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HOUSE RECORD

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Concord, N.H.

Wednesday, May 4, 2022

No. 11

HOUSE JOURNAL NO. 10 (Cont'd)

Thursday, April 21, 2022

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

HOUSE JOURNAL NO. 11

Wednesday, May 4, 2022

The House assembled at 10:00 a.m., 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.

Let us be in a Spirit of Prayer. O Spirit of the Living God, fall afresh on us! Guide and direct us this day. May our conversations today be conversations that reflect Your Spirit, O God. A Spirit of respect for each other. A respect that our words spoken reflect who we are as well as who's we are. O Spirit of the Living God, fall afresh on us! May we represent those that elected us to the best of our ability and may we through that representation reflect Your light out into our communities and out in to the world. May others see that harmony and peace can exist even when we don't agree. O Spirit of the Living God, melt us and mold us! Shape us O God to be the people You want us to be and that we are molded and shaped by Your love. You are a God of love and let us reflect that love to everyone we meet. O Spirit of the Living God, fill us and use us! Fill us with Your love and peace so that we lead in the same way. Use us to be Your clear image here in New Hampshire and it is our hope that image will project outside of this chamber and out into the world that You have created and entrusted to our care. O Spirit of the Living God, fall afresh on us! God bless those who lead us today. Keep Your guiding hand on each one, we pray. O Spirit of the Living God, fall afresh on the world! Be with the people of Ukraine and with Russia. Be in other parts of the world where there is turmoil and anguish. We pray Your Shalom and love will be victorious. It is to Your glory O, God, we pray today. Amen.

Representative George Sykes, member from Lebanon, led the Pledge of Allegiance.

The National Anthem was sung by Hannah Gove, a student at Mascoma Valley Regional High School.

LEAVES OF ABSENCE

Reps. Ammon, Berch, Booras, Cleaver, Ellis, Freitas, Gay, Gourgue, Kelsey, Kimball, Laughton, Major, McBride, Piemonte, Varney, Vincent and White, the day, illness.

Reps. Aldrich, Belanger, Bordes, Amanda Bouldin, Conley, Cornell, Cote, Dutzy, Herbert, Langley, Lundgren, McBeath, Murphy, Richards, Suzanne Smith, Timothy Smith, Snow, Thompson and Trottier, the day, important business.

Rep. Denise Smith, the day, illness in the family.

Rep. Bill King, the day, death in the family.

INTRODUCTION OF GUESTS

April Gove, and Linda Landry, mother and grandmother of the singer, guests of Rep. Sykes. Alicia Gregg, guest of Rep. Telerski. Angela and Matthew Brown, guests of Rep. Rung. Loraine Lindenberg, guest of Rep. Prudhomme-O'Brien. Angela Brennan, guest of Rep. Walz.

CONSENT CALENDAR

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

SB 399-FN, relative to certain provisions of the fetal life protection act requiring an ultrasound examination, removed by Rep. Marjorie Smith.

SB 429-FN, relative to the site evaluation committee, removed by Rep. Oxenham.

SB 316-FN, relative to lucky 7 licenses, removed by Rep. Abrami.
Consent Calendar adopted.

SB 336, relative to family mediator interns. **OUGHT TO PASS.**

Rep. Jodi Nelson for Children and Family Law. This bill establishes qualifications and appropriate instances for inclusion of qualified family mediator interns. It also defines a quorum for the Board of Family Mediator certification. It is commonly accepted that family mediators are invaluable, and we need more of them. However, qualified people have been deterred from becoming certified due to the difficulty of fulfilling required internship hours after the classroom training and by statutes that do not allow interns to co-mediate with already certified mediators in court cases. By receiving at least some training with court-referred cases, interns are provided with experiences in diverse cases and it ensures that the interns are provided with enough hours to complete their internship in a timely manner. Vote 14-0.

SB 446-FN-A, directing the department of health and human services to develop a plan relative to fostering sustainable childcare opportunities for working families and businesses. **OUGHT TO PASS.**

Rep. Jodi Nelson for Children and Family Law. This bill establishes a childcare workforce fund dedicated to financing recruitment and retention bonuses and benefits for eligible New Hampshire childcare employers. The committee heard testimony from many childcare centers that have waitlists larger than current enrollment due to severe staffing shortages. We heard from a business organization that these shortages are affecting New Hampshire businesses as they are extending job offers to employees who cannot find childcare and must decline, leading to unfilled positions. Vote 13-1.

SB 121, relative to a state-based health exchange. **REFER FOR INTERIM STUDY.**

Rep. Paul Terry for Commerce and Consumer Affairs. As proposed, this bill would enable the New Hampshire Insurance Department (NHID) to study and subsequently provide it with discretionary power to initiate a process that could move New Hampshire from the federal- to a state-based healthcare marketplace (SBM) under the Federal Affordable Care Act (ACA). Proponents claimed that moving to a SBM initially could save just under \$4 million and add as many as 40 private sector jobs. Any potential future savings could not be confidently projected. Though not supporting or opposing the bill, the NHID Commissioner and Deputy Commissioner reported that transitioning from the federal to a state exchange (i.e., marketplace) "is no small task and involves significant considerations that impact both the state and consumers." Additionally, it was reported, too, that costs to states participating in the federal exchange have been decreasing, the costs being identified as a major factor in assessing the attractiveness of federal vs. state exchanges. These as well as other uncertainties prompted the committee unanimously to deem it premature to commit limited state resources to launching a costly NHID investigation that might very well leave us exactly where we are today. Vote 18-0.

SB 160-FN, relative to multiple employer welfare arrangements. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would establish parameters for association health plans pursuant to recent federal regulations. It would have expanded how groups were defined, whether trade groups or individuals. Many questions remain as the federal regulations are being challenged in the courts and the resolution is unlikely to be determined quickly. The court has set aside expanding the definition and all changes have been held in abeyance at this time. Even after a decision is made, it is likely to be appealed. New Hampshire currently allows for self-funded programs and the committee felt there was not a need to expand definitions at this time. Vote 18-0.

SB 204, relative to the definition of "covered claim" for purposes of the New Hampshire insurance guaranty association act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill will modify the definition of "covered claim" in the New Hampshire Insurance Guaranty Association Act (association) to clarify whether a claim is covered by the association when the issuing insurer becomes insolvent and the policy is assumed by another company. This bill makes clear that the association will cover a claim if the policy was originally issued by an association member company, but will not cover a claim if the original policy issuer is not an association member. Vote 18-0.

Amendment (1347h)

Amend RSA 404-H:5, IX(b) as amended by section 1 of the bill by replacing it with the following:

(b) ***"Covered claim" includes obligations that arose through the issuance of an insurance policy by a member insurer, which are later allocated, transferred, assumed by, or otherwise made the sole responsibility of a member or non-member insurer if:***

- (1) ***There are no remaining obligations of the original member insurer after the transfer; and***
- (2) ***The insurer that assumed the member's coverage obligations becomes insolvent and goes into liquidation proceedings.***

SB 205, relative to the insurance department administration fund. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill will allow the Insurance Department to generally apply any overage in their administration fund to reduce future fee assessments across the board. Current statute directs any overage to be calculated as a pro rata offset, apportioned to each individual insurer based on their relative contribution. The proposed change streamlines operations for the department and is supported by the insurance industry. Vote 18-0.

SB 206, relative to consumer guaranty contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill was requested by the New Hampshire Insurance Department. This administrative bill amends RSA 415-C: 1, III(c) (6)-(7) to exclude prepaid legal contracts from the definition of “consumer guaranty contract” and prohibits certain consumer guaranty contract acts and terms. The amendment revises the rulemaking authority of the commissioner of the department of insurance regarding privileged communications. Vote 18-0.

Amendment (1349h)

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

3 Repeal. The following are repealed:

I. RSA 415-C:1, III(b)(2), relative to the definition of consumer guaranty contracts as it relates to prepaid legal services contracts.

II. RSA 415-C:1, XI, relative to the definition of prepaid legal services contract.

4 Insurance Department; Investigations, Enforcement; Rulemaking Regarding Privileged Communications. Amend RSA 400-A:16, III(c) to read as follows:

(c) The commissioner may disclose to an insured or claimant who has filed a complaint against an insurer, a copy of the insurance company’s letter to the department in response to the complaint. The commissioner shall adopt rules, pursuant to RSA 541-A, *as may be necessary*, to identify those documents obtained from the company during the course of the investigation of the insured’s or claimant’s complaint that may be disclosed upon request to assist the insured or claimant in understanding the basis for the department’s actions related to the investigation. The commissioner shall not disclose to an insured or claimant any information that would interfere with any civil, criminal, or administrative enforcement proceeding.

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

AMENDED ANALYSIS

This bill excludes prepaid legal services contracts from the definition of “consumer guaranty contract” and prohibits certain consumer guaranty contract acts and terms. This bill also revises the rulemaking authority of the commissioner of the department of insurance regarding privileged communications.

This bill is a request of the insurance department.

SB 207, relative to administrative fee credit for insurance company external review. **OUGHT TO PASS.**

Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill was requested by the New Hampshire Insurance Department. This administrative bill amends RSA 400-A:10, III to clarify that the amount paid for any external review of insurance companies shall be applied as a nontransferable credit toward the company’s administrative fee under RSA 400-A:39 in the subsequent fiscal year and not thereafter. Vote 18-0.

SB 208, relative to life insurance. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is an update and modernization of New Hampshire’s regulations related to life insurance, as drafted by the Insurance Department. A previous year’s attempt to undertake this re-write project was sidelined due to the pandemic. The language proposed in the bill not only strips out the old statutory provisions but also revises the remaining provisions to bring them up to date, resulting in a proposal to repeal and re-enact RSA 408. The statute is over 170 years old and has not been amended in over a decade. As such, this bill removes antiquated terms and better accounts for other statutes that have been enacted since the adoption of this statute in 1850. Vote 18-0.

SB 212-FN, relative to liquor manufacturers. **OUGHT TO PASS.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill allows for the serving of cocktails by liquor manufacturers using liquor produced by the liquor manufacturers when food is served, and it also changes the eligibility of liquor manufactures to sell liquor at farmers markets. This act shall be known as “The Craft Cocktail Support Act.” The Commerce and Consumer Affairs Committee unanimously agreed that this bill would not only support all local small craft liquor businesses, but would also promote New Hampshire tourism to our local liquor producers and farmers markets as well. Vote 18-0.

SB 272, establishing a committee to study the oversight and operation of the public deposit investment pool. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. The Public Deposit Investment Pool (PDIP) was established in the early 90’s during difficult economic times. It’s a fund that gives municipalities and other public entities an alternative to invest their funds collectively and is overseen by the Banking Department and an

advisory committee which consists of the Banking Commissioner, State Treasurer, and municipal and bank representatives. New Hampshire is the only state in the country where the banking supervisor is in charge of overseeing such a pool. This bill as amended, would create a committee to look at: moving the PDIP from under the Banking Department's oversight to the treasury; how other states handle their pool; and the PDIP's advisory board's responsibilities board representation of entities utilizing the pool and rate of return. Vote 18-0.

Amendment (1490h)

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study:

- (a) Moving the public deposit pool from under the banking department's oversight to the treasury;
- (b) How other states handle their pool; and
- (c) The public deposit investment pool's advisory board's responsibilities, board representation of entities utilizing the pool, and rate of return.

II. The committee may solicit input from other entities of its choosing.

SB 285, relative to discount medical plan organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joyce Weston for Commerce and Consumer Affairs. This bill, which was introduced at the request of the New Hampshire Insurance Department, modifies the registration requirements for discount medical plan organizations, of which there are currently 26 registered in the state. It requires an applicant to provide certain information by which the commissioner can determine whether the applicant is financially responsible, competent, trustworthy, of adequate expertise and experience, and of good personal and business reputation. The bill also clarifies grounds for suspension or revocation of registration. Vote 18-0.

Amendment (1376h)

Amend RSA 415-I:5, III(c)(3) as inserted by section 1 of the bill by replacing it with the following:

- (3) Is competent, trustworthy, financially responsible, or of good personal and business reputation.

SB 286-FN, establishing an association health plan pilot program. **INEXPEDIENT TO LEGISLATE.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill would require the insurance commissioner to establish a pilot program for association health plans. While the concept of bringing more choice and more competition to the market place is attractive, associated health plans (AHP) may not be financially viable. The New Hampshire Insurance Department agreed with this assessment, stating that with overhead costs, AHP's may not see the cost savings that they anticipate. There are also concerns that the 1,000 covered lives in a pilot program would not be a viable risk pool. Vote 17-1.

SB 287, relative to balance billing for certain health care services. **REFER FOR INTERIM STUDY.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would modify insurance coverage to reflect the changes in federal law and clarifies coverage related to emergency services. However, this bill was amended in the Senate deleting the Insurance Commissioner as an arbitrator in the event of a dispute and inserting another provision. Regardless, there are outstanding questions with the federal law which are being challenged in court. The patient is already protected, and this bill would be between the provider and the insurance carrier. Once the other issues are resolved, this bill could come back, but needs further study. Vote 18-0.

SB 324-FN, relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill provides for the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenants in manufactured housing parks. The Commerce and Consumer Affairs Committee has seen this legislation almost every biennium. The Senate amendment has resolving of disputes by appealing the owner's decision to the owners themselves. Vote 18-0.

SB 340-FN, relative to the direct to consumer shipment of alcohol to New Hampshire residents. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. The bill as introduced raises the limits that a New Hampshire beer manufacturer may deliver to a New Hampshire citizen directly using the direct to consumer statute that was passed last year. The committee was working on a more comprehensive solution, but ran out of time. Vote 19-0.

SB 354, relative to insurance adjuster licensing, insurance producer licensing fees, and the sale of credit life and credit accident and health insurance policies by banks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Terry for Commerce and Consumer Affairs. This bill is a request of the Insurance Department. It brings clarification to what is meant by "good cause" with respect to insurance claim adjuster license denial, suspension, revocation and fine decisions. Additionally, it provides that certain business renewal fees are not refundable. And finally, it clarifies in statute that banks are not required to have insurance licenses to sell credit life and credit accident and health insurance. The bill's amendment corrects a single incidental typographical error in one word (i.e., from "or" to "of"). Vote 18-0.

Amendment (1346h)

Amend the introductory paragraph of RSA 402-B:12 as amended by section 1 of the bill by replacing it with the following:

402-B:12 [~~Suspension,~~] ***License Denial, Nonrenewal, or Revocation*** [~~or Fine~~]. The commissioner may for good cause shown, after notice and hearing, ***deny***, suspend, or revoke the insurance claims adjuster's license of any holder or subject him ***or her*** to an administrative fine not to exceed \$2,500 ***per violation or any combination of actions***. Such hearing may be held by the commissioner or any person designated by him ***or her***. Any person aggrieved by said action of the commissioner or refused a license or renewal of the same by him may appeal in accordance with the provisions of RSA 541. ***Good cause includes, but is not limited to, the following:***

SB 373, relative to coverage for certain mental illnesses. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is an update to the mental health coverage requirements in state law, in order to align New Hampshire statutes with the requirements under federal law. The bill is about mental health parity and our expectations for insurance companies to perform a comparative analysis of benefits to demonstrate compliance with state and federal laws. The changes should result in improved consumer protections and lower administrative costs for insurance companies. Vote 18-0.

SB 385-FN, relative to financial exploitation of vulnerable adults. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was introduced at the request of the banking industry to offer more tools to help combat financial exploitation. It will allow banks and credit unions to place a hold on disbursement of funds from an account for 15 days, if they suspect financial exploitation of a vulnerable adult. A bank or credit union would have to provide written notice within two days of the hold to the Department of Health and Human Services (DHHS) with a copy of the notice sent to the Banking Department. Financial planners already have this ability to stop a transaction that may not be in their customers' best interests and this bill allows bankers, who may have even more contact with their customers, to alert a third party that had previously been designated by their customer if they think something is out of the ordinary, as long as the designated individual is not suspected of wrongdoing. Vote 18-0.

SB 292, requiring notice of arrest to a probation and parole officer. **REFER FOR INTERIM STUDY.**

Rep. Terry Roy for Criminal Justice and Public Safety. The unanimous decision of the Criminal Justice and Public Safety committee, after hearing testimony from various witnesses, was that this bill should be referred for Interim Study. The impetus for the bill was to ensure that parole and probation officers receive timely notification of the arrest of parolees and probationers prior to their release. The committee vice chairman held a video conference call with the stake holders from parole, probation, and the State Police technology department. During the call it was discovered that an automatic notification system was within the ability of the current system and only requires several logistical changes. When fully implemented, the system will send automatic and real time notification to whichever parole or probation office entered the parole or probation status into the system. This means that the officers will have notification the instant the criminal record of their person is run, and by whom. The officer can then call the department that initiated the record retrieval to determine the reason for the check, be it arrest or as part of a criminal investigation. This new procedure will actually provide parole and probation officers with more timely and useful information than would have been given by the bill and with no legislation needed and no additional cost to taxpayers. Furthermore, and most importantly, there is no need to hold arrested persons any longer than is currently provided by law. Both parole and probation were extremely pleased with the solution and agreed that there was no need for legislation, the bill should be referred for Interim Study. Vote 18-0.

SB 393-FN, relative to the use of restraints on pregnant women in the custody of a state or county correctional facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Meuse for Criminal Justice and Public Safety. The practice of shackling pregnant people while incarcerated or while under arrest poses serious safety risks for the mother and the baby. This bill codifies best practices currently in place at the New Hampshire Department of Corrections that place strict guidelines on the use of restraints on residents during pregnancy. However, these policies could be changed by a future commissioner. Moreover, policies on use of restraints on pregnant people in county correctional facilities are inconsistent. This bill establishes a consistent set of policies across the state and clearly details situations where restraints are allowed or not allowed and the type of restraints that can be used. It has the full support of the Department of Corrections, the ACLU, and the New Hampshire Women's Foundation. Vote 20-0.

Amendment (1654h)

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

1 New Section; Use of Restraints on Pregnant Women in County Correctional Custody. Amend RSA 623-C by inserting after section 1 the following new section:

623-C:1-a Use of Restraints on Pregnant Women in County Correctional Custody.

I. The use of restraints on pregnant women under county correctional custody shall be limited to absolute necessity only. The use of restraints shall be considered absolutely necessary only when there is evidence of imminent risk of escape or harm to the pregnant woman, her fetus or newborn, or others, and these risks cannot be managed by other reasonable means, including but not limited to, enhanced security measures in the area, or increased staffing.

II. Pregnant residents classified to a halfway house or transitional housing unit shall not be restrained. All other pregnant residents may be restrained only if absolutely necessary, and if deemed absolutely necessary, may be restrained as follows:

(a) In the first, second, and third trimester, front handcuffs only. If wrist restraints must be applied, they shall have a chain between the wrists and shall be applied in such a way that the pregnant woman may be able to protect herself and her fetus in the event of a forward fall (in front of her body). No belly chains, leg restraints, or ankle restraints shall be used under any circumstances. No additional restraints shall be used during transportation unless approved by the county correctional facility's chief medical officer after an individualized determination is made that there is an extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the resident or detainee, the staff of the county correctional facility, other residents or detainees, or the public; except that if the doctor, nurse or other health professional treating the resident or detainee requests that restraints not be used, the corrections officer accompanying the resident or detainee shall immediately remove all restraints unless the correctional officer can identify there is an extraordinary risk to the public and receives authorization from the superintendent of the county correctional facility or designee. This authorization shall be documented in an incident report which shall, at a minimum, contain the following:

(1) The rationale for use or conditions that led to the conclusion that restraints were necessary and specify whether and what kind of alternatives were tried/considered.

(2) The name of each person who reviewed these conditions and concluded that restraints were warranted.

(3) The type of restraints used and in what manner.

(4) How frequently the use of restraints was reevaluated and by whom and result of such reassessments.

(5) Change in conditions that led to the conclusion that restraints were no longer necessary.

(6) When restraints were removed.

(7) Length of time or total duration of restraint use.

(b) The life of the infant and or mother shall not be put at risk. Any additional restraint shall be the least restrictive possible.

III. Advance planning among members of the pregnant female's health care team, including on site, hospital-based, and corrections professionals shall be conducted before hospital admittance to prepare for any foreseen circumstances which may involve the use of restraint. During transportation for labor or delivery, after delivery, or while in postpartum recovery, a resident shall not be restrained, unless approved by the county correctional facility's chief medical officer after an individualized determination is made that there is some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the resident or detainee. If the doctor, nurse, or other health professional treating the resident or detainee requests that restraints not be used, the corrections officer accompanying the resident or detainee shall immediately remove all restraints. Restraints, if previously authorized prior to the medical staff requiring them removed, may be reapplied once the medical professional determines the immediate threat to the mother or child has passed. Any additional restraint shall be the least restrictive possible and approval of such restraint shall be documented in writing with the reason for the restraint as required in subparagraph II(a). An incarcerated pregnant person in labor, delivery, and postpartum recovery shall be given the maximum level of privacy possible. If possible, any corrections officer present in the room should be of the same gender and shall stand in a place that grants as much privacy as possible. "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth. If restraints are used while the inmate is in labor or in the hospital during recovery after delivery, the superintendent of the county correctional facility shall make written findings as to the reasons why mechanical restraints were necessary to prevent escape or to ensure the safety of the inmate, medical, and correctional personnel, or the public.

2 New Section; Use of Restraints on Pregnant Women in State Correctional Custody. Amend RSA 623-C by inserting after section 2 the following new section:

623-C:2-a Use of Restraints on Pregnant Women in State Correctional Custody.

I. The use of restraints on pregnant women under state correctional custody shall be limited to absolute necessity only. The use of restraints shall be considered absolutely necessary only when there is evidence of imminent risk of escape or harm to the pregnant woman, her fetus or newborn, or others, and these risks cannot be managed by other reasonable means, including but not limited to, enhanced security measures in the area, or increased staffing.

