination, the health care provider shall make such inquiries of the pregnant woman and perform or cause to be performed all such medical examinations, imaging studies, and tests as a reasonably prudent health care provider in the community, knowledgeable about the medical facts and conditions of both the woman and the fetus involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational

age, provided, however, that the health care provider shall conduct an obstetric ultrasound examination of the patient for the purpose of making the determination. ***This subdivision shall be construed to require the performance of an ultrasound only if the provider either knows that the fetus has a gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a gestational age of at least 24 weeks.***

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

AMENDED ANALYSIS

This bill construes the obstetric ultrasound examination requirement to determine probable gestational age prior to an abortion.

Reps. Simon and Marjorie Smith spoke in favor.

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

Minority committee amendment adopted.

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

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

MOTION TO PRINT DEBATE

Rep. Verville, on March 17, 2022, moved that the debate on HB 1673-FN, relative to the scope of the fetal life protection act, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON HB 1673-FN

Speaker Packard: The debate is going to be on the majority committee amendment (0730h). The Chair recognizes Rep. Simon.

Representative Simon: Thank you very much, Mister Speaker. I know it's been a very long day. This is a topic that garners a lot of attention and is difficult in a lot of ways for a lot of people so I'll try to keep my comments brief this evening, as brief as possible. There are a lot of things that I would really like to speak about this evening, but what I would like to do primarily is just to remind us of what the Fetal Life Protection Act does and what this amendment does to the Fetal Life Protection Act. The Fetal Life Protection Act outlaws the killing of a child after six months gestation to nine months gestation in the womb. For the first time in the State of New Hampshire's history, it gives equal protection under the law to those people. So, for the first time in history, people who are that old cannot be killed no more than any other human being can be killed. That puts us in a very unique position as a body because for the first time in the State of New Hampshire's history, this body has the power to remove equal protection under the law for some of our citizens and allow them to be killed. So the next time, the next time that an abortionist legally approaches a child between the gestational age of six months and nine months and stabs that child through the heart and inserts poison into its veins so that it convulses until the heart seizes up, when we can't hear its silent scream of agony, that will literally be on us. We approved it. Not only did we approve it, we fought for it. We said it was good. This amendment basically guts any protection that any child in this age range will have. It doesn't protect any of them. It kind of dresses it up with some different language, fetal anomalies not compatible with life and a generalized health exception. It strips all of the criminal and civil penalties out of the bill, essentially rendering it completely unenforceable. I've had a lot of conversations with people around this chamber and the number one thing I've heard is that we don't believe that children are human beings before they are born. And there is something that I would like to straighten out about this particular point in pregnancy. I'd like to make it understood that every abortion at this point the child will have to be born. The child will have to be born. When that process of abortion is completed, when that child is killed and the mother is induced and the child is delivered, that child is held in the hands of the abortionist. That child is no longer in the mother's womb. It is a complete human being and it's a dead human being and it's not dead by natural causes. It has a hole in the heart. Its veins are full of poison. Under any other circumstances, we would call that murder, but for some reason, we have this complete unscientific notion that the child who is in the womb 2 minutes before and the child who is outside the womb after are completely different. If somebody could get up here and explain that to me, I would be unbelievably grateful because otherwise what we are saying is that we believe that it's completely acceptable to either kill the child, having it born dead or even worse in some cases, completely dismembered. Body by body part, this is what the Fetal Life Protection Act outlaws, leg detached, head detached, body completely torn apart and when we are done, there's a pile of human body parts on the table.

Speaker Packard: I would question the member on his language.

Representative Simon: I did not realize. I'm new at this. Ladies and gentlemen of the General Court, I urge you. I urge you to turn down the committee amendment on this bill so that a better motion can be made. Thank you.

Speaker Packard: The House will be in order. The Chair recognizes Rep. Marjorie Smith.