II. Pregnant residents classified to a halfway house or transitional housing unit shall not be restrained. All other pregnant residents may be restrained only if absolutely necessary, and if deemed absolutely necessary, may be restrained as follows:

(a) In the first, second, and third trimester, front handcuffs only. If wrist restraints must be applied, they shall have a chain between the wrists and shall be applied in such a way that the pregnant woman may be able to protect herself and her fetus in the event of a forward fall (in front of her body). No belly chains, leg restraints, or ankle restraints shall be used under any circumstances. No additional restraints shall be used during transportation unless approved by the director of medical and forensic services after an individualized determination is made that there is an extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the resident or detainee, the staff of the state correctional facility, other residents or detainees, or the public; except that if the doctor, nurse or other health professional treating the resident or detainee requests that restraints not be used, the corrections officer accompanying the resident or detainee shall immediately remove all restraints unless the corrections officer can identify there is an extraordinary risk to the public and receives authorization from the warden of the correctional facility or designee. This authorization shall be documented in an incident report which shall, at a minimum, contain the following:

(1) The rationale for use or conditions that led to the conclusion that restraints were necessary and specify whether and what kind of alternatives were tried/considered.

(2) The name of each person who reviewed these conditions and concluded that restraints were warranted.

(3) The type of restraints used and in what manner.

(4) How frequently the use of restraints was reevaluated and by whom and result of such reassessments.

(5) Change in conditions that led to the conclusion that restraints were no longer necessary.

(6) When restraints were removed.

(7) Length of time or total duration of restraint use.

(b) The life of the infant and or mother shall not be put at risk. Any additional restraint shall be the least restrictive possible.

III. Advance planning among members of the pregnant female's health care team, including on site, hospital-based, and corrections professionals shall be conducted before hospital admittance to prepare for any foreseen circumstances which may involve the use of restraint. During transportation for labor or delivery, after delivery, or while in postpartum recovery, a resident shall not be restrained, unless approved by the director of medical and forensic services after an individualized determination is made that there is some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the resident or detainee. If the doctor, nurse, or other health professional treating the resident or detainee requests that restraints not be used, the corrections officer accompanying the resident or detainee shall immediately remove all restraints. Restraints, if previously authorized prior to the medical staff requiring them removed, may be reapplied once the medical professional determines the immediate threat to the mother or child has passed. Any additional restraint shall be the least restrictive possible and approval of such restraint shall be documented in writing with the reason for the restraint as required in subparagraph II(a). An incarcerated pregnant person in labor, delivery, and postpartum recovery shall be given the maximum level of privacy possible. If possible, any corrections officer present in the room should be of the same gender and shall stand in a place that grants as much privacy as possible. "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth. If restraints are used while the inmate is in labor or in the hospital during recovery after delivery, the warden of the state correctional facility shall make written findings as to the reasons why mechanical restraints were necessary to prevent escape or to ensure the safety of the inmate, medical, and correctional personnel, or the public.

SB 233-FN, relative to water bottle filling stations in schools. **OUGHT TO PASS WITH AMENDMENT.** Rep. Rick Ladd for Education. This bill, as amended, requires newly constructed public schools and public schools undergoing substantial renovations to incorporate water bottle filling stations. A key benefit of filtered water bottle filling stations for schools is their ability to provide safe drinking water that removes contaminants such as chlorine and lead. Traditional water fountains are perfect places for germs and other contaminants to spread, especially among younger children. Safe, clean and accessible water gives students greater incentive to hydrate more often and enables students to refill water bottles during the day or while attending after-school cocurricular activities. In addition, childhood obesity currently affects approximately 17% of U.S. kids. Water stations will further encourage students to drink water, rather than sugary beverages, will support student health, and result in fewer sick days. Vote 19-0.

Amendment (1638h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 90 days after its passage.

SB 236, establishing a committee to study New Hampshire teacher shortages and recruitment incentives. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah Hobson for Education. This bill establishes a committee to study and address New Hampshire teacher shortages and recruitment incentives. There is a definite shortage of highly trained teachers who possess skills in content areas such as math and the sciences as well as various special education skill areas due to the recent pandemic, retirement, highly competitive jobs in business and industry, and more. As amended, this bill also provides that teachers of grades 7-12 shall be considered secondary school teachers for purposes of teacher loan forgiveness. Prior to this legislation, junior high school teachers, grades 7 and 8, who teach the same course competencies as offered in grade 9, and who possess the same teacher certification as a secondary teacher, have not been considered secondary teachers and therefore not eligible for teacher loan forgiveness. This bill corrects the inequity. Vote 19-0.

Amendment (0734h)

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

AN ACT establishing a committee to study New Hampshire teacher shortages and recruitment incentives, and relative to defining secondary school grades for teacher loan forgiveness programs.

Amend the bill by replacing all after section 5 with the following:

6 Definition of Schools; Secondary School Grades; Teacher Loan Forgiveness Programs. Amend RSA 189:25 to read as follows:

189:25 Elementary School. An elementary school is any school approved by the state board of education in which the subjects taught are those prescribed by the state board for the grades kindergarten through 8 of the public schools. However, a separate organization consisting of grades 7 through 9, or any grouping of these grades, may be recognized as a junior high school and so approved by the board. Also a separate organization consisting of grades 4 through 8 or any grouping of these grades may be recognized as a middle school and so approved by the state board. Any elementary school may include a kindergarten program which, if it is provided, shall precede the other elementary grades. ***Provided, however, that for the purpose of eligibility for state or federal teacher loan forgiveness programs, teachers of grades 7 through 12 shall be considered teachers of secondary school.***

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

AMENDED ANALYSIS

This bill establishes a committee to study New Hampshire teacher shortages and recruitment incentives. This bill also provides that teachers of grades 7-12 shall be considered secondary school teachers for purposes of teacher loan forgiveness programs.

SB 238, relative to special education services in chartered public schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, requires that a sending public school and the receiving chartered public school enter into a memorandum of understanding (MOU), to ensure compliance with state and federal law for providing special education services. The Department of Education shall develop and provide chartered public schools and school districts with a model MOU document to use as a guide. Prior to the start of each school year, the MOU shall be reviewed and updated to ensure and address responsibilities in accordance with law and individualized education plans. Vote 19-0.

Amendment (1765h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Special Education Services; Chartered Public Schools. Amend RSA 194-B:5 by inserting after paragraph VII the following new paragraph:

VIII.(a) A chartered public school and a school district of residence for one or more students of the chartered public school shall enter into a memorandum of understanding (MOU) to ensure compliance with state and federal law for providing special education services.

(b) The department of education shall develop and provide chartered public schools and school districts with a model MOU document to use as a guide.

(c) Prior to the start of each school year, the chartered public school and the school district shall review and update the MOU to ensure compliance with state and federal law and responsibilities to provide services in accordance with individualized education plans.

AMENDED ANALYSIS

This bill requires a chartered public school to enter into a memorandum of understanding (MOU) with a school district of residence for a student attending the chartered public school concerning special education services.

SB 350, relative to rulemaking by the state board of education on educational personnel applicant checks and licensing standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, requires the Department of Education to adopt rules for conducting a check of educational personnel applicants by using the National Association of State Directors of Teacher Education and Certification (NASDTEC) database. This is a nationwide secure system for conducting criminal background checks and accessing findings of abuse for individuals on the central registry. This bill also amends the authority to adopt rules relative to licensing standards for certain educational personnel. This bill is supported and requested by the New Hampshire Department of Education. Vote 19-0.

Amendment (1636h)

Amend RSA 21-N:9, II(s)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The establishment and implementation of a secure system for accessing findings of abuse for individuals on the central registry pursuant to RSA 169-C:35, *and other states' central registries upon approval of a memorandum of understanding by the governor and council*, and

AMENDED ANALYSIS

This bill requires the department of education to adopt rules for conducting a check of educational personnel applicants using the National Association of State Directors of Teacher Education and Certification (NASDTEC) database and for the secure system for accessing findings of abuse for individuals on the central registry. This bill also amends the authority to adopt rules relative to licensing standards for certain education personnel.

SB 352, relative to substitute teacher criminal history records check. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. This bill clarifies the process for criminal history record checks for substitute teachers. It specifies that substitute teachers who have had a record check to work in one school, do not need to have another record check to teach in another school within the same school administrative unit (SAU). The record check for the first school will be sufficient for a three-year period. Vote 18-0.

SB 353, relative to the education professional standards board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill adds instructional specialists to persons who are members of the Professional Standards Board to advise the State Board of Education regarding professional growth, certification, and governance of the education profession in the state. The bill makes further technical changes such as the board shall maintain records and minutes of its meetings and shall file them in the Bureau of Credentialing for 25 years. Lastly, the amendment identifies members on the board representing higher education shall include teaching faculty and higher education administration. All members must reside in New Hampshire. Vote 19-0.

Amendment (1755h)

Amend RSA 186:60, I(b) and (c) as inserted by section 1 of the bill by replacing them with the following:

(b) 9 members~~[representing]~~ *including at least 2 classroom teachers who reside in New Hampshire* ~~[or]~~, *at least 2 education specialists who reside in New Hampshire*, ~~[or both]~~ *and at least 2 instructional specialists who reside in New Hampshire*;

(c) 9 members ~~[representing higher education and education administration]~~ *employed by a New Hampshire community college, state university, community college system of New Hampshire, or university system of New Hampshire, including at least 3 full-time teaching faculty and 3 higher education administrators*; and

AMENDED ANALYSIS

This bill clarifies the criteria for persons who may be appointed to the professional standards board, allows for 3 consecutive terms of appointees, and requires reports to be maintained for 25 years.

SB 386, relative to the determination of state adequate education grants and chartered public school tuition amounts. **OUGHT TO PASS.**

Rep. Alicia Lekas for Education. This bill makes technical changes to the determination of tuition amounts paid to chartered public schools and to the determination of adequate education grants to municipalities. This bill was submitted in response to the performance audit of the Department of Education. It makes a number of small technical changes identified by the audit such as replacing average daily membership in attendance (ADMA) with average daily membership in residence (ADMR) where needed. Vote 19-0.

SB 410, relative to public comment periods at school district meetings and meetings of the state board of education. **OUGHT TO PASS.**

Rep. Michael Moffett for Education. This bill codifies the expectation that school boards shall clearly establish public comment periods at every public session for citizens to speak about relevant school district matters. This bill also requires public comment periods at meetings of the State Board of Education. Vote 18-0.

SB 421, relative to dual and concurrent enrollment for career and technical education center students. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, clarifies the time of payment and that the state shall pay the current rate of dual enrollment tuition, which is established at $\frac{1}{2}$ the regular cost of the course, to the Community College System of New Hampshire (CCSNH) institution where a high school, career and technical school, or non-residential non-public high school student enrolls in a dual enrollment course. The CCSNH shall accept the amount of \$150 as full payment for course tuition. Vote 19-0.

Amendment (1758h)

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

1 Community College System; Career and Technical Education; Dual and Concurrent Enrollment Program; Payment. Amend RSA 188-E:27, III to read as follows:

III.(a) The state shall pay the current rate of concurrent enrollment tuition, which is established at \$150 per course, to the CCSNH institution where a high school ~~[or]~~, career and technical education, **or non-residential nonpublic high school** student ~~[successfully completes]~~ **enrolls in** the concurrent enrollment course.

(b) The state shall pay the current rate of dual enrollment tuition, which is established at $\frac{1}{2}$ the regular cost of the course, to the CCSNH institution where a high school ~~[or]~~, career and technical education, **or non-residential nonpublic high school** student ~~[successfully completes]~~ **enrolls in** a dual enrollment course and CCSNH shall accept such amount as full payment for course tuition.

2 Dual and Concurrent Enrollment Program; Participation. Amend RSA 188-E:28, I to read as follows:

I. The school board of each school district, **and the governing body of each institution in the case of non-residential, nonpublic schools which opt to participate**, shall develop and adopt a policy permitting students residing in the district **or in attendance at the nonpublic school** who are in grade 10, 11 or 12 to participate in the dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with measurable educational standards and criteria approved by CCSNH and that meet the same standard of quality and rigor as courses offered on campus by CCSNH. The policy shall also comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to, student eligibility criteria, standards for course content, standards for faculty approval, program coordination and communication requirements, tuition and fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and process for renewal of the agreement.

SB 364, relative to the use of electronic poll books. **OUGHT TO PASS.**

Rep. Katherine Prudhomme-O'Brien for Election Law. The bill proposes to change the required time to update information for the mark up of a backup checklist when using electronic poll books. Currently, communities are authorized to use electronic poll books for voter registration and check in for elections. That information is to be backed up every five minutes to allow the duplication of a paper check list. The committee agreed that an increase in time from five minutes to 30 minutes was reasonable and continued to provide adequate back up to maintain accurate lists while at the polling place on election day. Vote 20-0.

SB 368-FN, relative to the unlicensed sale of live animals and establishing the agricultural hearings officer revolving fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. This bill, as amended, will establish a revolving fund for an Agricultural Hearing Officer to assist the Agriculture Commissioner in all aspects of the adjudicative process within the department. The department is capped at accessing the fine moneys deposited into the fund, not to exceed \$75,000 annually. Additionally, the bill applies the official certificate of transfer requirement equally to all transfers by fixing a loophole identified by the department in RSA 437:10 relating to the penalty for transferring an animal without a certificate of transfer, this is required in RSA 438:8 VI of current statute and provides for an administrative action not just a criminal penalty. Vote 16-0.

Amendment (1780h)

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

AN ACT establishing the agricultural hearings officer revolving fund and relative to penalties for unlawfully transferring dogs, cats, and ferrets.

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

1 New Section; Revolving Fund for Agricultural Hearings Officers. Amend RSA 425 by inserting after section 11 the following new section:

425:11-a Revolving Fund for Agricultural Hearings Officers.

I. There is established within the department of agriculture, markets, and food a revolving fund for agricultural hearings officers. All fines collected by the department, except as provided in RSA 427:14, shall be deposited into the fund. The fund shall be nonlapsing and continually appropriated to the department to fund the department's adjudicative procedures, including, but not limited to, the costs associated with contracting with one or more hearing officers who shall be responsible for administering all aspects of the department's adjudicative procedure.

as directed by the commissioner. The amount withdrawn from the fund shall not exceed \$75,000 in total each year. The department of agriculture, markets, and food shall every quarter forward any unpaid fines assessed in an adjudicative proceeding to the attorney general for collection in accordance with RSA 7:15-a.

II. At the end of each quarter of the fiscal year any balance in the fund in excess of \$10,000 shall be deposited in the general fund.

2 New Subparagraph; Revolving Fund for Agricultural Hearings Officers. Amend RSA 6:12: II(b) by inserting after subparagraph (383) the following new subparagraph:

(384) Moneys deposited in the revolving fund for agricultural hearings officers under RSA 425:11-a.

3 Transfer of Birds and Animals; Penalty. Amend RSA 437:10, I to read as follows:

I. Any ***person who transfers ownership of a live dog, cat, or ferret without an official certificate of transfer*** or any pet vendor who transfers live animals or birds customarily used as household pets in this state without having a license to do so as required by this chapter shall be guilty of a misdemeanor ***and may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.***

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

AMENDED ANALYSIS

This bill establishes the revolving fund for agricultural hearing officers.

This bill also requires a dog, cat, or ferret to be transferred with a health certificate, and establishes an administrative fine for violations.

SB 53, relative to confidentiality of department of revenue administration records. **OUGHT TO PASS.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill provides that certain records relative to the assessing standards board and the certification of assessors shall be exempt from Department of Revenue Administration (DRA) confidentiality requirements. This bill addresses a long-time unintended and unwanted aspect of the governance of assessors in New Hampshire, namely the inaccessibility of their records by the public. This result is because they have been overseen and regulated by the Department of Revenue Administration, which has very strict confidentiality requirements. This bill is a companion to HB 1552, which will transfer regulation and oversight of the certification and decertification of assessors away from DRA, thereby creating much greater transparency for the public. Vote 17-0.

SB 221, relative to the internal organization of the department of corrections. **OUGHT TO PASS.**

Rep. Jennifer Rhodes for Executive Departments and Administration. This bill makes changes to the Department of Corrections (DOC) at the request of DOC. The committee has unanimously voted to enable the reorganization of positions in the department with the aim of effectively supporting their operation. Vote 17-0.

SB 224, recognizing the second Thursday in October as children's environmental health day. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Alliegro for Executive Departments and Administration. This bill would establish the second Thursday in October as children's environmental health day. Barring exceptional circumstances, the committee's position is that such memorial days do not belong in law, but are more appropriately handled as a direct request for recognition made to the Executive Branch or municipal authorities. There are also, in some cases, additional reasons for not recommending passage of bills designating memorial days. In this circumstance as in most others, the committee voted unanimously to recommend inexpedient to legislate. Vote 19-0.

SB 225, relative to the bond required of applicants for auctioneer licenses. **OUGHT TO PASS.**

Rep. Glenn Bailey for Executive Departments and Administration. This bill removes the requirement that licensed auctioneers post a \$25,000 bond. Since the bond has never been needed to settle a dispute, the committee agreed with its deletion. Vote 19-0.

SB 226-FN, establishing a recruitment and retention program for state employment. **OUGHT TO PASS.**

Rep. Sallie Fellows for Executive Departments and Administration. We heard that the overall vacancy rate for state jobs is 20%. For corrections officers it is 34%, and for mental health workers it is 50%. This bill gives the Division of Personnel the authority to use incentives such as hiring bonuses and employee referral fees to recruit new hires. Without this program it is likely the vacancy rate will increase. The Fiscal Committee must approve both the plan and specific expenditures. This program sunsets on June 31, 2023. Vote 19-0.

SB 277-FN, relative to emergency or temporary health care licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Executive Departments and Administration. This bill extends the expiration date for the emergency licensing and establishes precedent for future emergency licensing. We believe it was important to issue emergency licenses during the COVID emergency and may be important in a future emergency. However it is imprudent to waive all continuing education requirements when issuing licenses. Conceivably, a physician so licensed could still be practicing for 8 years without any continuing education – the final year of a prior cycle, two years prior to license expiration, three years since expiration, and two years before CME is again required. This would put the public at risk. The amendment requires evidence of continuing education to be presented, but allows the board discretion. Vote 19-0.

Amendment (1773h)

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

1 Office of Professional Licensure and Certification; Emergency Licenses Converted. RSA 310-A:1-i is repealed and reenacted to read as follows:

310-A:1-i Emergency Licenses Process. Notwithstanding any other law to the contrary, the office of professional licensure and certification may issue emergency licenses to the following applicants:

I. Any medical provider previously licensed in New Hampshire in the last 3 years whose license is no longer active, subject to the following:

(a) The medical provider's license was in good standing prior to being placed in inactive or lapsed status.

(b) A medical provider shall be required to present evidence that they are current with continuing education pursuant to the applicable statute as a condition of licensure.

II. Any medical provider previously licensed to practice in another jurisdiction within the last 3 years whose license is no longer active, subject to the following:

(a) The medical provider's license was in good standing in another United States jurisdiction prior to being placed in inactive or lapsed status; and

(b) The medical provider presents evidence to the office of professional licensure and certification that the medical provider was licensed and in good standing immediately prior to the change in licensure status.

(c) A medical provider shall be required to present evidence that they are current with continuing education pursuant to the applicable statute as a condition of licensure.

III. Any fellow enrolled in a New Hampshire program accredited by the Accreditation Council for Graduate Medical Education to practice within the fellow's core specialty, subject to the following:

(a) The fellow is American Board of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board-eligible or certified in the core specialty.

(b) The fellow is appointed to the medical staff at a sponsoring institution and will engage in practice consistent with the policies and procedures of the sponsoring institution and its participating sites.

(c) The time spent in core specialty service is limited to 20 percent of the fellow's annual education time in any academic year.

(d) A fellow seeking to practice under this paragraph shall provide the office of professional licensure and certification with appropriate evidence that the required qualifications have been met.

IV. Senior nursing students, who are scheduled to graduate within 5 months from the date of application, from a board of nursing approved registered nursing or practical nursing program, subject to the following:

(a) The individual is employed by, or providing health care services at the direction of, a licensed health care facility or a licensed health care provider.

(b) The individual is directly supervised while providing health care services.

(c) The health care services are being provided in response to the COVID-19 pandemic.

V. Any provider seeking an emergency license under this section shall submit his or her request on a form adopted by the office of professional licensure and certification for such purpose.

VI. In this section, an applicant in good standing shall include medical providers who are subject to non-disciplinary conditions, but shall not include medical providers whose licenses have been revoked, canceled, surrendered, suspended, denied, or subject to disciplinary restrictions.

VII. A license issued pursuant to this section on or before January 31, 2022 shall be converted to a permanent, single state license as of the effective date of this section. For the purpose of license renewal, the date of original license issuance shall be used.

VIII. Emergency licenses issued during the COVID-19 pandemic pursuant to the governor's executive order 2020-04 on or before January 31, 2022 shall not be deemed to have lapsed upon expiration of the state of emergency and shall be converted to a permanent license under this section on the effective date of this section.

IX. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

X. The office of professional licensure and certification may issue guidance relative to the emergency licensing process established in this section, which may include guidance concerning the appropriate supervision of nursing students. Any guidance shall be posted on the board's website.

2 Emergency or Temporary Health Care Licenses. Amend 2021, 121:8 to read as follows:

121:8 Emergency or Temporary Healthcare [Licensees] **Licenses**. Healthcare workers issued emergency or temporary licenses during the COVID-19 pandemic **on or before January 31, 2022**, including but not limited to those recruited for youth camps, organized recreation, and community-sponsored recreation, and who meet the requirements for such licensure, shall be allowed to continue in their professional capacity for so long as the emergency or temporary license remains valid. The office of professional licensure and certification shall continue to offer and issue emergency or temporary licenses for healthcare workers; provided that any emergency or temporary licenses issued during the COVID-19 pandemic or in response to conditions occurring immediately thereafter shall expire no later than ~~January 31, 2022~~ **June 30, 2023**.

3 Repeal. RSA 310-A:1-i, relative to the emergency license process, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 2023.

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

AMENDED ANALYSIS

This bill extends the expiration date for the emergency licensing process and the emergency or temporary licensing of health care workers enacted in SB155-FN (2021), converts the temporary or emergency licenses issued to permanent licenses, and extends the repeal dates of those provisions.

SB 282, relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Executive Departments and Administration. As amended, this bill is the companion bill to HB1192, recently passed by the Senate. That bill makes necessary changes to occupational licensing requirements for acupuncture as requested by their board. All parties were in agreement with the language passed in the Senate, and the ED&A Committee concurred. This bill incorporates a number of additional changes, all requested by the board. These include changing “oriental medicine” to “Asian medicine,” providing that if the national organization that sets their standards were to change their name, further legislation would not be necessary; and providing greater flexibility to the board recognizing continuing education in granting licenses. Vote 19-0.

Amendment (1596h)

Amend the bill by replacing sections 4 and 5 with the following:

4 License Issuance; Certification. RSA 328-G:9, II is repealed and reenacted to read as follows:

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

(a) Has reached the age of majority.

(b) Has current, active NCCAOM certification, or prior NCCAOM certification with documentation of continuing education pursuant to paragraph X of this section, or equivalent certification approved by the board through examination or Credentials Documentation Review.

(c) Has paid the required license application fee and filed the board approved licensure application.

(d) Is of good professional character.

(e)(1) Has earned a baccalaureate, registered nurse, or physician’s assistant degree from an accredited institution, and has a current, valid license to practice acupuncture from another state whose requirements are substantially equal to or exceed the requirements of RSA 328-G:9, II; or

(2) Has successfully completed a post-secondary acupuncture college program which is approved by the Accreditation Commission for Acupuncture and Herbal Medicine (“ACAAM”), including its successors or predecessors, or the board; or

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

5 License Renewal; Continuing Education. RSA 328-G:9, X is repealed and reenacted to read as follows:

X. As a condition of renewal of license, the board shall require each licensee to show proof of having completed for each biennial period continuing education units at approved institutions or as approved by the board in accordance with rules adopted by the board. Maintaining continuous NCCAOM certification shall fulfill the continuing education requirement.

Amend the bill by replacing all after section 6 with the following:

7 Acupuncture; Findings and Purpose; Definitions. Amend RSA 328-G:1 and RSA 328-G:2 to read as follows:
328-G:1 Findings and Purpose.

I. The general court finds that a significant number of New Hampshire residents choose acupuncture and [oriental] **Asian** medicine to be part of their health care needs and declares that acupuncture and [oriental] **Asian** medicine form a distinct health care profession that affects the public health, safety, and welfare and provides freedom of choice in health care.

II. The purpose of this chapter is:

(a) To provide standards for the licensing and regulation of acupuncturists in order to protect the public health, safety, and welfare.

(b) To ensure that acupuncture and [oriental] **Asian** medical therapies practiced by qualified persons are available to the people of New Hampshire.

(c) To provide a means of identifying qualified acupuncturists.

328-G:2 Definitions.

In this chapter:

I. "Acupuncture" means primarily the insertion of needles through the skin at certain points on the body, with or without the application of electric current and/or heat, for the purpose of promoting health and balance as defined by the principles of [oriental] **Asian** medicine.

II. "Acupuncturist" means a person licensed to practice acupuncture as defined in this chapter, and whose license is in good standing.

III. "Board" means the board of acupuncture licensing established under RSA 328-G:3.

IV. "Cupping" means a therapeutic method of [oriental] **Asian** medicine that utilizes a partial vacuum created in a glass dome or cup that is then applied to a particular area of the body.

V. "Moxibustion" means the thermal stimulation of acupuncture points or specific body areas by utilizing the burning of the dried form of the herb, *Artemisia Vulgaris*; the heat may be applied on or above specific points or areas or on the acupuncture needle itself.

VI. [~~ACAOM~~] "**ACAHM**" means the Accreditation Commission for Acupuncture and [Oriental] **Herbal** Medicine, *including its predecessors and successors*.

VII. "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine, *including its predecessors and successors*.

VIII. "[Oriental] **Asian** medicine" means the distinct system of health care that diagnoses and treats illness, injury, pain, or other conditions by controlling and regulating the flow and balance of energy to restore and maintain health.

IX. "Acupuncture detoxification," also known as acu-detox, means the treatment by means of the insertion of acupuncture needles in a combination of points on the ear.

X. "Acupuncture detoxification specialist," known as an ADS, means an individual certified by the board to practice acupuncture detoxification in this state.

XI. "NADA" means the National Acupuncture Detoxification Association, *including its predecessors and successors*.

XII. "NADA training" means the standardized auricular acupuncture protocol developed by NADA that is in effect on July 1, 2017.

8 Acupuncture; Scope of Practice. Amend RSA 328-G:10, I to read as follows:

I. Under this chapter the scope of practice of acupuncture shall include the allied techniques and modalities of [oriental] **Asian** medicine, both traditional and modern. The scope of practice shall include: diagnostic procedures; electrical and magnetic stimulation; moxibustion and other forms of heat therapy; cupping and scraping techniques; dietary, nutritional, and herbal therapies; lifestyle counseling; acupressure; and massage.

9 Contingency. If HB 1192 of the 2022 regular legislative session becomes law, then this act shall take effect at 12:01 a.m. on the effective date of HB 1192. If HB 1192 does not become law, then sections 1-8 of this act shall take effect 60 days after passage of this act.

10 Effective Date.

I. Sections 1-8 of this act shall take effect as provided in section 9 of this act.

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

SB 357-FN, relative to mental health training for first responders. **OUGHT TO PASS WITH AMENDMENT.** Rep. Stephen Pearson for Executive Departments and Administration. This bill reestablishes the PTSD Commission for another 2 years. The bill requires that Mental Health Training be included in both the Police and Fire Academies for new recruits. The bill also requires annual refresher training that will be an online only component. The online refresher training is already under development by both academies. This annual refresher training will not require any existing personnel to travel to their respective academies. Vote 19-0.

Amendment (1625h)

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

2 New Section; Mental Health Training for Law Enforcement Officers. Amend RSA 106-L by inserting after section 7 the following new section:

106-L:7-a Mental Health Training for Law Enforcement Officers.

I. No person shall assume their role as a law enforcement officer or dispatcher unless such person has satisfactorily completed mental health training focusing on post-traumatic stress from a program developed and delivered by the New Hampshire police standards and training council. Subsequent to initial training, all law enforcement officers and dispatchers shall successfully complete annual online training. No current officer shall be required to attend in person training at the academy.

II. Mental health training focusing on post-traumatic stress disorder shall be made available annually to any law enforcement officers after their retirement.

3 New Section; Mental Health Training for Fire Services and Emergency Medical Services Personnel. Amend RSA 21-P by inserting after section 12-f the following new section:

21-P:12-g Mental Health Training for First Responders.

I. No person shall assume their role as fire service personnel, fire service dispatcher or emergency medical services personnel unless such person has satisfactorily completed mental health training focusing on post-traumatic stress from a program developed and delivered by the division of fire standards and training and emergency medical services. Subsequent to initial training, all fire service, fire service dispatcher, or emergency medical services personnel shall successfully complete annual online training. No current personnel shall be required to attend in person training at the academy.

II. Mental health training focusing on post-traumatic stress disorder shall be made available annually to all fire service or emergency medical services personnel after their retirement.

4 New Section; Mental Health Training for Corrections Officers. Amend RSA 21-H by inserting after section 15 the following new section:

21-H:16 Mental Health Training for Corrections Officers. No person shall assume their role as a corrections officer unless such person has satisfactorily completed mental health training focusing on post-traumatic stress from a program developed and delivered by the New Hampshire police standards and training council. Subsequent to initial training, all corrections officers shall successfully complete annual online training. No current corrections officer shall be required to attend in person training at the academy.

5 Repeal. RSA 281-A:17-e, relative to the commission to study incidence of PTSD in first responders, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect November 1, 2023.

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

SB 383-FN, relative to land surveying services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. As amended, this bill expands the opportunity for nonresident licensing for land surveyors, and requires the board to present its investigations into unlicensed practice to the Attorney General for prosecution. Vote 19-0.

Amendment (1684h)

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

1 Violations and Penalties. Amend RSA 310-A:72 to read as follows:

310-A:72 Violations and Penalties.

I. Any person who shall practice or offer to practice land surveying in this state for others without being licensed in accordance with this subdivision, or any person presenting or attempting to use as one's own the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or non-existent or revoked license or authorization, or any person who shall violate any of the provisions of this subdivision shall be guilty of a class [B] A misdemeanor if a natural person, or guilty of a felony if a business organization.

II. The board may investigate any actual, alleged, or suspected unlicensed activity and report the findings of such investigations to the attorney general for prosecution.

2 Nonresident Licensure. RSA 310-A:69, I is repealed and reenacted to read as follows:

I. The board may, upon application and payment of the required fee, issue a license as a licensed land surveyor to any person of any state, territory, or possession of the United States or of any country provided that:

(a) The applicant is registered or licensed in another state, territory, possession or country whose requirements are equal to, or greater than, the requirements of this state, and is in good standing with the registering or licensing body; and

(b) The applicant has met the requirements for licensure as set forth in RSA 310-A:63, I-II.

3 Repeal. RSA 310-A:63, III, relative to licensure of nonresident land surveyors, is repealed.

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

AMENDED ANALYSIS

This bill provides for land surveying nonresident licensure and changes the penalties for unlicensed land surveyor practice.

SB 363-FN, relative to service credit for certain group II retirement eligibility. **OUGHT TO PASS.**

Rep. Gerald Griffin for Finance. This bill allows certain Group II retirement system members to purchase non-qualified service time as creditable service in order to reduce certain transition provision requirements for retirement. The pension reform bill passed in 2011 increased the service requirement for those not yet vested by five years. This bill is aimed at that group and allows them to buy credible service time in order to reduce the age at which they could retire. The bill passed the policy committee and the full House by large majorities. The Finance Committee found that the bill would have little or no cost to the state, as those exercising this option would bear the full actuarial cost of this benefit. Vote 21-0.

SB 402-FN, relative to financial assistance for municipalities affected by disasters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph Pitre for Finance. This bill as amended establishes a protocol when the President of the United States declares an area a federal disaster area and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the municipality may apply to the Division of Homeland Security and Emergency Management (HSEM) for state aid in an amount not to exceed 50 percent of the non-federal share of projects eligible for costs relating to public assistance disaster grants and hazard mitigation grants. For approved applications, the division, with the approval of the Fiscal Committee of the General Court, the Governor, and the Executive Council, shall disburse aid to the municipality. The Governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Vote 19-1.

Amendment (1578h)

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

1 New Section; Homeland Security and Emergency Management; Disaster Relief Assistance for Municipalities. Amend RSA 21-P by inserting after section 37-c the following new section:

21-P:37-d Disaster Relief Assistance for Municipalities.

I. When the President of the United States declares an area a federal disaster area and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the municipality may apply to the division of homeland security and emergency management for state aid in an amount not to exceed 50 percent of the non-federal share of projects eligible for costs relating to public assistance disaster grants and hazard mitigation grants. For approved applications, the division, with the approval of the fiscal committee of the general court, the governor, and the executive council, shall disburse aid to the municipality. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. This section shall apply to federal disasters declared on or after July 1, 2021.

III. The director of homeland security and emergency management shall administer aid under this section and may adopt administrative rules under RSA 541-A.

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

AMENDED ANALYSIS

This bill allows the director of the division of homeland security and emergency management, with the approval of the fiscal committee, the governor, and the executive council, to disburse financial assistance to municipalities affected by federally-declared disasters in certain circumstances.

SB 409, relative to disaster relief loans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leonard Turcotte for Finance. This bill amends RSA 21-P:37-c, to authorize the Governor with approval of the executive council in the event of a state emergency declared by the President of the United States or the Governor to approve a non-interest loan to a municipality in the amount up to the anticipated assistance from FEMA, as agreed upon by the division of homeland security and emergency management and the municipality. To be eligible for an exceptional disaster loan, the per incident of the critical relief disaster project(s) shall equal or exceed 25 percent of the amount raised by local property taxes in the municipality's current annual budget. Recipients of the disaster loan shall be responsible to repay the entire loan to the state. If the amount of FEMA assistance is less than the disaster relief loan, the State Treasurer, with advice and consent from Governor and Council, shall negotiate repayment terms of the difference. The municipality in receipt of such loan shall consider applying for available hazard mitigation grant funding administered by the division of homeland security that would reduce the impact of future disasters on facilities that were repaired with disaster relief loan fund. In addition, to be eligible for future loans the municipality must demonstrate progress on their hazard mitigation plan in the affected area. The municipality shall not knowingly request an exceptional disaster relief loan for costs that are not eligible for reimbursement under FEMA public assistance program. Vote 20-0.

Amendment (1546h)

Amend the bill by replacing section 1 with the following:

1 Homeland Security and Emergency Management; Exceptional Disaster Relief Loans; Modification of Circumstances. Amend RSA 21-P:37-c, II to read as follows:

II.(a) When the President of the United States declares an area a federal disaster area, **or the governor declares a state of emergency as defined in RSA 21-P:35, VIII**, and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the governor, with the approval of the executive council may approve a **non-interest** loan in the amount up to the anticipated assistance from FEMA, **as agreed upon by the division of homeland security and emergency management and the municipality**, from funds not otherwise appropriated.

(b) In order to be eligible for an exceptional disaster relief loan, the per [occurrence] **incident** cost of a municipality's critical disaster relief project or projects shall equal or exceed 25 percent of the amount raised by local property taxes in the municipality's [last] **current** annual budget.

(c) The municipality shall not knowingly request an exceptional disaster relief loan for costs that are not eligible for reimbursement under the FEMA public assistance program.

(d) Recipients of an exceptional disaster relief loan shall be responsible to repay the entire loan amount to the state. If the amount of FEMA assistance that a municipality receives is less than the exceptional disaster relief loan, the state treasurer, with the advice and consent of the governor and council, shall negotiate repayment terms of the difference.

(e) The municipality shall consider applying for available hazard mitigation grant funding administered by the division of homeland security and emergency management that would reduce the impact of future disasters on facilities that were repaired with exceptional disaster relief loan funds. Municipalities must demonstrate progress on the implementation of their hazard mitigation plan in order to be eligible for future assistance loans under this section for disasters affecting facilities where an exceptional disaster relief loan was previously granted.

SB 443-FN, relative to municipal authority regarding the state building code. **OUGHT TO PASS.**

Rep. Gerald Griffin for Finance. This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code and requires submission of local amendments prior to enforcement. The bill also requires the state fire marshal to review local amendments to the state fire code prior to enforcement and to publish local amendments to the state fire code. The Finance Committee heard testimony that this bill makes much needed changes to several sections of RSA-155 by requiring local changes, to the state adopted building and fire codes, would have to be enacted as local ordinances and could not go into effect until they were approved by the respective state board or the state fire marshal. The goal of the bill is to end up with a centralized place where all local changes to the codes can be found. The effective date of the bill is January 1, 2023, and while the bill has no immediate financial impact it is anticipated that the FY 24 budget would ask for an additional full-time person in the fire marshal's office. Vote 21-0.

SB 281, relative to nursing home policies regarding notice of vacancy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. This bill, as amended, would prohibit a nursing home or assisted living facility from enforcing a 30-day notice of vacancy policy in the event of a resident's death. This prevents families (or the estate) from incurring charges for any longer than 10 days beyond the resident's death. It also provides that, in such cases, the month in which the resident passes shall be the last month for which payment is due, provided that the deceased resident's family vacates property from the unit in a timely manner. Vote 20-0.

Amendment (1335h)

Amend the bill by replacing section 1 with the following:

1 New Section; Nursing Home Policies Regarding Notice of Vacancy. Amend RSA 151 by inserting after section 25-a the following new section:

151:25-b Nursing Home Policies Regarding Notice of Vacancy. A public or private nursing home or assisted living facility, for which residents are paying out of pocket, shall not enforce a 30-day notice of vacancy policy in the event of the resident's death. The nursing home or assisted living facility shall be entitled to rent and fees for not more than 10 days from the date of the resident's death. If there is personal property to remove that impedes the reuse of the room, the 10-day period shall not begin until after the family, estate, or responsible party has removed the deceased person's personal property. If the room is occupied by a new resident before the expiration of the 10-day period, rent and fees for the 10-day period shall be prorated from the date of such occupancy and returned to the family, estate, or other responsible party.

AMENDED ANALYSIS

This bill prohibits a private nursing home or assisted living facility from enforcing a 30-day notice of vacancy policy in the event of a resident's death.

SB 283, relative to membership of the council on autism spectrum disorders and the developmental services quality council. **OUGHT TO PASS.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. This bipartisan, bicameral bill simply revises the membership of the two councils to better reflect the breadth of stakeholders and make it more likely that each group will attain a quorum at its meetings. Vote 20-0.

SB 288, establishing a committee to study the listing of immunizations for children. **OUGHT TO PASS.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. This bill will create a committee to study concerns about the list of required immunizations for children in New Hampshire. The bipartisan committee will make recommendations to address public concerns and ensure that public health is adequately protected. Vote 20-0.

SB 290-FN, relative to the practice of auriculotherapy. **REFER FOR INTERIM STUDY.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. In the past several decades, several layers of medical professionals have been added. For example, between a physician and a registered nurse, there are now Physician Assistants (PAs) and Nurse Practitioners (APRNs). Adding new layers allows helpful procedures to be done by people appropriately trained, licensed, and, in some cases, regularly supervised, but not to the level that would demand unnecessary training that would be costly and time consuming. The committee was, therefore, quite open to the concept of auriculotherapy, the practice of inserting needles into the external human ear. The committee was concerned, however, that the bill as presented to us was in need of much more work. We learned that auriculotherapy is actually a subset of acupuncture, which is regulated in New Hampshire. Additionally, acupuncturists who are not also physicians, and physical therapists who provide dry needling both have extensive training and are required to be licensed. The bill would require auriculotherapists to have had appropriate training in clean needle technique but did not define “appropriate,” nor did it specify who would sign off that such training indeed occurred. Finally, the bill would allow someone to practice auriculotherapy as long as it “does not purport to treat any disease, disorder, infirmity, or affliction.” The committee wondered, “Then why do it?” Rather than kill the bill outright, the committee’s suggestion is that the subject be studied further so that there could perhaps be a place for those practicing auriculotherapy only. Vote 20-0.

SB 335, relative to collaborative pharmacy practice agreements. **OUGHT TO PASS.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The bill amends RSA 318:1, XXVII so a patient is not required to sign a multiple page legal agreement governing the collaboration between a prescribing provider and a pharmacist. When a prescribing provider refers a patient to a pharmacist, the decision to accept or reject the referral remains with the patient. Vote 20-0.

SB 337-FN, relative to emergency medical and trauma services data sharing to the purposes of analysis. **OUGHT TO PASS.**

Rep. Dennis Acton for Health, Human Services and Elderly Affairs. This bill establishes a data collection and analysis capability that provides for the evaluation of emergency medical and trauma services in order to identify areas of improvement that may be needed. Specifically, this data will be used to identify gaps and shortfalls in the delivery of emergency medical and trauma services. All analysis shall be public documents, provided that recipients of the emergency services remain confidential. Any patient data collected for use in analysis is required to be de-identified and is subject to existing state and federal data privacy laws. Any release of data for analysis shall be returned to the Department of Safety or destroyed and no copies shall be kept. Currently, the existing laws limit the ability to share data for analysis which inhibits the ability to change and improve patient care protocols and to propagate best practices. This bill will solve this problem while maintaining strict privacy rules to protect patient confidentiality. Vote 21-0.

SB 390, relative to telemedicine and telehealth. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. The necessity of telemedicine during the pandemic demonstrated that this way of caring for patients had particular value for those needing a practitioner who could not be found locally, for those who, because of transportation problems needed a different way of interacting with the doctor even if he or she were local, and for those who were in temporary quarantine, but still needed immediate care. Many providers wondered if the benefits of telemedicine, proven during the pandemic, might continue as we move out of the pandemic. This new mode of helping is not for everyone nor is it appropriate in some circumstances. This bill was carefully crafted so as not to rush forward too quickly nor to remove existing safeguards regarding personal privacy and medical ethics. Concerns raised in the Senate’s hearing of the bill were addressed in a Senate amendment. Some technical issues still remaining were addressed in a House committee amendment. Vote 20-0.

Amendment (1589h)

Amend the bill by replacing sections 2-4 with the following:

2 New Paragraph; Telemedicine. Amend RSA 310-A:1-g by inserting after paragraph VI the following new paragraph:

VII. Nothing in this section shall limit a provider’s ability to diagnose, assess, or treat an individual patient.

3 Pharmacists and Pharmacies; Definition of Practitioner-Patient Relationship. Amend RSA 318:1, XV-a to read as follows:

XV-a. “Practitioner-patient relationship” means a medical connection between a licensed practitioner and a patient that includes an in-person ~~[or face-to-face 2-way real-time interactive communication]~~ exam **or an exam using telemedicine, as defined in RSA 310-A:1-g, I-b, provided the health care practitioner: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the health care practitioner’s name, contact information, and the type of health occupation license held by the health care practitioner; (iii) obtains oral or written consent**

from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A health care practitioner shall complete or review a history, a diagnosis, a treatment plan appropriate for the practitioner's scope of practice, and documentation of all prescription drugs including name and dosage. A practitioner may prescribe for a patient whom the practitioner does not have a practitioner-patient relationship under the following circumstances: for a patient of another practitioner for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a relationship.