Representative Marjorie Smith: Mister Speaker, truth does still carry some weight. For some of us more weight than others. What this bill represents is a coming together of disparate views. How did we get into this situation in the first place? We got into this situation because although every one of us knows that the Finance Committee never, never gets involved in policy and only deals with budget matters. You all do know that. I know it from my years as Chair of Finance Committee. Never did we get involved with anything that would be policy, except when we wanted to. We all know because it has been stated publicly by people who are making the decisions that the reason that certain sections were put into HB 2, that's the budget trailer bill that is supposed to support things relating to money, the things that were irrelevant to money because there is no public dollar that goes into, there is no public dollar that goes into funding abortions in this state. Nonetheless, decisions were made to include language having to do with state policy affecting reproductive rights. Okay, that was done by the Finance Committee because it never gets involved with policy and this body in order to pass the budget, agreed and the governor who stated as clearly as he possibly could that he didn't like some of the language, but nonetheless because it was in the budget, he had to sign it, signed it. Fine, that's what happens in a democratic, small d, democratic form of government where we have Republicans and Democrats and Independents. We have people with different views on different subjects and we accommodate as much as we can. That being the case, we then looked at what the language was and what the language accomplished and didn't accomplish. As a result and after a lot of discussion on both sides of the aisle, the Judiciary Committee came up with an amended bill affecting women's health as it relates to the Fetal Protection Act, so named in the budget. One part of what we did was to take language developed by one of our colleagues who is the most effective advocate for what he views as fetal protection. We took language, exact language that he came up with and its language that you can see in both the majority amendment and the minority amendment that the Judiciary Committee came up with. We took language that acknowledged the 24-week limit on which under ordinary circumstances abortions could be performed in the state. We also took the language that was somewhat unclear, having to do with certain tests about to which a pregnant woman would be subjected and we said that would only happen, not at the beginning of a pregnancy, but if there was some question as to whether we were at the 24-week deadline or not. This was the minority amendment and the majority amendment. It is exactly the same language. Then we did two other things. We said, and you can read about it in the report in the calendar, we said okay first that the gestational age of 24-weeks, as I said, was, we would accept as a limit. We said except in cases where there are fetal anomalies that are inconsistent with life. Not fetal anomalies that might be anomalies, but are not going to interfere with life. Only those that were consistent with life. We said, talking about the ultrasound test, we then eliminated the criminal and civil penalties that were in the Fetal Protection Act. In this state, medical care in most states, but certainly in this state, medical care and the reproductive health or gynecology field, abortion is provided by medical professionals who, despite what some people might say, are licensed by the New Hampshire Board of Medicine and the New Hampshire Board of Nursing. These boards oversee the education background, training of every doctor, nurse and practitioner and physician assistant in New Hampshire. In addition to the state requirements, we also know that these providers are insured and the insurers maintain certain standards. We eliminated the civil and criminal penalties here because if in fact someone were to act in violation of the law, they would be held accountable by the appropriate bodies. To have this language free-floating meant that there were many people who would say we are not going to come to New Hampshire to practice medicine. We are not going to take the chance that some idle person wandering around might charge us with no reason. Okay, so we did a change in credentialing. We did a change in ultrasound and we acknowledge that fetal anomalies and the life and health of the mother are important. There were other things we didn't change. For example, we didn't address the language of rape and incest. There were other changes that we didn't make. Why? Because in the House Judiciary Committee we work together, we try to find common ground, we try to balance the competing demands of disparate views and we did a good job. Now, at this time, it is 9:30 and people continue to leave. Mister Speaker, I'm going to stop for a moment only because my mother told me never to speak while others were speaking.

Speaker Packard: The member has a right to be heard. I don't know how many times I have asked today for the chamber to be quiet and I'm addressing both sides, again, that neither side is complying with the simple request to allow the members to speak. So hopefully this will be my last request for the day. Let the member speak. If you need to have a conversation, take it out into the anteroom. The member may continue.

Representative Marjorie Smith: Thank you, Mister Speaker. I'm tired and I assume everyone here is tired. I made a suggestion a while ago that we put off this discussion until tomorrow. That did not seem to be the will of the body and so we are proceeding now, but there is no earthly reason why a majority of this body would not recognize that this bill, as amended by a majority of the committee, honors and reflects the feelings of those with disparate views, but nonetheless continues the long tradition we've had in this state of respecting women's privacy and the right for a woman to make a decision having to do with her body, without 400 members of the legislature trying to find their way into the doctor's office. I ask you to think about it and

to think about the implications and remember that not one public dollar in this state, actually in any state, not one public dollar goes to pay for abortion in those cases when abortion is legal. That to interfere with our long tradition is not going to cause abortion to disappear. We have always had abortion. What will happen if we do not pass this legislation in this way is the possibility that...