4 Physicians and Surgeons; Physician-Patient Relationship. Amend RSA 329:1-c to read as follows:

329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection between a licensed physician and a patient that includes an in-person ~~[or face-to-face 2-way real-time interactive communication]~~ exam *or an exam using telemedicine, as defined in RSA 310-A:1-g, I-b, provided the physician: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the physician's name, contact information, and the type of health occupation license held by the physician; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A physician shall complete or review* a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a physician-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment or when providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

SB 408-FN, directing the department of health and human services to make adjustments to the facility fee reimbursement schedule for freestanding birthing centers. **OUGHT TO PASS.**

Rep. Beth Folsom for Health, Human Services and Elderly Affairs. Freestanding Birthing Centers in New Hampshire are part of an integrated network of coordinated maternity care and supportive practitioners. Their alternative services offer a cost savings while maintaining a high level of care. This increase in the facility fee, while not completely covering the actual expense, does help sustain the service they provide. Vote 21-0.

SB 419-FN, establishing a commission to study the delivery of public health services in New Hampshire through regional public health networks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frances Nutter-Upham for Health, Human Services and Elderly Affairs. This bill would establish a commission to study the delivery of public health services in New Hampshire throughout the 13 regional public health networks. The purpose of this commission is to create a plan for implementation of sustainable programs, practice and policies that are evidence-based to improve outcomes across New Hampshire. It is increasingly difficult to find legislators to fill positions on committees and commissions that many bills call for. However, participants from both the Senate and the House have already volunteered for the positions this bill would establish. The only change made by the amendment was to move the date of the commission's report from November 1 of 2022 to November 1 of 2023. The prime sponsor agreed with the committee that this change would give the commission a chance to do a thorough, not rushed, job on its report. Vote 20-0.

Amendment (1649h)

Amend RSA 127:12, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2023.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

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

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

SB 454, establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet. **OUGHT TO PASS.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. This bill establishes a committee to study the information collected as part of the live birth worksheet as required by the division of vital records administration under RSA 5-C:19 and 5-C:20. The committee will study how the data is currently used, issues of privacy and security, how information should be de-identified and aggregated, the rights of the mother to decline to share the data, and any other issues the committee deems relevant. The committee will make its report on or before October 15, 2022 so policies may be kept in place, added or changed. Vote 21-0.

SB 243, permitting transfer on death deeds for real property. **REFER FOR INTERIM STUDY.**

Rep. Mark McLean for Judiciary. This bill provides a mechanism for the non-probate transfer of real estate through the use of a transfer on death deed. The benefit of such a deed is that it would save those seeking to transfer property from the expense of drafting a will or creating a trust. Twenty-eight states and the District of Columbia have already implemented legislation enabling this type of deed. While many stakeholders see the value in these deeds, testimony revealed that the proposed New Hampshire legislation had several gaps relative to notification, acceptance, and disclaiming. Protections against fraud and undue influence were also found to be lacking. For these reasons, the committee unanimously recommended holding the bill for Interim Study. Vote 21-0.

SB 296, relative to complaint procedures in cases before the commission for human rights. **REFER FOR INTERIM STUDY.**

Rep. Mark McLean for Judiciary. This bill would eliminate a respondent's right to remove a case from the state Commission for Human Rights to the superior court, and reserve that right exclusively to the complainant. The US Supreme Court has held that it is the right of the complainant to choose the forum where their complaint is to be heard. The committee heard testimony that in the last year, all the cases that were removed to the superior court were done at the direction of the respondent and none by the complainants. While this is an obvious area of concern, testimony also revealed that the severe case backlog at the commission could hit a breaking point if none of the cases are removed. Vote 20-1.

SB 297, relative to obtaining out-of-state discovery and testimony. **OUGHT TO PASS.**

Rep. Edward Gordon for Judiciary. Currently, litigants in this state may be required to petition the court to appoint a commissioner when a deposition is sought to be taken in another state or jurisdiction. This legislation would provide an alternative to that process if the other state or jurisdiction has adopted a uniform act which provides for interstate discovery and depositions. This will make discovery easier and less costly while still affording statutory protections. Vote 21-0.

SB 301-FN-L, relative to the procedure for violations under the right to know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Judiciary. The Judiciary Committee recommends that this bill, as amended, be passed. This bill, unamended, dealt with procedures when there is a violation of the Right to Know Law. The committee found the underlying bill unnecessary. The amendment completely replaces the bill with the text of HB 481 which the House recently passed. HB 481 establishes the right-to-know Office of the Ombudsman in the New Hampshire Secretary of State's Office. The majority of the committee agrees that the best way to proceed in handling violations of RSA 91-A is going through an ombudsman. Vote 20-1.

Amendment (1526h)

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

AN ACT establishing the office of the right to know ombudsman and making an appropriation therefor.

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

1 Statement of Intent. The purpose of this act is to provide the public with a simpler, less expensive, and faster alternative process to resolve complaints under RSA 91-A.

2 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation.

I. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court ~~[or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. Subject to objection by either party, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits. When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means; and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter].~~

II. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint with the ombudsman under RSA 91-A:7-a and in accordance with RSA 91-A:7-b.

III. A person's decision to petition the superior court forecloses the ability to file a complaint with the ombudsman pursuant to RSA 91-A:7-b.

IV. A person's decision to file a complaint with the ombudsman forecloses the ability to petition the superior court until the ombudsman issues a final ruling or the deadline for such a ruling has passed.

3 New Sections; Office of the Ombudsman; Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new sections:

91-A:7-a Office Established. There is hereby established the office of the right-to-know ombudsman to be administratively attached to the department of state under RSA 21-G:10. The ombudsman shall be appointed by the governor and council and shall have the following minimum qualifications:

I. Be a member of the New Hampshire bar.

II. Have a minimum of 5 years full-time practice of law in any jurisdiction.

III. Be experienced with and knowledgeable of the provisions of this chapter and all New Hampshire laws regarding right-to-know.

IV. Annually, complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of this chapter.

91-A:7-b Complaint Process.

I. Any party aggrieved by a violation of this chapter shall have the option to either petition the superior court or file a signed, written complaint, along with a \$25 fee, with the office of the ombudsman, established under RSA 91-A:7-a. The ombudsman shall have the discretion to waive the \$25 fee upon a finding of inability to pay. Any signed, written complaint filed with the ombudsman shall attach, if applicable, the request served on the public agency or official and the written response of the public agency or official. The complaint shall be deemed sufficient if it states facts constituting a violation of this chapter.

II. Once a complaint has been filed and provided by the ombudsman to the public body or public agency, the public body or public agency shall have 20 calendar days to submit an acknowledgment of the complaint and an answer to the complaint, which shall include applicable law and, if applicable, a justification for any refusal to or delay in producing the requested information, access to meetings, or otherwise comply with the provisions of this chapter. This 20-day deadline may be reasonably extended by the ombudsman for good cause.

III. In reviewing complaints, the ombudsman shall be authorized to:

(a) Compel timely delivery of records within a period not less than 14 days or more than 30 days unless an expedited hearing is warranted, regardless of medium and format, and conduct a confidential in-camera review of records where the ombudsman concludes that it is necessary and appropriate under the law.

(b) Compel interviews with the parties.

(c) Order attendance at hearings within a reasonable time if the ombudsman determines that a hearing is necessary. Such hearings shall be open subject to the provisions of RSA 91-A.

(d) Issue findings in writing to all parties.

(e) Order a public body or public agency to disclose requested records within a reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter, subject to appeal.

(f) Make any finding and order any other remedy to the same extent as provided by the court under RSA 91-A:8.

IV. The ombudsman may draw negative inferences from a party's failure to participate and comply with orders during the review process.

V. The ombudsman shall determine whether there have been any violations of this chapter and issue a ruling within 30 calendar days following the deadline for receipt of the parties' submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner where necessary.

VI. The ombudsman shall, where necessary and appropriate under the law, access governmental records in camera that a public body or public agency believes are exempt in order to make a ruling concerning whether the public body or public agency shall release the records or portions thereof to the public. The ombudsman shall maintain the confidentiality of records provided to the ombudsman by a public body or public agency under this section and shall return the records to the public body or public agency when the ombudsman's review is complete. All records submitted to the ombudsman for review shall be exempt from the public disclosure provisions of RSA 91-A during such review.

VII. Nothing in this section shall affect the ability of a person to seek relief in superior court under RSA 91-A:7, I in lieu of this process.

91-A:7-c Appeal and Enforcement.

I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued. The ombudsman's

ruling shall be attached to the document initiating the appeal, admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an ombudsman's decision pending appeal to the superior court.

II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

IV. The ombudsman's final rulings which are not appealed may be registered in the superior court as judgments and enforceable through contempt of court. If such action is necessary to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant public body or public agency.

91-A:7-d Rulemaking. The ombudsman shall adopt rules pursuant to RSA 541-A relative to:

I. Establishing procedures to streamline the process of resolving complaints under this chapter.

II. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-A:7-c.

4 Appropriation; Applicability.

I. The amount necessary to pay for the position of ombudsman established in RSA 91-A:7-a as inserted by section 3 of this act is hereby appropriated to the department of state for the biennium ending June 30, 2023. This appropriation shall be nonlapsing and is in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The governor and council are authorized to search, nominate, and confirm the ombudsman to have the confirmed nominee available to assume the duties of the ombudsman position on July 1, 2022.

5 Right-to-Know; Violation; Effective July 1, 2025. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation.

[E.] Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court *or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. Subject to objection by either party, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits. When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.*

[H. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.

III. A person's decision to petition the superior court forecloses the ability to file a complaint with the ombudsman pursuant to RSA 91-A:7-c.

IV. A person's decision to file a complaint with the ombudsman forecloses the ability to petition the superior court until the ombudsman issues a final ruling or the deadline for such a ruling has passed.]

6 Prospective Repeal. RSA 91-A:7-a through 91-A:7-d, relative to the office of the ombudsman, complaint process, appeal and enforcement, and rulemaking, is repealed.

7 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. Sections 5 and 6 of this act shall take effect July 1, 2025.

III. The remainder of this act shall take effect July 1, 2022.

AMENDED ANALYSIS

This bill establishes procedures to streamline the resolution of complaints under RSA 91-A. This bill establishes the office of the right-to-know ombudsman. This bill also establishes an alternative process to resolve right-to-know complaints.

SB 375-FN, relative to requirements for charitable organizations. **OUGHT TO PASS.**

Rep. Joe Alexander for Judiciary. This bill will ensure that charities are protected from burdensome or onerous filing requirements that are not authorized in state or federal law. The Charity Protection Act is designed to create a predictable regulatory environment that is transparent and brings consistency to the filing process for New Hampshire charitable organizations. The information collected by the Attorney General in the registration and annual report process is critical to securing the public's trust in the charitable sector and helping the state root out bad actors. However, growing calls for charitable organizations to disclose an increasing

number of details about operations, governance, and grantmaking without legislative approval are becoming more frequent across the country. Charitable organizations are being required to file multiple, duplicative, and sensitive reports with local officials, often exceeding current federal and state requirements. The Charitable Trust Unit does a good job of protecting the integrity of nonprofits in New Hampshire, but safeguards should be put in place that will provide an appropriate balance between accountability and reliability for all charitable organizations. With the Charity Protection Act in law, nonprofits will be able to focus their attention on activities that carry out their missions without unnecessary and burdensome mandates. Vote 21-0.

SB 276, relative to the reporting requirements for the regenerative manufacturing workforce development program. **OUGHT TO PASS.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This bill addresses the Advanced Regenerative Manufacturing Institute (ARMI) and the State of New Hampshire's program to encourage its development. This is a program that has been in effect since 2018 to encourage development of the regenerative manufacturing industry in our state. The bill simply clarifies the reporting requirements under this program so the Ways and Means committees, in the House and in the Senate, receive the required reports in a timely fashion. This will allow the legislature to better monitor the program's progress as intended. Vote 21-0.

SB 249, prohibiting planning and zoning ordinances that prohibit short-term rentals. **REFER FOR INTERIM STUDY.**

Rep. Richard Tripp for Municipal and County Government. This bill attempts to establish standards to regulate short term rentals. Many of those who testified at the bill's hearing were against the bill for one reason or another but not against it in totality. Part of the bill's appeal is that it contains sections which implement owner registration and inspection procedures which would ensure these rentals are safe and, in those times, when safety or health issues arise give the municipality the means of contacting the owner to correct any issues. There are however many issues which need to be addressed before moving the bill forward. For this reason the committee recommends the bill be sent to Interim Study. Vote 17-2.

SB 251, relative to the advisory board of a tax increment financing district. **OUGHT TO PASS.**

Rep. Diane Pauer for Municipal and County Government. This bill modifies the membership of an advisory board for a tax increment financing district in an effort to ensure fair representation of both community and business interests. As such, the bill requires that in the case of business development districts, as well as residential development districts, the board membership shall primarily consist of owners or occupants of real property from within the community and at least one member shall be an owner or occupant of real property within the development district. Vote 19-0.

SB 273-A, relative to broadband infrastructure funding. **OUGHT TO PASS.**

Rep. John MacDonald for Municipal and County Government. New Hampshire is anticipating receiving over 120 million dollars to expand infrastructure broadband within the state. Broadband infrastructure expansion is extremely important to many residents of New Hampshire. This bill adds a narrow exemption to allow towns to hold a special town meeting for the purpose of adopting and/or acting on a broadband infrastructure bond. This bill will allow towns to start broadband infrastructure projects sooner rather than having to wait until the next town meeting. No changes have been made to the requirements concerning the approval of the bond. Vote 19-0.

SB 312, relative to adjusted assessments of taxable property. **OUGHT TO PASS.**

Rep. Richard Lascelles for Municipal and County Government. The committee agreed with the sponsors of the bill on the need for assessors and selectmen to correct errors in existing appraisals. Vote 19-0.

SB 317-L, reducing the interest rate for abatements of paid property taxes. **OUGHT TO PASS.**

Rep. Richard Tripp for Municipal and County Government. This bill changes the interest rate on the amount of taxes abated from a rate of six percent to four percent. Vote 19-0.

SB 334-L, establishing a committee to study property blight in New Hampshire cities and towns. **OUGHT TO PASS.**

Rep. Tom Dolan for Municipal and County Government. This bill would establish a committee to study property blight in New Hampshire cities and towns. The committee will study strategies and barriers and will study the feasibility of legislation pertaining to registering blighted property. Vote 18-0.

SB 257, enabling municipalities to incorporate sewage disposal systems as part of their stormwater utility. **REFER FOR INTERIM STUDY.**

Rep. Robert Harb for Resources, Recreation and Development. After hearing testimony, the committee believes this bill requires more study. As presently written, this bill could possibly affect the entire state and all private septic systems, which the Department of Environmental Services says are about half of all residential "sewage disposal systems." This bill, as presently proposed, could also lead to additional taxes on property owners whose septic systems are in compliance with all regulations, and possibly lead to mandated septic system inspections and mandated upgrades. The committee recognizes the needs to protect the environment and the needs of the Great Bay area. For these and other reasons, the committee believes further study is needed to arrive at a reasonable resolution of these needs, and recommends Interim Study. Vote 21-0.

SB 305, relative to the operation of personal water craft in marked channels from Hampton Falls to Hampton Harbor. **OUGHT TO PASS.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill rescinds the prohibition of personal watercraft (PWC) in the Hampton/Seabrook estuary. After the prohibition was put into law in 2019, it was learned that complete prohibition meant that those who put in their PWCs at the depot at Hampton Falls were unable to use this launch to access the channel which leads to the ocean. This bill will allow PWCs in this area when they are operating at headway speed within 300 feet of the salt marshes and flats of the Hampton/Seabrook estuary. Additionally, this bill also requires personal watercraft operating in the Rye estuary and New Castle back channel to travel at headway speed within 300 feet of any marshland or flats in that area. The committee believes that this bill will adequately protect the salt marshes and estuaries in these fragile areas, while still allowing personal watercraft enthusiasts access to docks, launch sites, and other less fragile areas. Vote 21-0.

SB 452-FN, relative to lead in drinking water in schools and licensed child care facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Harb for Resources, Recreation and Development. This bill covers the same subject matter as HB 1421. HB 1421, as amended by the Senate, provides the same provisions as this bill - plus the addition of authorizing installation of water bottle stations if needed to remediate a lead issue. The Department of Environmental Services gave testimony showing a side-by-side comparison between HB 1421 as passed by the House, this bill as passed by the Senate, and HB 1421 amended with provisions of this bill and passed by the Senate. After reviewing the testimony on the elements of both bills, the committee determined that this bill should be found Inexpedient to Legislate. Vote 20-1.

SB 256, establishing a committee to study the feasibility of replacing the site evaluation committee. **OUGHT TO PASS.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill is a request of the committee to study necessary revisions to the site evaluation committee. The new Department of Energy and the reorganization of the Public Utilities Commission creates a need to review such issues as adjudicatory and regulatory responsibilities. Vote 20-1.

SB 261-FN, relative to net metering participation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. This bill changes the payment interval for net metering credits from yearly to quarterly. The committee amended the bill to allow utilities to recover any costs associated with making this billing cycle change. Vote 19-2.

Amendment (1399h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3: 2 New Paragraph; Net Energy Metering; Alternative Net Metering Tariff. Amend RSA 362-A:9 by inserting after paragraph V the following new paragraph:

V-a. A customer-generator subject to the alternative net metering tariff adopted by the commission in order 26,029 issued on June 23, 2017, and subsequent orders issued thereafter in docket DE 16-576, may elect to receive a payment from the distribution utility either on an annual basis in an amount equal to the accrued monetary bill credit balance that exceeds \$100 as of the end of the March billing period, or on a quarterly basis in an amount equal to the amount of the accrued monetary bill credit balance that exceeds \$25 as of the end of the most recent billing period preceding such quarterly payment. The costs reasonably incurred by a utility pursuant to this paragraph shall be recoverable.

AMENDED ANALYSIS

This bill requires utilities to pay a customer-generator at least quarterly for the customer-generator's excess generation, if the customer-generator has elected the payment option. The bill also provides for payment to customer-generators under the alternative net metering tariff.

SB 262, relative to customer generators of electric energy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kat McGhee for Science, Technology and Energy. This bill refines the definition of customer generators who may participate in group hosting to include certain political subdivisions and hydro facilities to help reduce energy costs; it requires utilities to publish hosting capacity maps of distributed generation facilities and instructs the Department of Energy to investigate and report on ways "to reduce barriers to cost-effective, predictable, and timely interconnections of distributed energy resources to the state's electric distribution system." Vote 20-0.

Amendment (1631h)

Amend the bill by deleting sections 1-5 and renumbering the original sections 6-10 to read as 1-5, respectively. Amend the bill by replacing section 1 with the following:

1 Net Energy Metering; Group Host Requirements. Amend RSA 362-A:9, XIV(a) to read as follows:

XIV.(a) A customer-generator may elect to become a group host for the purpose of reducing or otherwise controlling the energy costs of a group of customers who are not customer-generators, ***except that a political subdivision, as defined in RSA 362-A:1-a, II-c, or the owner of a facility described in RSA 362-A:9, XX, that is a customer-generator, may participate as a group member.*** The group of customers shall be located within the service territory of the same electric distribution utility as the host. The host shall provide a list of the group members to the commission and the electric distribution utility and shall certify that all members of the group have executed an agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility and that the total historic annual load of the group members together with the host exceeds the projected annual output of the host's facility. The department shall verify that these group requirements have been met and shall register the group host. The department shall establish the process for registering hosts, including periodic re-registration, and the process by which changes in membership are allowed and administered. Net metering tariffs under this section shall not be made available to a customer-generator group host until such host is registered by the department.

AMENDED ANALYSIS

This bill allows net metering group host customers to include political subdivision and hydroelectric customer-generators, requires electric utilities to publish on their websites a hosting capacity map, and requires the department of energy to investigate and report on customer-generator interconnection procedures.

SB 264, relative to certain references to the department of energy and transferring authority over the low-income electricity assistance program to the department of energy. **REFER FOR INTERIM STUDY.** Rep. Nick White for Science, Technology and Energy. This bill seeks to codify existing Public Utilities Commission (PUC) practice into statute, but it does so in ways that leave open several important questions, including whether monies collected from ratepayers should be allowed to accumulate indefinitely in low-income assistance accounts. Disagreement between the PUC and the Department of Energy over control of this program led to the conclusion that the matter needs additional study. Vote 21-0.

SB 265, relative to the aggregation of electric customers by counties. **OUGHT TO PASS.** Rep. Jose Cambrils for Science, Technology and Energy. This bill simply clarifies that a community electricity aggregation unit, whether a municipality or county, no longer needs to mail customers a written notice of the adoption of certain electric aggregation programs but shall post a public notice of such programs. Vote 19-0.

SB 268-FN, relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine. **OUGHT TO PASS.**

Rep. Lex Berezhny for Science, Technology and Energy. This bill creates the necessary framework for the State of New Hampshire to claim an interest beyond the three miles out from our coast and up to 200 miles. The federal government currently has jurisdiction over waters past three miles and out to 200 miles. By asserting an interest in this area, we would have a say in any offshore wind projects that develop and be able to advocate for our fishermen and other industries that could be affected by such projects. Vote 21-0.

SB 270, establishing a low-moderate income community solar program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. JD Bernardy for Science, Technology and Energy. This bill, as amended, requires electric distribution utilities to generate a list of low to moderate income customers potentially eligible to receive the benefits from a community solar project. The Department of Energy is required to develop a process by which developers can be officially designated as community solar developers and then enroll low to moderate income households from the utilities' lists. Low to moderate income households stand to benefit from the cost savings associated with the community solar program. Vote 21-0.

Amendment (1444h)

Amend the bill by replacing section 1 with the following:

1 Net Energy Metering; Community Solar Program. RSA 362-A:9, XIV(d) and (e) are repealed and reenacted to read as follows:

(d) The electric distribution utilities shall establish a list of potential low-moderate income residential customers who qualify to benefit from the low-moderate income community solar addition. This list shall consist of residents who have enrolled in or are on the waitlist for the state Electric Assistance Program.