Speaker Packard: The member will suspend. State your point of order.

Representative Alliegro: Mister Speaker, I believe that the Representative is wandering off subject quite a bit and my understanding is that we have to stay on topic.

Speaker Packard: We are discussing the amendment to the bill right now. The member may continue.

Representative Marjorie Smith: Thank you, Mister Speaker. I respect the concerns of the members. I hope they are paying attention to realize that I have in fact been addressing the 3 major changes that the amendment to the bill brings into play and recognize that with this amendment and this bill we will have a logical, careful governing of abortion, as it is appropriate in this state, and that we will make sure that we are not going to do here what has happened in other states where abortion continues, but without safe requirements when you can get a legal abortion. Thank you, Mister Speaker.

Speaker Packard: The motion before us is the majority amendment. Rep. Notter has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote on the majority amendment. The House will come to order. The motion before us is the majority amendment on HB 1673. This is a roll call vote. The Chair recognizes Rep. Notter for a parliamentary inquiry.

Representative Notter: Thank you, Mister Speaker. If I know that this amendment makes a mockery of the Fetal Life Protection Act by removing all penalties for late term abortions because there is no way to hold any violator accountable. And, if I know this majority amendment adds on an open-ended exception that makes the law a meaningless joke. And, Mister Speaker, if I know that my colleagues, who support abortion up to birth should look the people of New Hampshire in the eye and be honest about what they are doing instead of concealing their actions with an underhanded gutting bill, would I then press the red button? Thank you.

Speaker Packard: The House will come to order. We are on our second to last bill. Let's see if we can get through this in a civilized manner. The House will come to order. The Chair recognizes Rep. Simpson for a parliamentary inquiry.

Representative Simpson: If I know that the impact of our newly enacted abortion law is being felt right now, most significantly by families in extremely complex circumstances who have learned of a fatal fetal diagnosis late in their pregnancy. And, if I know that this legislative body earlier today passed a bill allowing for health care professionals to make decisions based on their own conscience. And, if I know that the original ultrasound provision in law is unclear and we need to clarify it, would I now press the green button to vote with the bipartisan majority of the Judiciary Committee and pass this amendment? Thank you, Mister Speaker.

Speaker Packard: The motion before the House is on the majority amendment. This is a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 163 voting Yea, 165 voting Nay, the amendment fails. The Chair recognizes Rep. Simon for an amendment.

Representative Simon: Mister Speaker, I move the adoption of the minority amendment (0688h). Thank you, Mister Speaker. This amendment is the amendment that we have seen frequently throughout this term. It addresses the lack of clarity in the ultrasound requirement that led providers to believe that they had to perform ultrasounds at the beginning of pregnancy with transvaginal ultrasounds. That's where that whole conflict came from. That was never the intention of the writers of the bill and this amendment clarifies that. I would just like to point out that both sides really do agree on the need for this amendment and we are running out of time to get it into one of our bills to be sent over to the other body so I would really urge everybody to adopt this amendment at this point so we can send it to the other house. Thank you.

Speaker Packard: The question before us is the minority amendment (0688h). The Chair recognizes Rep. Marjorie Smith.

Representative Marjorie Smith: Thank you very much, Mister Speaker. This amendment is an example of what happens when people of disparate views work together. I think that the bill as it came to you was a fine bill. By two votes, this body chose not to accept that. Nonetheless I would say to you that the minority amendment, which is using the exact same language in the majority amendment is a good amendment. We need it to be added to the bill because while it doesn't do everything that it should do, it does at least clarify what had been a very confusing issue having to do with ultrasound use for women who are pregnant. Therefore, I ask you to support the minority amendment.

Speaker Packard: The motion before us right now is the Simon amendment (0688h). Are you ready for the question? All those in favor, say Aye; those opposed, Nay. The Simon amendment is adopted. The motion before us now is Ought to Pass as Amended. I have quite a list here of speakers. Do we want to go to the vote? The motion before us is Ought to Pass as Amended on HB 1673. Are you ready for the question? All those in favor, say Aye; those opposed, Nay. The Ayes have it.

REGULAR CALENDAR CONT'D

HB 1674, relative to reproductive rights. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kurt Wuelper for the Majority of Judiciary. This bill would establish that NH “shall not restrict or interfere with an individual’s exercise of their private decision to terminate a pregnancy” except as already provided in law. One injured by a violation of this provision would be able to sue the state for injunctive relief including court costs and attorney’s fees. The sponsors fear that, should the U.S. Supreme Court overturn *Roe v. Wade*, women in New Hampshire would be denied access to abortions. The majority saw many potential unintended consequences and numerous apparent conflicts between this language and our current laws regarding sexuality. As this bill would add no protections for abortion now, and any future legislature intent on enacting such restrictions could still do so, the majority believes this bill is both problematic and premature. Vote 11-8.

Rep. Alexis Simpson for the Minority of Judiciary. Multiple generations of women and girls have had access to safe, legal abortion since *Roe v. Wade* was decided 49 years ago. This bill would ensure that Granite Staters would have access to safe, legal abortion within the bounds of the current law, which is critically important given the high likelihood that *Roe v. Wade* will be overturned by the Supreme Court in the next three months. This bill does not change any current law, but it would place the rights that women and girls currently have in New Hampshire in the statutes next to the restrictions.

MOTION TO LAY ON THE TABLE

Rep. Alexander moved that **HB 1674**, relative to reproductive rights, be laid on the table.

On a division vote, with 306 members having voted in the affirmative, and 19 in the negative, the motion was adopted.

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, Thursday, March 17, 2022 at 9:00 a.m.

Motion adopted.

LATE SESSION**Third Reading and Final Passage**

HB 1367, relative to civics instruction in schools.

HB 1381, relative to student school board members.

HB 1434-FN, relative to the availability of school curriculum materials.

HB 1639, relative to the youth risk behavior survey in schools.

HB 1130-FN, relative to restroom access for persons with certain medical conditions.

HB 1009, requiring the date a person registers to vote to be included with other voter information.

HB 1082, prohibiting certain state officers from forming political action committees.

HB 1153, relative to absentee ballot requests.

HB 1203-FN, relative to domicile residency, voter registration, and investigation of voter verification letters.

HB 1567-FN, relative to consequences resulting from election official misconduct.

HB 1454-FN, relative to permits for the siting of new landfills.

HB 1135, requiring a performance audit of the department of education, education freedom account program.

HB 1171-FN, exempting certain niche beauty services from licensure requirements.

HB 1330, repealing the board of medical technicians in the office of professional licensure and certification.

HB 1560, relative to nonresident licensure by the board of barbering, cosmetology, and esthetics.

HB 103-FN, establishing a dental benefit under the state Medicaid program.

HB 1677-FN, relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor.

HB 1297, relative to taking lobster while engaged in recreational scuba diving.

HB 1356, relative to the taking of gray squirrels.

HB 1022, permitting pharmacists to dispense the drug ivermectin by means of a standing order.

HB 1044, relative to direct payment and membership-based health care facilities.

HB 1080, relative to the rights of conscience for medical professionals.

HB 1379, relative to the department of health and human services’ rulemaking authority regarding immunization requirements.

HB 1439, relative to hospital visitation policies.

HB 1455, relative to state enforcement of federal vaccination mandates.

HB 1495-FN, prohibiting the state from requiring businesses to require vaccine or documentation related to vaccination or immunity status.

HB 1073, modifying attorney exemptions under RSA 91-A.

HB 1101, relative to a forfeiture of personal property.

HB 1425-FN, relative to the taking of real property by eminent domain.

HB 1625, repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility.

HB 1673-FN, relative to the scope of the fetal life protection act.

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 9:45 p.m.

RECESS