(e) Within 90 days of the effective date of this subparagraph, the department of energy shall develop a process by which community solar developers can apply for designation as a community solar project. Such projects designate their production for the benefit of households on the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can offer to low-moderate income homeowners. Annually, the number of projects designated as low-moderate income community solar shall not exceed a total nameplate capacity rating of 6 megawatts in the aggregate. If more than 6 megawatts of projects apply for designation, the department of energy shall select the projects that offer the largest on-bill credit.

(f) Each year, the department of energy, in consultation with the electric distribution utilities, shall select a means by which to enroll households as off-takers for these low-moderate income community solar projects. Customers shall be enrolled on an opt-out basis, notified by mail of their enrollment, and informed of the details of the project from which they are receiving credit. Once enrolled, such customers shall receive on-bill credits until such time as they no longer qualify for the Electric Assistance Program, or until they opt out from receiving credits.

(g) All reasonable and prudently-incurred costs incurred by the electric distribution utilities related to this program, including but not limited to, costs of implementation, billing, and administrative activities, shall not be borne by the utilities, but shall be recovered from customers.

(h) Utility owned projects that are designated as community solar projects shall not count against the limitation on the maximum allowed distributed energy resources as established by RSA 374-G:4.

(i) Nothing in this chapter shall preclude low-moderate income solar community projects from enrolling customers through any other method besides the process described in subparagraphs (d)-(f). A description of any alternative method used shall be filed with department of energy.

(j) The department is authorized to petition the commission to assess fines against, revoke the registration of, and prohibit from doing business in the state, any group host which violates the requirements of this paragraph and rules adopted for this paragraph pursuant to paragraph X. The commission is authorized to grant or deny such petitions.

SB 321, relative to the purchase of output of limited electrical energy producers in intrastate commerce and including qualifying storage systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Harrington for Science, Technology and Energy. This bill allows for pilot projects by utilities for limited electrical energy producers. It sets limits and requirements for these projects. As there were concerns raised at the bill's public hearing on possible conflicts with federal law governing transmission systems, the bill's amendment tasks the Public Utilities Commission (PUC) with determining definitively whether such conflicts exist before any pilot project receives PUC approval. It also sets limits on the size, number, and duration of those pilot projects. Vote 22-0.

Amendment (1641h)

Amend the bill by replacing section 3 with the following:

3 New Section; Limited Electrical Energy Producers Act; Authorization of Pilots. Amend RSA 362-A by inserting after section 2-a the following new section:

362-A:2-b. Authorization of Pilots.

I. In this section, the terms "capacity commitment period," "capacity supply obligation," "coincident peak demand," and "load-serving entity (LSE)" shall have the meanings as used by ISO New England, Inc. (ISO-NE).

II. The public utilities commission is authorized to approve one or more proposed pilots of the concepts expressed in this section through orders issued pursuant to adjudicated proceedings in which a pilot is proposed, without the need to adopt any administrative rules of general application for such pilots.

III. Before approving any pilots authorized in paragraph II, the commission shall open a docket to determine definitively whether any jurisdictional conflicts exist concerning the use of the distribution or transmission system, including a determination about whether the activities allowed by this chapter would require a utility to violate its transmission owners operators agreement or require a recalculation of any ISO-NE open access transmission tariffs, and whether such projects produce avoided transmission cost savings. Upon successful resolution of these questions, the commission may approve pilot projects.

IV. Pilot projects shall be subject to the following limits:

(a) Projects shall be limited to 2 megawatts in size.

(b) No more than one pilot shall be permitted for any utility.

(c) Pilot projects shall end no later than 10 years from their initiation.

(d) Each pilot project shall deliver a study three years after project initiation to report to the commission on the consumer benefits of the project.

V. The commission may waive any existing provisions of RSA 362-A:2-a, utility tariffs, or administrative rules in its authorization of any pilots approved pursuant to this section.

VI. If any pilot approved under this section terminates prior to December 31, 2040, any limited producer participating in such pilot may continue to be interconnected and take service as a customer-generator under RSA 362-A:9 pursuant to any net metering or group net metering tariff to which they would have otherwise been eligible at the start of the pilot absent participation in the pilot or any other available option under law or applicable tariffs in effect at the time of termination of the pilot.

VII. Each electric distribution utility may propose and participate in a pilot, in conjunction with a competitive electric power supplier or municipal or county aggregation, pursuant to RSA 53-E, operating as or in conjunction with a load-serving entity. The commission may approve provisions to cover incremental costs of the utility related to any such approved pilot.

VIII. If approved pursuant to this section, a limited producer of electrical energy may sell its produced electrical energy to one or more purchasers other than the franchise electric utility. Such purchasers may be any non-residential retail electricity customers located within the same New Hampshire electric distribution utility franchise area where the limited producer is located, or any electricity suppliers serving retail load within such area.

IX. Intrastate sales of electricity across the distribution grid under an approved pilot shall be facilitated and accounted for by load-serving entities that are either competitive electricity suppliers registered with the department under RSA 374-F:7, or municipal or county aggregations under RSA 53-E operating as or in conjunction with load-serving entities. Electric distribution utility provided default energy service shall not be required to facilitate, account for, or otherwise enable the participation of limited producers in sales of electricity or purchases of power from limited producers.

X. To participate in such intrastate sales of electricity over the distribution grid a limited producer must be equipped with a revenue grade interval meter that can accurately measure hourly imports from and exports to the distribution grid and report such meter data to the distribution utility for daily load settlement purposes. Exports to the distribution grid by a limited producer shall be accounted for as reductions or offsets to the load obligation of the load serving entity serving the limited producer for load settlement in the ISO New England wholesale electricity market.

XI.(a) The sponsors of a pilot, including the participating electric distribution utility, may petition the commission to determine, through an adjudicated proceeding, how credits for actual avoided transmission charges are to be made for exports to the distribution grid by limited producers during hours of coincident peak on which transmission costs are allocated to reduce the retail load measured at the point of interconnection between the distribution system under state jurisdiction and transmission facilities under federal jurisdiction. Said costs shall be allocated to the distribution utility as transmission network customer are reduced from what they otherwise would be absent the electricity exported to the distribution grid by the limited producer. Such credit shall be made pursuant to either subparagraph (b) or (c) as proposed and determined by the commission to be for the public good.

(b) Monthly transmission charges incurred by the distribution utility as the transmission network customer may be allocated to the load serving entity for payment by the LSE for all or part of the retail meters within its retail metering subdomain, under terms and conditions approved by the commission. Such allocation shall be made based on the share of the LSE's network load, or the share of its network load by participating meters, at the monthly hour of coincident peak demand on which the applicable monthly transmission charges are incurred in proportion to the utility's applicable total network load. In such an event, the customers within such LSE's metering subdomain shall no longer be subject to the distribution utility's transmission charges, after accounting for any prior period over or under collection of transmission costs, such that there is an equitable allocation of transmission costs accounting for applicable leads and lags in how such costs are incurred and paid for as determined by the commission.

(c) The limited producer or their load serving entity may receive credit or payment for actual avoided transmission charges based on measurement of exports to the distribution grid at the retail meter point without additional credit for avoided line and transformation losses in the distribution and transmission grids to provide some sharing of the benefit of reduced transmission charges with other ratepayers who do not participate in such intrastate electricity sales by limited producers. In such an event, the customers within such LSE's metering subdomain shall continue to pay the utility's regular transmission charges from which such credits or payments shall be made.

XII. Purchasers of power from limited producers participating in the pilot shall pay for the delivery of such power through tariffs, charges, and rates that are generally applicable to the customer's rate class, except for default energy service charges if not applicable and transmission charges as they may be adjusted pursuant to this section.

XIII. To the extent that limited producers participating in the pilot are exporting power to distribution grid at the annual hour of coincident peak demand on which capacity supply obligations are incurred for any given capacity commitment period and such exports reduce overall capacity supply obligations from what they would otherwise be absent such exports to the grid, such reduced capacity supply obligations shall be assigned to the LSE serving such limited producers as approved by the commission. To the extent such exports to the grid are purchased by the LSE as an intrastate wholesale transaction the LSE may in turn prorate its reduced capacity supply obligation attributable to such exports to reduce the capacity tags for all meters served by it within its applicable meter subdomain at the time of the annual coincident peak demand for the applicable capacity commitment period. To the extent such exports to the grid are sold by the Limited Producer at retail to individual customers such reduced capacity supply obligations attributable to such exports may be assigned to reduce the capacity tags assigned to the meters of such customers, as determined by the LSE serving such customers at the time of the applicable annual hour of coincident peak demand for the applicable capacity commitment period. However, in no case shall the capacity tag assigned to any one retail meter, including that of the limited producer, be reduced below zero.

SB 395, relative to the broadband matching grant initiative. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Lewicke for Science, Technology and Energy. This bill is enabling legislation to allow cellular service providers to work with municipalities to expand service to areas that are presently unserved or under served. As amended, the bill creates a Wireless Deployment Initiative and Grant Fund. It will create no cost to the state. If federal funding is available or becomes available, the bill would provide the ability for wireless carriers to access funding on behalf of municipalities. Vote 20-0.

Amendment (1639h)

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

AN ACT establishing the wireless development initiative and the wireless deployment grant fund.

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

1 Findings. The general court hereby finds that the COVID-19 pandemic has shown Internet access is not a luxury in a connected society and mobile connectivity for all New Hampshire residents is crucial for public safety, to enable remote work, telehealth services, education access, and for other purposes. The pandemic has also shown gaps in wireless coverage in many areas of New Hampshire and a critical need to eliminate those gaps. The need to eliminate those gaps in coverage is critical for individuals, our communities, and economic development in the state of New Hampshire. A grant program using a competitive award process is essential to a wireless infrastructure deployment initiative throughout New Hampshire. This fund would invest in capital assets designed directly to support work, education, safety, and health care-related services.

2 New Subdivision; Wireless Deployment Initiative and Grant Fund. Amend RSA 12-O by inserting after section 64 the following new subdivision:

Wireless Deployment Initiative and Grant Fund

12-O:65 Wireless Deployment Grant Initiative Established.

I. There is hereby established within the department of business and economic affairs a wireless deployment grant initiative, the purpose of which shall be to award grants to wireless providers in order to improve wireless connectivity within municipalities and across the state.

II. Eligible projects shall provide wireless infrastructure in areas unserved by or lacking consistent mobile wireless coverage.

III. Eligible projects shall be evaluated as part of a competitive process.

IV. Selected projects shall meet the needs of consumers with the lowest possible cost and highest possible functionality.

V. Projects under construction at the time of application shall be ineligible.

VI. Projects that have been awarded funding, but not yet built shall be ineligible. This includes projects for which a provider is already obligated to deploy wireless service pursuant to regulatory or other legally enforceable commitment.

VII. Funding shall be awarded for no more than one project in any proposed coverage area.

12-O:66 Program Guidelines; Rulemaking.

I. The department of business and economic affairs shall adopt rules under RSA 541-A, relative to grant application and distribution procedures for wireless initiatives pursuant to 12-O:65.

II. The rules shall, at a minimum, include the following:

(a) Establishment of a competitive grant process based on objective criteria, prioritizing areas unserved by or lacking consistent mobile wireless coverage.

(b) Establishment of a challenge process, with reasonable timelines, through which information may be provided to the state to ensure that funds are used to build projects in areas unserved by or lacking consistent mobile wireless coverage.

(c) A method to ensure an applicant's trade secrets, financial information, and proprietary information submitted as part of an application are exempt from disclosure under RSA 91-A.

(d) Establishment of a process that promotes wireless connectivity statewide.

(e) Establishment of a program or mechanisms to encourage adoption of wireless services.

III. Eligible costs for the program shall include, but are not limited to:

(a) Costs of construction and government permitting, installation, and operation of wireless network infrastructure, including but not limited to buildings, towers, digital devices, equipment, and fiber-optic lines.

(b) Upgrades to existing wireless network infrastructure.

(c) All other costs directly attributable to the construction project. In cases where a cost is shared with another ongoing project, shared costs shall be prorated.

(d) Planning costs related to network design and program eligibility.

(e) Awards pursuant to this subdivision shall be contingent on the issuance of necessary government permits.

IV. The department of business and economic affairs shall not, as a condition of an award of grant money, impose any requirement, rate regulation, or other term or condition of service that differs from the applicant's terms or conditions of service in its other service areas.

12-O:67 Wireless Deployment Grant Fund.

I. There is hereby established in the state treasury the wireless deployment grant fund. The fund shall be kept separate and distinct from all other funds and shall be nonlapsing and continually appropriated to the commissioner of the department of business and economic affairs for the purposes of this subdivision. In addition to state appropriations, the department may accept gifts, grants, and donations for deposit into the fund.

II. Federal funds received by the state for the purposes of expanding or improving Internet access or wireless connectivity may be credited to the wireless deployment grant fund.

12-O:68 Federal Law Supersedes. If any provision of this subdivision conflicts with any provision of funding guidance under federal law, the federal funding guidance shall supersede.

3 New Subparagraph; Application of Receipts; Wireless Deployment Grant Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (382) the following new subparagraph:

(383) Moneys credited to the wireless deployment grant fund established in RSA 12-O:67.

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

AMENDED ANALYSIS

This bill establishes a wireless deployment grant initiative and fund in the department of business and economic affairs.

SB 440-FN, relative to the office of offshore wind industry development. OUGHT TO PASS.

Rep. Douglas Thomas for Science, Technology and Energy. This bill directs the Office of Offshore Wind Industry Development to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same. Without this legislation, the state would not be able to engage with the federal government on offshore development. Vote 18-0.

SB 360, relative to national guard educational benefits. OUGHT TO PASS.

Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. This measure expands and clarifies the mechanism for transferring the National Guard community college tuition waiver benefit to an eligible spouse. Vote 13-0.

SB 308, relative to driver's licenses for certain visa holders. REFER FOR INTERIM STUDY.

Rep. Thomas Walsh for Transportation. This bill would allow H-2A visa workers to drive in New Hampshire using their out of country license or an international driving permit. These workers can currently obtain a New Hampshire driver's license under RSA 263:39-a which would expire when the visa does. The committee agrees that the current system can be improved and made attempts that resulted in more questions. The committee wishes to pursue this and recommends Refer for Interim Study. Vote 18-0.

SB 309, authorizing certain organizations to issue decal plates. OUGHT TO PASS WITH AMENDMENT.

Rep. Larry Gagne for Transportation. This bill authorizes the New Hampshire Towing Association to issue decals for multi-use decal plates. The amendment removed an organization whose spokesperson did not come to testify. In fact, no one testified as to their reasons for wanting the decal plates, the committee chose to remove this organization from this bill. They can proceed next year if they choose. Vote 18-0.

Amendment (1710h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Mutli-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 by inserting after paragraph XVII the following new paragraph:

XVIII. The New Hampshire Towing Association.

AMENDED ANALYSIS

This bill authorizes the New Hampshire Towing Association to issue decals for multi-use decal plates.

SB 310, relative to license plate scanning. INEXPEDIENT TO LEGISLATE.

Rep. Travis O'Hara for Transportation. This bill replaces, with an expanded definition in statute, license plate readers. The bill also suggests adding a new section where, aside from law enforcement when perhaps searching for a specific car involved in an Amber Alert. It appears that a business could employ the use of license plate readers to match license plates with an approved list of car owners and operating a gated entrance to a private property. While that may, in fact, be a legitimate use, the prime sponsor indicated only a single user and the committee felt laws made based on one user and one purpose, especially where alternatives already exist, would not be in the best interest of the citizens of New Hampshire. There was also a question of enforcement of the prohibition of taking and storing facial features of the driver and co-occupants by that privately owned reader. For these reasons, the committee recommends inexpedient to legislate. Vote 18-0.

SB 311, relative to access to drivers' license information for healthcare and motor vehicle related business purposes. INEXPEDIENT TO LEGISLATE.

Rep. Laura Telerski for Transportation. This bill would permit motor vehicle and health care related businesses to scan, record, retain, or store, in electronic format, personal information from driver's licenses and non-driver's identification cards. The committee believes that there are reasonable concerns that allowing such action would be in conflict with Article 2-b of the New Hampshire Constitution which protects our privacy and personal information from government intrusion. The language that the information could be used for "healthcare business purposes" and "motor vehicle related business" was found to be too vague and could potentially allow for a wide range of use including hospitals, clinics, retail pharmacies, auto dealerships, service garages, banks that offer car loans, and auto parts stores. The bill allows a person to refuse the scanning of their license at medical facilities without consequence, but that safeguard was not in the section for motor vehicle related use. Finally, the committee was not convinced that the passage of this bill would significantly improve the existing process for patient identification and had no testimony on why it is needed for motor vehicle related business, and therefore recommends it be found inexpedient to legislate. Vote 18-0.

SB 389-FN, defining mobile service garages and relative to state vehicle inspections. **OUGHT TO PASS.**

Rep. Ted Gorski for Transportation. This bill allows mobile service garages, which currently service and repair vehicles, to conduct state vehicle inspections. Mobile service garages contain an automotive lift rated for 9,000 pounds, have internet connectivity, an unobstructed work area of at least 15 feet wide and 20 feet long, and possess an insurance policy of at least \$1,000,000. These garages are contracted at large employer sites so that employee vehicles can be serviced. It is a great convenience to New Hampshire citizens and allowing them to conduct state vehicle inspections is a benefit that is worthwhile. Vote 18-0.

SB 406, relative to driver's license reciprocity. **OUGHT TO PASS.**

Rep. George Sykes for Transportation. This is a bill introduced in a bipartisan fashion at the request of the New Hampshire Department of Safety (DOS). The bill directs the DOS to develop and adopt such rules as to have procedures for determining whether driver's education standards from other jurisdictions meets the state's minimum requirements. Furthermore, the bill authorizes the Director of the Division of Motor Vehicles to impose suspensions, revocations, or other limitations on a New Hampshire driver convicted in another compact state of the offenses found in New Hampshire statute in Article IV of RSA 263:77. Vote 18-0.

SB 449, relative to the retention of social security numbers by the division of motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Transportation. Somewhat of a companion bill to SB 425 an election law bill that was just recently voted inexpedient to legislate in the House session. This bill removes the ability for a driver's license holder to require the Department of Motor Vehicles (DMV) to purge from their records the driver's license holder's entire social security number. The bill would require five social security digits to be retained. The principle objections indicated the total cost shown for this entire project at 11.5 million dollars and the fact that the new portal would incorporate voters personal consumer data into the program as a way of verifying a voter's eligibility. The Secretary of State is currently involved in the process of obtaining and developing specifications and technical requirements for a new voter registration system and, when asked, the Secretary of State indicated no additional benefit for the added social security numbers in the cross-check program. The committee is very cognizant that we recently amended our constitution to protect resident privacy with an 81% approval. Vote 18-0.

SB 313, relative to the authority of the office of professional licensure and certification to establish fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Almy for Ways and Means. The Office of Professional Licensure and Certification provides support services for dozens of diverse professional and occupational boards, commissions, and councils. As the numbers of such entities grew, so did administrative inefficiency. This has been solved by previous legislation which did not come to the Ways and Means Committee, that centralized parts of the processes of licensure; receipt and hearing of complaints; meetings; and receipt, expenditure, and accounting of funds. The office and its entities are funded by the membership fees specific to each entity, and in the past both the prior committee and the Ways and Means Committee approved and put most of the fees into statute. This bill came from the Senate creating a study committee to further improve the funding process, plus some minor rewording of statutes that still attribute fee-setting to the individual entities to comply with the new policy. The prior committee merged the first part into SB 330, a larger study committee of the office's structure. This left this bill as a housekeeping bill. The Ways and Means Committee discovered another set of fees that was omitted from this housecleaning, and the amendment simply makes them also comply with current policy. Vote 17-0.

Amendment (1791h)

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

31 Septic System Evaluators; Rulemaking Authority. Amend RSA 310-A:207, I(c) to read as follows:

(c) The criteria for a license to be renewed or reinstated, including ~~late fees and~~ any requirements for continuing education.

32 References Amended; OPLC. Amend the following RSA sections by striking the words “established by the board” and replacing them with “established by the office of professional licensure and certification”: RSA 310-A:18; RSA 310-A:44; RSA 310-A:130; RSA 310-A:152; and RSA 310-A:193.

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

SB 379-FN, establishing the solid waste management fund and grant program. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. The purpose of this bill is to assist communities, businesses, and the general public with their efforts to improve solid waste reduction and diversion activities. This bill was unanimously approved by the policy committee and passed on the consent calendar. The Ways and Means Committee, as the second committee, was focused strictly on the creation of a fund. This bill establishes a state solid waste management fund to be administered by the Department of Environmental Services, and authorizes the department to solicit federal funds that meet the fund’s purposes. The bill does not ask for any state appropriation. The committee had no objection to this fund being established and voted unanimously to support the creation of this fund and thus the bill. Vote 16-0.

REGULAR CALENDAR

SB 144-FN, relative to child care scholarships. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jodi Nelson for the Majority of Children and Family Law. This bill establishes a child-care scholarship pilot program to provide enrollment-based reimbursement to childcare providers. The majority of the committee has some concerns with the bill as written. The billing is set up so that it should continue unless a child exceeds two weeks of consecutive absences from the program without notification to the provider regarding circumstances and agreed upon return date. This framework could allow for a child to be absent several times a week and still be enrolled in the program, causing unnecessary costs to the program and possibly preventing space for another child who is in need of care. Vote 8-7.

Rep. Patrick Long for the Minority of Children and Family Law. This bill is a three-month pilot program with a report due 9/1/22. Funding has already been allotted through the (Child Care and Development Fund) and American Rescue Plan Act. The report will address absentee rate about which the majority of the committee has concerns.

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

Rep. Long spoke against.

Rep. Jodi Nelson spoke in favor.

Majority committee report was adopted.

Rep. Berry declared a conflict of interest and did not participate.

SB 326-FN, relative to developing a plan to create the office of early childhood. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Josh Yokela for the Majority of Children and Family Law. The Council for Thriving Children is already formed and tasked by the Governor to make a plan for integrating services. We do not need additional legislation to empower them to do that work so this bill is not needed. Vote 9-5.

Rep. Patrick Long for the Minority of Children and Family Law. Data shows that every initiative towards early childhood delivers benefits to the child. This bill develops a plan for the Office of Early Childhood and future legislation could adjust or accept the plan. Any initiative toward early childhood is imperative in developing a more comprehensive best practice plan for New Hampshire children.

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

Rep. Long spoke against.

Rep. Yokela spoke in favor.

Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 178 - NAYS 151

YEAS - 178

BELKNAP

Bean, Harry
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

CARROLL

Avellani, Lino
Deshaies, Brodie
Umberger, Karen

Nelson, Bill
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McConkey, Mark

CHESHIRE

Hunt, John	Qualey, James	Rhodes, Jennifer	Santonastaso, Matthew
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COOS

Craig, Kevin	Davis, Arnold	Merner, Troy	Theberge, Robert
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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	Boyd, Bill	Griffin, Barbara
Berry, Ross	Blasek, Melissa	Boehm, Ralph	Burt, John
Creighton, Jim	Kelley, Diane	Erf, Keith	Fedolfi, Jim
Foster, William	Griffin, Gerald	Gagne, Larry	Gorski, Ted
Gould, Linda	Graham, John	Greene, Bob	Healey, Robert
Homola, Susan	Hopper, Gary	Infantine, William	Kofalt, Jim
Sanborn, Laurie	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	Rice, Kimberly
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
Mason, James	McGuire, Carol	Moffett, Michael	Pearl, Howard
Pitaro, Matthew	Boyd, Stephen	Seaworth, Brian	Testerman, Dave
Walsh, Thomas	Wells, Natalie	Wolf, Dan	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Baxter, Tim	Bernardy, JD	Bershtein, Alan
DeSimone, Debra	Dodge, Dustin	Dolan, Tom	Doucette, Fred
Edwards, Jess	Emerick, Tracy	Ford, Oliver	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	McMahon, Charles	Melvin, Charles	Milz, David
Osborne, Jason	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	Tudor, Paul	Vose, Michael
MacDonald, Wayne	Wallace, Scott	Welch, David	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

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 - 151**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
Harvey, Cathryn	Maneval, Andrew	Mann, John	Parshall, Lucius
Schapiro, Joe	Toll, Amanda Elizabeth	Weber, Lucy	Welkowitz, Lawrence

COOS

Kelley, Eamon	Hatch, William	Laflamme, Larry	Tucker, Edith
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GRAFTON

Abel, Richard
Egan, Timothy
Muirhead, Russell

Adjutant, Joshua
Fellows, Sallie
Stavis, Laurel

Almy, Susan
Hakken-Phillips, Mary
Sykes, George

Dontonville, Roger
Massimilla, Linda
Weston, Joyce

HILLSBOROUGH

Bouldin, Andrew
Bouchard, Donald
DiSilvestro, Linda
Harriott-Gathright, Linda
Jeudy, Jean
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Baroody, Benjamin
Bradley, Amy
Espitia, Manny
Heath, Mary
Klee, Patricia
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Beaulieu, Jane
Cohen, Bruce
Goley, Jeffrey
Schmidt, Janice
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Bergeron, Paul
Connors, Erika
Hamer, Heidi
Jack, Martin
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

Ebel, Karen
Lane, Connie
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

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

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Simpson, Alexis

Cahill, Michael
Gilman, Julie
Murray, Kate
Meuse, David
Somssich, Peter

Cali-Pitts, Jacqueline
Grossman, Gaby
Loughman, Tom
Paige, Mark
Ward, Gerald

STRAFFORD

Bixby, Peter
Grassie, Chuck
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Horrigan, Timothy
Rich, Cecilia
Spang, Judith

Chase, Wendy
Levesque, Cassandra
Salloway, Jeffrey
Treleven, Susan

Fontneau, Timothy
Smith, Marjorie
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

and the majority committee report was adopted.

SB 431-FN, relative to child support in cases with equal or approximately equal parenting schedules. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Josh Yokela for Children and Family Law. As amended, this bill increases funds attributed to the raising of a child. It also ensures that the court is focused on the best interest of a child and does not limit the court by requiring additional considerations which may or may not be in the best interest of the child. Vote 8-7.

Amendment (1575h)

Amend the bill by replacing section 1 with the following:

1 New Section; Guidelines Adjustments in Cases of Equal or Approximately Equal Parenting Residential Responsibilities. Amend RSA 458-C by inserting after section 5 the following new section:

458-C:5-a Guidelines Adjustments in Cases of Equal or Approximately Equal Parenting Residential Responsibilities.

I. Equal or approximately equal parenting residential responsibilities in and of itself shall not eliminate the need for child support.

II. Any adjustment to the support amount in the guidelines due to equal or approximately equal parenting residential responsibilities shall be based on written findings by the court or by agreement of the parties that the adjustment is in the best interests of the child.

III. In ruling on requests for adjustments to the application of the child support guidelines because of equal or approximately equal parenting residential responsibilities, the court may consider whether the parties have agreed to the specific apportionment of variable expenses for the children and a specific procedure for implementing the apportionment.

IV. When child support is adjusted because of equal or approximately equal parenting residential responsibilities, the court shall allocate the cost of daycare, after school programs, vacation, and summer care, unless the parties have agreed to an allocation of these expenses.

V. Provided that the resulting support adjustment is in the best interest of the child, the court may determine support because of equal or approximately equal parenting residential responsibilities using the following method:

(a) Calculate the child support guidelines amount based on both party's incomes and applicable deductions;

(b) Determine the guidelines parental support obligation for each parent;

(c) Multiply the support obligation, as determined by subparagraph (b), by 120 percent to reach the approximately equal parenting support obligation of each parent, and

(d) Subtract the lower approximately equal parenting support obligation from the higher approximately equal parenting support obligation, as determined in subparagraph (c), to determine the net difference.

VI. If the net difference method is not in the best interests of the child, the court may order the child support guidelines amount or another amount that is in the best interests of the child.

VII. This section shall not apply to a valid child support order already in effect until the next scheduled review hearing, nor shall it constitute a substantial change in circumstances under RSA 458-C:7.
Committee amendment adopted.

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

Rep. Yokela spoke in favor.

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

YEAS 178 - NAYS 151

YEAS - 178

BELKNAP

Bean, Harry
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

CARROLL

Avellani, Lino
Deshaies, Brodie
Umberger, Karen

Nelson, Bill
MacDonald, John

Cordelli, Glenn
Smith, Jonathan

Crawford, Karel
McConkey, Mark

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Ham, Bonnie

Berezhny, Lex
Sanborn, Gail
Ladd, Rick

Binford, David
Gordon, Edward
Massimilla, Linda

Depalma IV, Joseph
Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Berry, Ross
Creighton, Jim
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Alexander, Joe
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Graham, John
Hopper, Gary
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Boyd, Bill
Boehm, Ralph
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Griffin, Barbara
Burt, John
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Kennedy, Margaret
McGuire, Carol
Seaworth, Brian
Wolf, Dan

Andrus, Louise
Klose, John
Moffett, Michael
Testerman, Dave
Yakubovich, Michael

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

Cross, Kenna
Mason, James
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al

Abrami, Patrick
Baxter, Tim

Abramson, Max
Bernardy, JD

Acton, Dennis
Bershtein, Alan

DeSimone, Debra
 Edwards, Jess
 Guthrie, Joseph
 Nelson, Jodi
 Layon, Erica
 Pearson, Mark
 Milz, David
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Torosian, Peter
 Vose, Michael
 Weyler, Kenneth

Dodge, Dustin
 Emerick, Tracy
 Harb, Robert
 Janigian, John
 Litchfield, Melissa
 Maggiore, Jim
 Osborne, Jason
 Roy, Terry
 Sweeney, Joe
 Tripp, Richard
 MacDonald, Wayne
 Yokela, Josh

Dolan, Tom
 Ford, Oliver
 Harley, Tina
 Katsakiores, Phyllis
 Love, David
 McMahon, Charles
 Potucek, John
 Pearson, Stephen
 Sytek, John
 True, Chris
 Wallace, Scott

Doucette, Fred
 Green, Dennis
 Hobson, Deborah
 Khan, Aboul
 Lynn, Bob
 Melvin, Charles
 Pratt, Kevin
 Soti, Julius
 Thomas, Douglas
 Tudor, Paul
 Welch, David

STRAFFORD

Bailey, Glenn
 Hayward, Peter
 Newton, Clifford

DeLemus, Susan
 Horgan, James
 Pitre, Joseph

Groen, Fenton
 Kaczynski, Thomas
 Turcotte, Leonard

Harrington, Michael
 Kittredge, Mac
 Wuelper, Kurt

SULLIVAN

Aron, Judy
 Spilsbury, Walter

Callum, John
 Stapleton, Walter

Merchant, Gary
 Smith, Steven

Rollins, Skip

NAYS - 151 CARROLL

Buco, Thomas
 McAleer, Chris

Burroughs, Anita
 Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
 Faulkner, Barry
 Harvey, Cathryn
 Schapiro, Joe

Ames, Richard
 Fenton, Donovan
 Maneval, Andrew
 Toll, Amanda Elizabeth

Bordenet, John
 Fox, Dru
 Mann, John
 Weber, Lucy

Eaton, Daniel
 Gomarlo, Jennie
 Parshall, Lucius
 Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
 Egan, Timothy
 Nordgren, Sharon

Adjutant, Joshua
 Fellows, Sallie
 Stavis, Laurel

Almy, Susan
 Hakken-Phillips, Mary
 Sykes, George

Dontonville, Roger
 Muirhead, Russell
 Weston, Joyce

HILLSBOROUGH

Bouldin, Andrew
 Bouchard, Donald
 Connors, Erika
 Hamer, Heidi
 Jack, Martin
 Leishman, Peter
 Mangipudi, Latha
 Nutting-Wong, Allison
 Petrigno, Peter
 Newman, Ray
 Sofikitis, Catherine
 Vail, Suzanne
 Wilhelm, Matthew

Baroody, Benjamin
 Bradley, Amy
 DiSilvestro, Linda
 Harriott-Gathright, Linda
 Judy, Jean
 Long, Patrick
 McGhee, Kat
 O'Brien, Michael
 Piedra, Israel
 Rombeau, Catherine
 Stevens, Deb
 Van Houten, Constance

Beaulieu, Jane
 Chretien, Jacqueline
 Espitia, Manny
 Heath, Mary
 Klee, Patricia
 King, Mark
 Mullen, Sue
 Pedersen, Michael
 Porter, Marjorie
 Rung, Rosemarie
 Telerski, Laura
 Vann, Ivy

Bergeron, Paul
 Cohen, Bruce
 Goley, Jeffrey
 Schmidt, Janice
 Labranche, Tony
 Murray, Megan
 Nutter-Upham, Frances
 Perez, Maria
 Query, Joshua
 Newman, Sue
 Toomey, Dan
 Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
 Ellison, Arthur
 Luneau, David
 Pimentel, Roderick
 Shurtleff, Steve
 Wazir, Safiya

Bartlett, Christy
 Gallagher, Eric
 MacKay, James
 Schamberg, Thomas
 Soucy, Timothy
 Woods, Gary

Caplan, Tony
 Hall, Muriel
 McWilliams, Rebecca
 Schuett, Dianne
 Wallner, Mary Jane

Ebel, Karen
 Lane, Connie
 Myler, Mel
 Schultz, Kristina
 Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
 DiLorenzo, Charlotte
 Grote, Jaci
 Malloy, Dennis
 Simpson, Alexis

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

Cahill, Michael
 Gilman, Julie
 Murray, Kate
 Paige, Mark
 Ward, Gerald

Cali-Pitts, Jacqueline
 Grossman, Gaby
 Loughman, Tom
 Pantelakos, Laura

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

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

SB 457, establishing a committee to study nonprofit organizations contracting with the department of health and human services for children's services. **INEXPEDIENT TO LEGISLATE.**

Rep. Cody Belanger for Children and Family Law. It is the opinion of the majority of the committee that while this is an issue that should be considered, as the state could use providers, there is a better way to handle this. Vote 8-7.

Committee report was adopted.

SB 202-FN, prohibiting the sale of cosmetic products tested on animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Dawn Johnson for the Majority of Commerce and Consumer Affairs. In its original form, this bill would only ban animal testing of cosmetic products and ingredients used in cosmetics. Besides being narrowly tailored to just cosmetic products and ingredients, it has a long list of exemptions, including soap. In its original form, the bill would make us all feel good about ourselves for having passed legislation, but in reality, we would not accomplish anything. There is only one cosmetic manufacturer in the state, and they already do not practice animal testing. In fact, most manufacturers of cosmetics are already getting away from animal testing, and their packaging even says so. With the industry already getting away from animal testing without a law, why pass a law? As amended, the bill accomplishes what we all say we desire - the prohibition of cruelty to animals in the name of industry. A puppy does not care whether it is perfume or fire retardant you are spraying in its face. The chimpanzee is not going to stop and ask you if what you are about to pour on its skin is suntan lotion or furniture polish. Passing the amended version of this bill will make the statement that New Hampshire will not stand for animal cruelty. Vote 10-9.

Rep. Jane Beaulieu for the Minority of Commerce and Consumer Affairs. This bill, which would end the sale of animal-tested cosmetics in the state, gained overwhelming support in the other body (Senate), and for good reason. It has the backing of New Hampshire businesses and other stakeholders who understand the importance of a bright-line standard on a subject that involves human safety, animal welfare and intelligent business practice. The minority of the Commerce Committee support the original bill and do not support the bill as amended in committee.

Majority Amendment (1858h)

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

AN ACT prohibiting the sale of products tested on animals.

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

1 New Chapter; Prohibition on Animal Testing. Amend RSA by inserting after chapter 359-S the following new chapter:

CHAPTER 359-T**PROHIBITING SALE OF PRODUCTS USED IN ANIMAL TESTING**

359-T:1 Prohibition on the Sale or Offer for Sale of Products Tested on Animals.

I. No manufacturer shall sell or offer for sale in this state any product if such product was developed or manufactured using animal testing that was conducted or contracted for by the manufacturer, or any supplier of the manufacturer.

II. Paragraph I shall not apply to the following forms of animal testing:

(a) Testing conducted outside of the United States and in order to comply with a requirement of a foreign regulatory authority; provided that no evidence derived from the testing was relied upon to substantiate the safety of the ingredient or product being sold by the manufacturer in New Hampshire.

(b) Testing conducted for any product or product ingredient subject to regulation under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. section 301 et seq.; or

(c) Testing requested, required, or conducted by a federal or state regulatory authority and each of the following apply:

(1) There is no non-animal alternative method or strategy recognized by any federal or state agency or the Organization for Economic Co-operation and Development to test the safety of the product ingredient or non-functional constituent; and

(2) The product ingredient or nonfunctional constituent poses a risk of causing a specific human health problem that is substantiated and the need to conduct animal testing is justified and supported by a detailed research protocol proposed as the basis for the evaluation of the ingredient or nonfunctional constituent; and

(3) The ingredient or nonfunctional constituent is in wide use and cannot be replaced by another ingredient capable of performing a similar function.

III. This section shall not apply to the following:

(a) A pharmaceutical or medical product.

(b) A retailer in the state of New Hampshire.

IV. No political subdivision of the state shall establish or continue any prohibition on or relating to animal testing that is not identical to the prohibitions set forth in this section.

359-T:3 Penalties. Notwithstanding RSA 651:2, a manufacturer that sells or offers for sale a product in violation of this chapter shall be guilty of a violation punishable by a fine of not more than \$5,000 for the first day of such violation, and an additional fine of \$1,000 for each day that the violation continues.

359-T:4 Severability. If any provision of this chapter is held invalid, or if its application to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

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

AMENDED ANALYSIS

This bill prohibits the sale of products tested on animals.

MOTION TO LAY ON THE TABLE

Rep. Weston moved that **SB 202-FN**, prohibiting the sale of cosmetic products tested on animals, be laid on the table.

On a division vote, with 320 members having voted in the affirmative, and 8 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

SB 210, relative to the sale of manufactured housing parks. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joyce Weston for the Majority of Commerce and Consumer Affairs. This bill clarifies the notification of sale provision required of the current owners of manufactured housing parks before a park is sold. It requires the New Hampshire Community Loan Fund, or any organization assisting a tenants' association, to provide details of the sale proposal, including mortgage terms, rent to the homeowner, and any other costs or fees. This will help the residents become better informed about the terms and conditions of the sale and should promote greater voter participation. A form to request an absentee ballot will be included in the notification package. This bill also limits to \$5 the joining fee to a tenants' association in order to vote. The bill does not change the current requirement of a simple majority to move forward with the sale, but we felt that the use of absentee ballots should increase participation in these important community decisions. Vote 16-2.

Rep. Kristina Fargo for the Minority of Commerce and Consumer Affairs. The minority of the Commerce and Consumer Affairs Committee recognizes the value of improving communications related to the tenants' rights to notification prior to the sale or transfer of a manufactured housing park. The addition of a certified or hand-delivered letter detailing the agreed upon terms and fees as well as the ability to request an absentee vote are a big step forward. Also, capping the fee increases is also very beneficial. However, the minority objection to the bill is the definition of a "simple majority." In this bill the simple majority is only the majority of the members who are voting, either in person or by absentee vote. This could potentially result in the situation where a very small number of owners could make a significant financial decision on behalf of all of the owners within a manufactured housing park without their consent.

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

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

SB 319-FN, relative to vaccination status and wellness incentives. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Greeson for the Majority of Commerce and Consumer Affairs. The majority of the Commerce and Consumer Affairs Committee has determined that this bill should be found Inexpedient to Legislate because: 1) insurance companies can already offer incentives to promote a variety of health and wellness issues, if they so choose; therefore, this bill is unnecessary; 2) this bill does not protect against penalties for refusing an incentive or prohibit the use of negative incentives; and 3) this bill, while appearing to address vaccines in general, in truth, is only concerned with COVID vaccines; no one mentioned offering incentives for polio, MMR, or any other vaccines. The majority is not anti-vaccine. The majority believes that each person should be free to make his or her own medical decisions without fear of discrimination, reprisal, or retribution. As

a final thought, we have reached a point where those who want to receive the COVID vaccine have done so, and those who have not, are not very likely to do so. It is time to respect each other's choices and move on. Vote 11-8.

Rep. Christy Bartlett for the Minority of Commerce and Consumer Affairs. This bill is enabling only and would allow a health carrier to provide a financial incentive to insured persons when voluntarily supplied with evidence the insured is currently fully vaccinated for COVID-19 at the time of enrollment. Too often our healthcare system is about sickness, and this would be a small incentive to encourage insureds to take the vaccine and reduce the risk of large hospitalization costs if someone became infected with COVID. Just as health carriers encourage their insureds to use a gym membership to stay in good shape to decrease the risk of disease, this would be similar. This pandemic has killed many thousands of people and many more have had huge medical expenses after infection. Anything an insurance carrier can do to reduce costs should be encouraged. This bill would sunset at the end of 2023.

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

Rep. Burroughs spoke against.

Rep. Greeson spoke in favor and yielded to questions.

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

On a division vote, with 179 members having voted in the affirmative, and 150 in the negative, the and the majority committee report was adopted.

SB 355-FN, requiring online marketplaces to disclose certain information to consumers. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Paul Terry for the Majority of Commerce and Consumer Affairs. The committee heard a broad range of testimony from affected parties, including the state's Department of Justice. The committee's majority did not find conclusive evidence that the action sought is justified at this time, there being a lack of other than anecdotal evidence to support online marketplaces needing to be required by law to increase protections that go beyond existing protections online marketplaces provide to customers who are dissatisfied with purchases made from high volume third party sellers and who believe such sellers and/or the online marketplace are unresponsive to requests for resolution. Additionally, were this bill to be enacted, the state's Department of Justice "indicate[d] the fiscal impact of the enforcement provision is indeterminable... [and the] the DOJ may need additional resources to fulfill its obligations." Finally, notwithstanding other states are considering similar legislation, the U.S. Congress is considering bipartisan sponsored legislation that could implement a standard national solution once a consensus has been achieved both on the validity and scope of the problem asserted. Vote 10-9.

Rep. Constance Van Houten for the Minority of Commerce and Consumer Affairs. This bill had no testimony in opposition at the Commerce Committee's hearing and came to the House bearing an amendment agreed upon by the interested parties and unanimous support of the other body. The bill is an attempt to help battle what retailers call "organized retail crime," crimes which involve stealing items in large quantities and selling the stolen goods online. This bill would require the online marketplace, if that marketplace handles the financial transaction, to collect basic information that any legitimate business or brick-and-mortar store should have from high-volume sellers and verify that the information is genuine. Another challenge that this bill addresses is related to the online sale of counterfeit items, including counterfeit prescription drugs, which has become a dangerous trend that could be curtailed with the requirement for collection of verified information about high-volume sellers. This legislation could act as a deterrent to thieves or counterfeiters of goods and third-party sellers of such goods who seek to sell anonymously in online marketplaces. The legislation would also add a tool for law enforcement in identifying and prosecuting persons involved in high-volume online sales of stolen or counterfeit goods. Similar legislation has been enacted in three states, has passed both legislative bodies in three others, and has passed one legislative body in each of eight states, with more than a dozen states considering it. The minority of the Commerce Committee sees no down-side to passing this business-friendly, anti-crime legislation.

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

Rep. Weston spoke against.

Rep. Terry spoke in favor.

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

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

SB 294-FN, relative to the release of a defendant pending trial. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The committee has spent considerable time on proposals to update the four-year-old bail reform law. The basic premise of that law was that criminal defendants should not be held solely due to their financial ability to pay bail. That is a laudable change. One unintended byproduct of that 2018 change is that very few offenders are held before trial, including persons charged with serious

crimes. Some suspects commit additional crimes while on bail, or refuse to abide by bail conditions and are then let out again and again. This bill addresses those unintended consequences by designating roughly a dozen serious crimes where someone cannot be bailed out by a bail commissioner, and instead must go before a judge to consider whether to grant bail. That bail hearing would be required within 72 hours during non-holiday or weekend periods. The bill also creates a framework to remand subjects who refuse to show up for court hearings or commit additional crimes while free on bail for another offense. This change is supported by our state's police chiefs, county attorneys and Attorney General's office. The committee considered multiple amendments that would improve the bill and address concerns raised by opponents. However, the bill became deadlocked due to some procedural concerns, thus bringing it to the floor without recommendation.

Rep. Casey Conley

Statement in support of Inexpedient to Legislate: We believe this is an omnibus bill that will cost taxpayers more than two million dollars per year, is likely unconstitutional, and applies a "one size fits all" approach to a system that is anything but. It is almost identical to SB 92, which the House tabled on a voice vote in January. It will cost the court system an estimated \$2,000,000 per year, which the court system does not have. This is an unfunded mandate on our counties whose jails will be filled with defendants awaiting trial. Moreover, it greatly reduces the discretion that a judge has to decide bail based on the specific circumstances and charges pending against a person. The bill strives to send people who are presumed innocent to jail, regardless of their individual circumstances. The bill goes as far as detaining and incarcerating individuals charged with class B misdemeanors which do not carry jail time as a sentence. Pretrial detention risks a person losing their job, their housing, or even custody of their kids. This bill is also likely unconstitutional because of its use of presumptions that require the defendant to prove they shouldn't be held which could result in costly litigation. Most importantly, it does nothing to fix the problems with the criminal legal system that police departments are complaining about. The current statute already allows judges to detain without bail that this bill claims to target. Current statute also allows a mechanism for law enforcement and prosecutors to appeal bail decisions which the committee learned law enforcement rarely uses. The true complaint is about bail commissioners, not judges. There are significantly cheaper and more direct alternatives to solving that problem, like a magistrate system. It is worth noting that this entire debate occurs at a time when crime rates in New Hampshire are declining in all categories of crime. We continue to look for tweaks that will improve the bail system. This bill instead creates a host of new problems and price tags and should be opposed.

Rep. John Burt

MOTION TO LAY ON THE TABLE

Rep. Burt moved that **SB 294-FN**, relative to the release of a defendant pending trial, be laid on the table. Rep. Abbas requested a roll call; sufficiently seconded.

YEAS 209 - NAYS 121

YEAS - 209 BELKNAP

Bean, Harry
Sylvia, Michael

Howard, Raymond
Terry, Paul

Johnson, Dawn

Silber, Norman

CARROLL

Avellani, Lino
Knirk, Jerry

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Smith, Jonathan
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Santonastaso, Matthew
Welkowitz, Lawrence

Ames, Richard
Fenton, Donovan
Mann, John
Schapiro, Joe

Bordenet, John
Fox, Dru
Parshall, Lucius
Toll, Amanda Elizabeth

Eaton, Daniel
Gomarlo, Jennie
Qualey, James
Weber, Lucy

COOS

Craig, Kevin

Laflamme, Larry

Tucker, Edith

GRAFTON

Adjutant, Joshua
Egan, Timothy
Ham, Bonnie
Stavis, Laurel

Almy, Susan
Gordon, Edward
Massimilla, Linda
Sykes, George

Berezhny, Lex
Greeson, Jeffrey
Muirhead, Russell
Weston, Joyce

Dontonville, Roger
Hakken-Phillips, Mary
Nordgren, Sharon

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Chretien, Jacqueline

Bouldin, Andrew
Boehm, Ralph
Cohen, Bruce

Beaulieu, Jane
Bradley, Amy
Connors, Erika

Bergeron, Paul
Burt, John
Cushman, Leah

DiSilvestro, Linda
Gould, Linda
Hopper, Gary
Klee, Patricia
King, Mark
McLean, Mark
Nutting-Wong, Allison
Perez, Maria
Prout, Andrew
Rouillard, Claire
Stevens, Deb
Ulery, Jordan
Warden, Mark

Erf, Keith
Greene, Bob
Schmidt, Janice
Kofalt, Jim
Murray, Megan
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Query, Joshua
Newman, Sue
Lekas, Tony
Vail, Suzanne
Wilhelm, Matthew

Espitia, Manny
Harriott-Gathright, Linda
Jack, Martin
Labranche, Tony
Mangipudi, Latha
Nunez, Hershel
Pauer, Diane
Porter, Marjorie
Newman, Ray
Sheehan, Vanessa
Telerski, Laura
Vann, Ivy

Fedolfi, Jim
Heath, Mary
Jeudy, Jean
Leishman, Peter
Marston, Dick
Nutter-Upham, Frances
Pedersen, Michael
Post, Lisa
Rombeau, Catherine
Sofikitis, Catherine
Toomey, Dan
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Caplan, Tony
Gallager, Eric
MacKay, James
Myler, Mel
Schultz, Kristina
Woods, Gary

Andrus, Louise
Cross, Kenna
Hall, Muriel
McGuire, Carol
Pimentel, Roderick
Wallner, Mary Jane
Yakubovich, Michael

Bartlett, Christy
Ebel, Karen
Hill, Gregory
McWilliams, Rebecca
Schamberg, Thomas
Walz, Mary Beth

Cambrils, Jose
Ellison, Arthur
Lane, Connie
Moffett, Michael
Schuett, Dianne
Wolf, Dan

ROCKINGHAM

Abramson, Max
Cali-Pitts, Jacqueline
Emerick, Tracy
Grote, Jaci
Murray, Kate
Loughman, Tom
McMahon, Charles
Potucek, John
Somssich, Peter
Torosian, Peter
Wallace, Scott

Baldasaro, Al
DiLorenzo, Charlotte
Gilman, Julie
Hamblet, Joan
Khan, Aboul
Love, David
Meuse, David
Pratt, Kevin
Soti, Julius
Tripp, Richard
Ward, Gerald

Bershtein, Alan
Dodge, Dustin
Green, Dennis
Harley, Tina
Layon, Erica
Maggiore, Jim
Milz, David
Read, Ellen
Sytek, John
True, Chris
Weyler, Kenneth

Bunker, Lisa
Dolan, Tom
Grossman, Gaby
Nelson, Jodi
Litchfield, Melissa
Malloy, Dennis
Paige, Mark
Simpson, Alexis
Thomas, Douglas
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Bailey, Glenn
DeLemus, Susan
Kaczynski, Thomas
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Bixby, Peter
Grassie, Chuck
Kenney, Cam
Newton, Clifford
Sandler, Catt
Wall, Janet

Cannon, Gerri
Groen, Fenton
Kittredge, Mac
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Horrigan, Timothy
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Aron, Judy
Sullivan, Brian

Cloutier, John
Tanner, Linda

Gottling, Suzanne

Oxenham, Lee

NAYS - 121

BELKNAP

Harvey-Bolia, Juliet
Mackie, Jonathan

Hough, Gregg
O'Hara, Travis

Lang, Timothy
Ploszaj, Tom

Littlefield, Richard

CARROLL

Nelson, Bill
MacDonald, John

Cordelli, Glenn
MacConkey, Mark

Crawford, Karel
Umberger, Karen

Deshaies, Brodie

CHESHIRE

Hunt, John

Maneval, Andrew

Rhodes, Jennifer

COOS

Davis, Arnold

Kelley, Eamon

Merner, Troy

Theberge, Robert

GRAFTON

Abel, Richard
Fellows, Sallie
Simon, Matthew

Alliegro, Mark
Folsom, Beth

Binford, David
Sanborn, Gail

Depalma IV, Joseph
Ladd, Rick

HILLSBOROUGH

Alexander, Joe
Berry, Ross

Boyd, Bill
Bouchard, Donald

Griffin, Barbara
Creighton, Jim

Baroody, Benjamin
Kelley, Diane

Foster, William
Gorski, Ted
Homola, Susan
Lascelles, Richard
McGhee, Kat
Plett, Fred
Somero, Paul

Griffin, Gerald
Graham, John
Infantine, William
Lewicke, John
Mooney, Maureen
Renzullo, Andrew
Van Houten, Constance

Gagne, Larry
Hamer, Heidi
Sanborn, Laurie
Long, Patrick
Notter, Jeanine
Rice, Kimberly

Goley, Jeffrey
Healey, Robert
Lanzara, Tom
Mayville, Mary
Petrigno, Peter
Rung, Rosemarie

MERRIMACK

Allard, James
Luneau, David
Seaworth, Brian
Wazir, Safiya

Kennedy, Margaret
Mason, James
Shurtleff, Steve
Wells, Natalie

Klose, John
Pearl, Howard
Soucy, Timothy

Leavitt, John
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Baxter, Tim
Doucette, Fred
Guthrie, Joseph
Katsakiores, Phyllis
Osborne, Jason
Pearson, Stephen
Vose, Michael

Abrami, Patrick
Bernardy, JD
Edgar, Michael
Harb, Robert
Lynn, Bob
Pantelakos, Laura
Spillane, James
Welch, David

Acton, Dennis
Cahill, Michael
Edwards, Jess
Hobson, Deborah
Pearson, Mark
Prudhomme-O'Brien, Katherine
Sweeney, Joe

Altschiller, Debra
DeSimone, Debra
Ford, Oliver
Janigian, John
Melvin, Charles
Roy, Terry
Tudor, Paul

STRAFFORD

Fontneau, Timothy
Pitre, Joseph

Harrington, Michael
Turcotte, Leonard

Hayward, Peter
Wuelper, Kurt

Horgan, James

SULLIVAN

Callum, John
Spilsbury, Walter

Merchant, Gary
Stapleton, Walter

O'Hearne, Andrew

Rollins, Skip

and the motion was adopted.

REGULAR CALENDAR CONT'D

SB 299-FN, relative to the penalty for escape. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. New Hampshire is one of only a few states where escape is a misdemeanor. The majority found that the danger to the public, law enforcement, other inmates, and the escapees themselves, both in attempting an escape and apprehending an escapee, warrants a felony level offense. We heard testimony that leaving the offense of escape as a misdemeanor also presents difficulties in apprehending escapees who are fleeing or have fled the state. Law enforcement is only permitted to pursue people across state lines for felony level offenses. Further, many states will not hold arrested people for rendition for misdemeanor offenses. The minority expressed concerns about people being convicted of a felony for escape if they were incarcerated for misdemeanor charges or if they "innocently" left home confinement over a short distance or small period of time. The majority found those arguments without merit. First, regardless of the offense for which one is incarcerated, escape is a new and unrelated offense, that as stated above, brings a level of danger to everyone. This includes officers attempting to stop the escape, apprehending the escapee, the general public, and other inmates who could be unintentionally injured in a pursuit or use of force by officers attempting to stop the escape. Officers involved do not have the luxury of weighing the underlying offenses for which an inmate was incarcerated when attempting to stop or arrest an escapee. Most importantly, an escape is a demonstration of utter contempt for the rule of law and a civil society. It rejects responsibility for the offenses committed that led to incarceration and any attempt at rehabilitation. With regard to so called "innocent" violations of home or community confinement, these would be dealt with on a case-by-case basis and would likely be treated as a violation of the terms of the person's parole or confinement if they return to there before an attempt to apprehend them has been made. The discretion on how to deal with these cases is left to the prosecutors and the judicial system, where they rightly belong. It is not the role of the legislature to determine or prejudge the potential fact patterns in each individual case. We either deem behavior illegal or not and if so, what level the offense should be charged at after taking into account the impact of the offense on the general welfare, stability and security of society. In this case, the majority believes a felony level offense is just and proper for the good of society and the inmates themselves. Knowing an escape could add years to their incarceration as well as the negative effects of a felony conviction should make any reasonable person think twice about such activity. Vote 14-4.

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

Rep. Roy offered floor amendment (1907h).

Floor Amendment (1907h)

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

AN ACT relative to the penalty for escape and relative to home cultivation of cannabis plants and the possession of certain cannabis-infused products.

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

2 Statement of Purpose. The general court finds that:

I. Since 2012, Canada, the District of Columbia and 9 states, including Maine, Vermont, and the commonwealth of Massachusetts, have legalized possession and limited cultivation of cannabis by adults 21 years of age and older.

II. Statewide polls have consistently found that most New Hampshire voters support making cannabis legal for adults 21 years of age and older.

III. Cannabis is less harmful than alcohol to the consumer and to society. It is less toxic, less harmful to the body, less addictive, and less likely to contribute to violent or reckless behavior. Adults should not be punished choosing to use cannabis instead of alcohol, if that is what they prefer.

IV. Home brewing of alcoholic beverages is legal in New Hampshire and every other state in the nation.

V. Allowing adults to cultivate their own limited supply of cannabis will provide them with an alternative to buying cannabis from illicit drug dealers.

3 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of cannabis or hashish as provided in RSA 318-B:2-c; ~~or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)].~~

4 Controlled Drug Act; Personal Possession of Cannabis. Amend RSA 318-B:2-c to read as follows:

318-B:2-c Personal Possession of ~~[Marijuana]~~ **Cannabis**.

I. In this section:

(a) ~~["Marijuana"]~~ **"Cannabis"** includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not include hemp grown, processed, marketed, or sold under RSA 439-A.

(b) ~~["Personal-use amount of a regulated marijuana-infused product"]~~ **"Cannabis-infused product"** means one or more products that is comprised of ~~[marijuana, marijuana]~~ **cannabis, cannabis** extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures~~], which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol].~~

(c) **"Possession limit" means:**

(1) **Three-quarters of an ounce of cannabis, excluding hashish, cannabis-infused products, and growing cannabis plants;**

(2) **Five grams of hashish;**

(3) **Cannabis-infused products containing no more than 300 milligrams of tetrahydrocannabinol (THC);**

(4) **Six cannabis plants, with 3 or fewer being mature, flowering plants; and**

(5) **Any additional cannabis, hashish, or cannabis-infused products produced from the person's cannabis plants, provided that any amount of cannabis in excess of 3/4 of an ounce of cannabis, 5 grams of hashish, and cannabis-infused products containing no more than 300 milligrams of THC shall be possessed in the same location where the plants were cultivated.**

I-a. Except as provided in paragraphs I-b and I-c, if undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law, shall not be a criminal or civil offense under New Hampshire law or the law of any political subdivision of New Hampshire, and shall not be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) Possessing, consuming, growing, processing, or transporting an amount of cannabis that does not exceed the possession limit; or

(b) Transferring 3/4 of an ounce of cannabis, 5 grams of hashish, cannabis-infused products containing no more than 300 milligrams of THC, or 3 immature, non-flowering cannabis plants to a person who is 21 years of age or older without remuneration. For purposes of this subparagraph, a transfer is for remuneration if cannabis is given away contemporaneously with another

transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods or services, or if the gift of cannabis is contingent upon a separate transaction for goods or services; and

(c) Manufacturing, possessing, or purchasing cannabis accessories, or distributing or selling cannabis accessories to a person who is 21 years of age or older.

I-b. No person who is 21 years of age or older shall cultivate cannabis plants except as provided in this section:

(a) Cannabis plants shall not be cultivated in a location where the plants are subject to public view, including to view from another private property, without the use of binoculars, aircraft, or other optical aids.

(b) A person who cultivates cannabis shall take reasonable precautions to ensure the plants are secure from unauthorized access. Cultivating cannabis in an enclosed, locked space to which unauthorized persons do not have access, or other similar security precautions, shall be prima facie evidence of reasonable precautions.

(c) Cannabis cultivation shall only occur at the cultivator's primary residence.

(d) A person who violates this section shall be guilty of a violation and may be fined not more than \$750.

I-c. No person shall consume cannabis in a public place. A person 21 years of age or older who violates this paragraph shall be guilty of a violation and may be fined not more than \$100.

II. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 3/4 of an ounce or less of [marijuana] **cannabis**, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [V] **IV**.

III. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [V] **IV**.

IV. ~~Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.~~

~~V.](a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III[, or any person 21 years of age or older who is convicted of violating paragraph IV] shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph [H, HH, or IV] **II or III**, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the [marijuana, regulated marijuana-infused products,] **cannabis** or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.~~

~~(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the [marijuana] **cannabis** or hashish and shall be subject to a delinquency petition under RSA 169-B:6.~~

~~[VI.] V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph [H, HH, or IV] **II or III** and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.~~

~~(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.~~

~~(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph [H, HH, or IV] **II or III**.~~

~~(d) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of [marijuana, a personal-use amount of a regulated marijuana-infused product,] **cannabis** or 5 grams or less of hashish, may be arrested for a violation of paragraph [H, HH, or IV] **II or III**.~~

~~[VII.] VI. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.~~

[VHH:] **VII.(a)** No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph [H, ~~HH~~, or IV] **II or III**. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

VIII. Nothing in this section shall:

(a) **Be construed to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of cannabis in the workplace or to affect the ability of employers to have policies restricting the use of cannabis by employees.**

(b) **Be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by cannabis.**

(c) **Be construed to permit the transfer of cannabis, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, transport, grow, or consume cannabis.**

(d) **Prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in the correctional facility's property.**

(e) **Prohibit a person or other entity that legally owns, leases, or controls any property from prohibiting or otherwise regulating the sale, use, or growing of cannabis on or in the property.**

5 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

(c) In the case of more than 3/4 ounce of [marijuana] **cannabis, cannabis-infused products containing more than 300 milligrams of THC**, or more than 5 grams of hashish, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of [marijuana-infused] **cannabis-infused** products possessed by persons under the age of 21 [or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older], the person shall be guilty of a misdemeanor.

(d) In the case of 3/4 ounce or less of [marijuana] **cannabis** or 5 grams or less of hashish, including any adulterants or dilutants, **possessed by a person under 21 years of age**, the person shall be guilty of a violation pursuant to RSA 318-B:2-c. [In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]

6 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph VIII the following new paragraph:

VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA 126-X, shall perform solvent-based extractions on cannabis using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol.

(b) No person shall extract compounds from cannabis using ethanol in the presence or vicinity of an open flame.

(c) Any person who violates this paragraph shall be guilty of a class A misdemeanor.

7 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, **the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law.**

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

AMENDED ANALYSIS

This bill amends the penalty for escape. The bill also permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

Rep. Roy spoke in favor.

Floor amendment (1907h) was adopted.

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

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

SB 361-FN, requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the Majority of Criminal Justice and Public Safety. Witness testimony from bail commissioners indicated that this attempt to assist them, would in fact complicate their current tax filing as well as raising other concerns of unintended consequences. The bail commissioners expressed concern that if they were called to bail multiple defendants, only the first would bear the cost of the mileage and they also indicated that they had doubts that the mileage would actually be paid in any event and requested that the bill be found inexpedient to legislate. Vote 19-2.

Rep. John Bordenet for the Minority of Criminal Justice and Public Safety. This bill would allow bail commissioners to be reimbursed for mileage traveled in the performance of their duties. Bail commissioners testified against the bill because they are not being paid the fee they're now entitled. If the New Hampshire Court System does one day find the means to pay them this fee, this policy would give immediate payment for their well-deserved compensation for mileage. In addition, this bill, if passed, will or may encourage a more suitable correction to the problem faced by our bail commissioners.

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

MOTION TO SPECIAL ORDER

Rep. Ladd moved that **SB 234**, requiring student identification cards to include the National Suicide Prevention Lifeline, be made a Special Order as the first order of business for tomorrow, Thursday, May 5, 2022. Motion adopted.

REGULAR CALENDAR CONT'D

SB 367, relative to the regulatory status of advanced recycling and manufacturing facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Howard Pearl for the Majority of Environment and Agriculture. This bill, as amended, encourages advanced recycling of plastics by creating a clear regulatory structure for the emerging industry. This bill appropriately regulates advanced recycling as manufacturing and codifies that all required state and federal laws to protect air, water, waste and land use be applied. New Hampshire Department of Environmental Services supports this bill and testified it gives them the needed authority to regulate, inspect and issue the required permits. Plastics are a versatile material that are used in many different applications by New Hampshire businesses and citizens. The US Environmental Protection Agency has recognized that reusing and recycling post-use materials conserves natural resources, reduces waste, prevents pollution, and serves as an economic driver in advancing new technologies that create jobs and new businesses. As we try to divert more plastics from landfills and incinerators, advanced recycling can help in reaching our established goals in New Hampshire. Vote 9-7.

Rep. Megan Murray for the Minority of Environment and Agriculture. The minority of the committee felt that while the idea and concept of this bill had merit, there were serious concerns and would rather recommend Interim Study, as emerged from the subcommittee work session by a vote of 4-3. There were many unanswered questions and some major environmental, constituent, and consumer assurance concerns, including around plastic feedstock source safety and traceability. Portions of the amended bill were not vetted by the Department of Environmental Services, and due to the complex nature of the bill itself, perhaps multiple committees needed to review it. The Federal EPA is also still underway in the study and formulation of safety and environmental regulations around several of these "advanced recycling" processes. This bill essentially regulates the re-melting of recovered solid feedstock plastics back into their chemical components to form a "liquid soup" for new plastics to be made from. The bill most certainly needed more work and due diligence to ensure proper safety and traceability in effluent, char, and feedstocks - as well as to address other aspects of the bill more clearly as they were not fully enumerated in order to ensure New Hampshire and its citizens were not placed in a position of having to deal with rejected feedstocks and potentiality, some quantities of rejected materials that have the potential be deemed hazardous waste. There were other environmental and food use related concerns that were not ameliorated. Additionally, there is a solid waste working group actively underway where they are working on the complex nature of waste.

Majority Amendment (1764h)

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

1 Legislative Findings and Purpose. The general court finds that:

I. New Hampshire is committed to a clean environment and protection of its natural resources. The United States Environmental Protection Agency has recognized that reusing and recycling post-use materials conserves natural resources, reduces waste, prevents pollution, reduces greenhouse gasses contributing to climate change and serves as an important economic driver, helping to create jobs and tax revenue.

II. The purpose of this act is to facilitate recycling of greater amounts and more types of plastics by ensuring that advanced plastic recycling technologies in New Hampshire protect the public health and safety by

being appropriately regulated as manufacturers under New Hampshire's applicable statutes and departmental rules relative to air, water, waste, and land use. Furthermore, such facilities will comply with all applicable federal statutes, including but not limited to the Clean Air Act, the Clean Water Act, and Environmental Protection Agency rules governing hazardous waste.

2 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph I the following new paragraphs:

I-a. "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstock chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling facilities include monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings. For the purposes of this chapter, the products of advanced recycling shall not include hydrocarbons which are marketed, sold, or used as fuel for energy. For the purposes of this chapter, "advanced recycling" shall not be considered solid waste management, solid waste processing, waste processing, treatment, incineration, or combustion.

I-b. "Advanced recycling facility" means a facility that receives, stores, and converts post-use polymers and recovered feedstock it receives using advanced recycling. An advanced recycling facility shall be considered a manufacturing facility. For the purpose of this chapter, "advanced recycling facility" shall not include a facility, solid waste facility, solid waste management facility, waste management facility, processing/treatment facility, solid waste collection, storage, and transfer facility, processing facility, treatment facility, or an incinerator.

3 Solid Waste Management; Definition of Certified Waste-Derived Product. Amend RSA 149-M:4, II-a to read as follows:

II-a. "Certified waste-derived product" means a constituent of solid waste which is no longer regulated as a solid waste when certified by the department to be recyclable for its original use or alternate uses and which poses no greater risk to the environment, public health, and safety than exists by producing, distributing, using, or disposing comparable products which are not waste-derived. ***Products derived from advanced recycling shall not be considered waste-derived products or require certification as waste-derived products.***

4 New Paragraph; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph V the following new paragraph:

V-a. "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers, oligomers, plastic or chemical feedstocks, or other basic raw materials.

5 New Paragraph; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph IX-a the following new paragraph:

IX-b. "Gasification" means a manufacturing process through which recovered feedstocks are heated and converted into synthesis gas in an oxygen-deficient atmosphere and the mixture is converted into valuable raw materials.

6 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph XV the following new paragraphs:

XV-a. "Post-use polymer" means a plastic to which all of the following apply:

- (a) The plastic is derived from industrial, commercial, agricultural, or domestic activities.
- (b) The plastic is not mixed with solid waste or hazardous waste.
- (c) The plastic's use or intended use is as a feedstock for mechanical or chemical recycling.

(d) The plastic has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities such as paper labels and metal rings.

XV-b. "Post-use polymer aggregator" means a facility which collects, sorts, and cleans plastic waste suitable for advance recycling and provides the feedstock to mechanical or advanced recycling facilities. The feedstock shall meet the definition of post-use polymer. Recovered feedstock aggregators shall be permitted under rules adopted by the department.

7 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph XVIII the following new paragraphs:

XVIII-a. "Pyrolysis" means a manufacturing process through which synthetic and/or biological polymers are heated in the absence of oxygen, sometimes in the presence of catalysts, until thermally decomposed and are then cooled and condensed. The resulting chemicals, when separated from wastes, can provide raw materials for the production of plastics, lubricants, waxes, and other industrially useful chemicals.

XVIII-b. "Recovered feedstock" means one or more of the following materials that has been processed so it may be used as feedstock in an advanced recycling facility:

- (a) Post-use polymers.

(b) Materials which the United States Environmental Protection agency has determined are feedstocks for advanced recycling and not solid waste.

(c) Recovered feedstock does not include unprocessed solid waste.

8 Solid Waste Management; Definitions. Amend RSA 149-M:4, XXII to read as follows:

XXII. "Solid waste" means any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. For purposes of this chapter, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on-site with local approval if required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; [or] septage or sludge as defined in RSA 485-A:2, IX-a and XI-a; **or post-use polymers and recovered feedstocks converted at an advanced recycling facility or held at such facility prior to conversion; or post-use polymers produced by a permitted post-use polymer aggregator.**

9 New Paragraph; Solid Waste Management; Definition. Amend RSA 149-M:4 by inserting after paragraph XXII the following new paragraph:

XXII-a. "Solvolyis" means a manufacturing process through which post-use polymers are purified with the aid of solvents, while heated at low temperatures and/or pressurized to make useful products, allowing additives and contaminants to be removed. The products of solvolysis include monomers, intermediates, and valuable chemicals and raw materials. The process includes but is not limited to hydrolysis, amylolysis, amonolysis, methanolysis, and glycolysis.

10 New Subdivision; Solid Waste Management; Regulation of Advanced Recycling. Amend RSA 149-M by inserting after section 61 the following new subdivision:

Regulation of Advanced Recycling

149-M:62 Regulation of Advanced Recycling.

I. The department shall regulate advanced recycling facilities as manufacturing facilities. An advanced recycling facility and the products and by-products of advanced recycling shall be subject to applicable statutes and departmental rules relative to air, water, waste, and land use. The department may enter and inspect any advanced recycling facility to determine whether storage of materials prior to advanced recycling is a nuisance or poses a threat to the environment. The department may utilize its enforcement authorities under RSA 149-M:15 to require abatement of the nuisance or threat if found. The department may enter and inspect any advanced recycling facility to ensure compliance with all applicable statutes and departmental rules relative to air, water, waste, and land use and take any enforcement actions necessary.

II. Products of advanced recycling shall not be considered "waste-derived products" or "refuse-derived fuel" and shall not be subject to the provisions of this chapter and rules created under its authority relating to waste-derived products and refuse-derived fuel, including but limited to the certification provisions of department of environmental services rule Env-Sw 1500.

III. Advanced recycling facilities shall give priority to utilizing post-use polymers and recovered feedstocks generated within the state.

IV. Post use polymer used as recovered feedstock shall be received from post-use polymer aggregator permitted by the department.

149-M:63 Reporting for Waste Reduction Goals. For the purpose of reporting recycling rates, all advanced recycling facilities shall report the mass of post-use polymer processed, the mass of recycled product, the mass of residual material, and the mass of processed material used for fuel to the department. Recycled product shall not include any residual material, product used for fuel, or non-post-use-polymer feedstock converted to product.

149-M:64 Reporting of Wastes. The department shall adopt rules pursuant to RSA 541-A for the reporting of all emissions, hazardous waste, effluent, and solid waste generated by an advanced recycling facility.

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

Majority committee amendment was adopted.

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

Rep. Bixby offered floor amendment (1899h).

Floor Amendment (1899h)

Amend RSA 149-M:4, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstock chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling

cling facilities include monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings. For the purposes of this chapter, the primary products of advanced recycling shall not include hydrocarbons which are marketed, sold, or used as fuel for energy. Incidental products may be used for fuel only within the facility. For the purposes of this chapter, "advanced recycling" shall not be considered solid waste management, solid waste processing, waste processing, treatment, incineration, or combustion.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph XV the following new paragraph:

XV-a. "Post-use polymer" means a plastic to which all of the following apply:

(a) The plastic is derived from industrial, commercial, agricultural, or domestic activities.

(b) The plastic is not mixed with solid waste or hazardous waste.

(c) The plastic's use or intended use is as a feedstock for mechanical or chemical recycling.

(d) The plastic has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities such as paper labels and metal rings.

Amend RSA 149-M:4, XVIII-a and XVIII-b as inserted by section 7 of the bill by replacing it with the following:

XVIII-a. "Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen, sometimes in the presence of catalysts, until thermally decomposed and are then cooled and condensed. The resulting chemicals, when separated from wastes, can provide raw materials for the production of plastics, lubricants, waxes, and other industrially useful chemicals.

XVIII-b. "Recovered feedstock" means one or more of the following materials that has been processed so it may be used as feedstock in an advanced recycling facility:

(a) Post-use polymers.

(b) Materials for which the United States Environmental Protection Agency has made a non waste determination pursuant to 40 C.F.R. 241.3(c), or has otherwise determined are feedstocks and not solid waste.

(c) Recovered feedstock does not include unprocessed municipal solid waste.

(d) Recovered feedstock is not mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility.

Amend RSA 149-M:4, XXII as inserted by section 8 of the bill by replacing it with the following:

XXII. "Solid waste" means any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. For purposes of this chapter, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on-site with local approval if required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; [or] septage or sludge as defined in RSA 485-A:2, IX-a and XI-a; ***or post-use polymers and recovered feedstocks converted at an advanced recycling facility or held at such facility prior to conversion.***

Amend section 10 of the bill by replacing it with the following:

10 New Subdivision; Solid Waste Management; Regulation of Advanced Recycling. Amend RSA 149-M by inserting after section 61 the following new subdivision:

Regulation of Advanced Recycling

149-M:62 Regulation of Advanced Recycling.

I. The department shall regulate advanced recycling facilities as manufacturing facilities. An advanced recycling facility and the products and by-products of advanced recycling shall be subject to applicable statutes and departmental rules relative to air, water, waste, and land use. The department may enter and inspect any advanced recycling facility to determine whether storage of materials prior to advanced recycling is a nuisance or poses a threat to the environment. The department may utilize its enforcement authorities under RSA 149-M:15 to require abatement of the nuisance or threat if found. The department may enter and inspect any advanced recycling facility to ensure compliance with all applicable statutes and departmental rules relative to air, water, waste, and land use and take any enforcement actions necessary.

II. Products of advanced recycling shall not be considered "waste-derived products" or "refuse-derived fuel" and shall not be subject to the provisions of this chapter and rules created under its authority relating to waste-derived products and refuse-derived fuel, including but limited to the certification provisions of department of environmental services rule Env-Sw 1500.

III. Advanced recycling facilities shall give priority to utilizing post-use polymers and recovered feedstocks generated within the state.

149-M:63 Reporting for Waste Reduction Goals. For the purpose of reporting recycling rates, all advanced recycling facilities shall report the source of post-use polymers including the state or country of origin, the mass of post-use polymer processed, the mass of recycled product, the mass of residual material, and the mass of processed material used for fuel to the department. Recycled product shall not include any residual material, product used for fuel, or non-post-use-polymer feedstock converted to product.

Rep. Bixby spoke in favor.

Floor amendment (1899h) was adopted.

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

Rep. Megan Murray spoke against.

Rep. Homola spoke in favor.

On a division vote, with 198 members having voted in the affirmative, and 128 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

SB 218, declaring October 13 as Metastatic Breast Cancer Awareness Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. This bill is similar to many others that have come before the Executive Departments and Administration Committee (ED&A) looking to place in statute an important event or cause, many of which are already recognized nationally. The majority of the committee considers these types of bills to be ineffective because there are many of these types of events already in statute that are overlooked/unknown once the initial celebrations are completed. The committee believes that it would be more effective for citizens to organize events to raise awareness of this issue each year. They could also petition the Governor to issue a proclamation concerning the event as was done this year for Metastatic Breast Cancer Awareness Day. Vote 12-5.

Committee report was adopted.

SB 219, declaring the month of September as kinship care awareness month. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for Executive Departments and Administration. This bill would have declared the month of September as kinship care awareness month. The majority of the committee agrees that it would be more effective to have a member of the public approach the Governor to promote an observance or proclamation for kinship awareness. The majority feels it is more likely to lose recognition if it becomes a law through legislation. This cause is likely to gain more public awareness through collaboration with media, town committees and, anyone that has a special interest in the subject. Vote 11-6.

Committee report was adopted.

SB 220, relative to establishing a committee to study licensure of mental health professionals. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sallie Fellows for the Majority of Executive Departments and Administration. New Hampshire is in desperate need of more mental health professionals. We heard that many practitioners educated in New Hampshire get their first license in another state. The Office of Professional Licensure and Certification (OPLC) testified that an excessive number of these professionals are practicing under emergency licenses. There are five state boards that license about 20 mental health occupations (for example, psychiatrists, social workers and substance abuse counselors). The study committee will hear from the boards, state agencies and the health care community. It will review the requirements for each license, OPLC's application processing procedures, multi-state licensing compacts, and the best practices of other states. The objective is to increase our capacity to attract and retain enough mental health professionals to meet the needs of New Hampshire citizens. The committee will report their findings and recommendations, which may include areas in need of further study, by November 1, 2022. Vote 13-4.

Rep. Matthew Santonastaso for the Minority of Executive Departments and Administration. This bill establishes a committee to study licensure of mental health professionals. This is a yet another study committee bill related to the labor shortage universal across all industries. It is unlikely to produce a result that will be useful because the legislative findings part of the bill ignores that a labor shortage also exists outside of mental health services. Additionally, the topic is too broad for when the report is due November 1 a short time after the bill can become law.

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

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

SB 274, relative to governmental construction contracts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Goley for the Majority of Executive Departments and Administration. The majority cannot support this bill as it puts New Hampshire's ability to receive competitive grants for construction projects in jeopardy and may make fulfilling the conditions of certain grants impossible. This bill seeks to prospectively prohibit "project labor" or "community benefit" language in construction contracts using state monies. Testimony indicated that in the history of our state, there has never been a state contract with these provisions.

The definition of government assisted project in this bill includes any project in an area subject to RSA 79-E, the community revitalization tax relief incentive. This would include the economic opportunity zone in Manchester centered around the Notre Dame Bridge where the Advanced Regenerative Manufacturing Institute is currently located. The City of Manchester recently received \$500 thousand dollars from the “Build Back Better Regional Challenge” program to plan and establish a cluster located within and around the city to grow the regenerative medicine industry by boosting production and distribution of regenerative tissues and organs. They are competing for phase 2 to receive up to \$100 million dollars for a government assisted contract to construct a bio fabrication manufacturing facility and other items. On p. 21 of the “notice of funding opportunity executive summary” for this grant one of the requirements is the use of project labor agreements. Blocking this grant moving forward on ideological grounds would deprive New Hampshire of these funds and the local jobs they would generate and would not be in the public interest. This problem is not unique to this one grant. If this bill were to become law, New Hampshire DOT would likely be less able to access other competitive grants with similar requirements such as the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program (under the Infrastructure Investment and Jobs Act), the National Infrastructure Project Assistance grants program (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program (INFRA), and the Rural Surface Transportation Grant program (Rural). Lastly, some of the rules governing the awarding of infrastructure grants are still in the process of being written and it is premature and dangerous to pass this type of legislation now, without knowing the unintended consequences, especially when a consequence could be a burden on the New Hampshire taxpayer. For these reasons, the majority believes this bill should be found inexpedient to legislate. Vote 12-7.

Rep. Tony Lekas for the Minority of Executive Departments and Administration. This bill would prohibit the requirement of labor agreements in state government and state government assisted construction contracts. It would not affect local contracts that were not supported by the state. To date no state contracts have required labor agreements. This bill would maintain what has been a practice which has worked well for the state and taxpayers for many years. Over 90% of the contractors in New Hampshire are not unionized. While those contractors would be able to bid on contracts that require labor agreements, in most cases they wouldn’t because such contracts would require them to make fundamental and often costly changes to the way they do business, such as adopting different work rules, hiring practices, as well as restraining their ability to use their current employees on the project. In some cases these are employee-owned firms that may not be able to use the owner employees on the project. This results in a reduced number of potential bidders and competition, which can lead to increased costs to the government and thus the taxpayers we represent.

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

Tony Lekas spoke against.

Rep. Goley spoke in favor.

Rep. Turcotte requested a roll call; sufficiently seconded.

YEAS 177 - NAYS 154

YEAS - 177

CARROLL

Buco, Thomas
MacDonald, John
Woodcock, Stephen

Burroughs, Anita
Knirk, Jerry

Crawford, Karel
Marsh, William

Deshaies, Brodie
McAlee, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Parshall, Lucius
Weber, Lucy

Ames, Richard
Fenton, Donovan
Hunt, John
Schapiro, Joe
Welkowitz, Lawrence

Bordenet, John
Fox, Dru
Maneval, Andrew
Toll, Amanda Elizabeth

Eaton, Daniel
Gomarlo, Jennie
Mann, John
Von Plinsky, Sparky

COOS

Davis, Arnold
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William
Tucker, Edith

Laflamme, Larry

GRAFTON

Abel, Richard
Dontonville, Roger
Ham, Bonnie
Stavis, Laurel

Adjutant, Joshua
Egan, Timothy
Massimilla, Linda
Sykes, George

Almy, Susan
Fellows, Sallie
Muirhead, Russell
Weston, Joyce

Depalma IV, Joseph
Hakken-Phillips, Mary
Nordgren, Sharon

HILLSBOROUGH

Bouldin, Andrew
Bergeron, Paul

Griffin, Barbara
Bouchard, Donald

Baroody, Benjamin
Bradley, Amy

Beaulieu, Jane
Chretien, Jacqueline

Cohen, Bruce
Goley, Jeffrey
Schmidt, Janice
Labranche, Tony
King, Mark
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rombeau, Catherine
Sofikitis, Catherine
Vail, Suzanne

Connors, Erika
Hamer, Heidi
Jack, Martin
Lanzara, Tom
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Rouillard, Claire
Stevens, Deb
Van Houten, Constance

DiSilvestro, Linda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Rung, Rosemarie
Telerski, Laura
Veilleux, Daniel

Fedolfi, Jim
Heath, Mary
Klee, Patricia
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rice, Kimberly
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Klose, John
McWilliams, Rebecca
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Allard, James
Ellison, Arthur
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Gallager, Eric
Luneau, David
Pearl, Howard
Schultz, Kristina
Walz, Mary Beth

Caplan, Tony
Hall, Muriel
MacKay, James
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

ROCKINGHAM

Acton, Dennis
Cali-Pitts, Jacqueline
Gilman, Julie
Murray, Kate
Malloy, Dennis
Pantelakos, Laura
Somssich, Peter

Altschiller, Debra
DeSimone, Debra
Grossman, Gaby
Loughman, Tom
Melvin, Charles
Read, Ellen
Ward, Gerald

Bunker, Lisa
DiLorenzo, Charlotte
Grote, Jaci
Pearson, Mark
Meuse, David
Pearson, Stephen
Welch, David

Cahill, Michael
Edgar, Michael
Hamblet, Joan
Maggiore, Jim
Paige, Mark
Simpson, Alexis

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

Cannon, Gerri
Horriggan, Timothy
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 154

BELKNAP

Bean, Harry
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

Howard, Raymond
Mackie, Jonathan
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark

Nelson, Bill
Umberger, Karen

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

GRAFTON

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Gordon, Edward

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Cushman, Leah
Griffin, Gerald
Graham, John
Hopper, Gary
Lewicke, John

Alexander, Joe
Boehm, Ralph
Kelley, Diane
Gagne, Larry
Greene, Bob
Infantine, William
Marston, Dick

Boyd, Bill
Burt, John
Erf, Keith
Gorski, Ted
Healey, Robert
Kofalt, Jim
Mayville, Mary

Berry, Ross
Creighton, Jim
Foster, William
Gould, Linda
Homola, Susan
Lascelles, Richard
McLean, Mark

Mooney, Maureen
Plett, Fred
Sheehan, Vanessa
Warden, Mark

Notter, Jeanine
Post, Lisa
Somero, Paul

Nunez, Hershel
Prout, Andrew
Lekas, Tony

Pauer, Diane
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

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

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

Cross, Kenna
Mason, James
Boyd, Stephen
Wolf, Dan

Hill, Gregory
McGuire, Carol
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baxter, Tim
Dolan, Tom
Ford, Oliver
Harley, Tina
Katsakiores, Phyllis
Love, David
Osborne, Jason
Roy, Terry
Sytek, John
True, Chris
Wallace, Scott

Abrami, Patrick
Bernardy, JD
Doucette, Fred
Green, Dennis
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Layon, Erica
McMahon, Charles
Pratt, Kevin
Spillane, James
Torosian, Peter
Vose, Michael
Yokela, Josh

Baldasaro, Al
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Janigian, John
Litchfield, Melissa
Milz, David
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spillsbury, Walter

and the majority committee report was adopted.

SB 325, relative to local organization for emergency management and first responders. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for the Majority of Executive Departments and Administration. This bill clarifies who will carry the title of first responder during declared emergencies. This is being done to clarify existing statute in order for the state to be better reimbursed by the Federal Government. This is supported by the New Hampshire Department of Homeland Security. This bill in no way is intended to reclassify anyone in the state pension system. It also only applies to those that are carrying out emergency management functions as outlined in section V of the bill. Vote 15-4.

Rep. Mark Alliegro for the Minority of Executive Departments and Administration. This bill purports to define first responders and includes first responders in the definition of emergency management and local organization for emergency management. However, "first responder" is already well defined (e.g. Merriam Webster Dictionary): "A person (such as a police officer or an EMT) who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance." What this bill actually does is expand the definition of "first responder" to include many service providers downstream of the actual first response, whether their actions come into play hours or some indefinite period after the first response, and whether or not they are public employees. The ramifications of expanding definitions is beyond symbolic, because those expanded definitions subsequently impact salaries, benefits, promotions, training, organization, existing law, and other bills under consideration. As evidence of this conclusion, the very next bill to be considered on the committee agenda was entirely directed at "first responders." The committee minority warns against the continual expansion of definitions.

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

Rep. Alliegro spoke against and yielded to questions.

Rep. Stephen Pearson spoke in favor.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 248 - NAYS 84

YEAS - 248

BELKNAP

Harvey-Bolia, Juliet

Lang, Timothy

Littlefield, Richard

CARROLL

Buco, Thomas
Deshaies, Brodie
McAleer, Chris

Burroughs, Anita
MacDonald, John
McConkey, Mark

Cordelli, Glenn
Knirk, Jerry
Umberger, Karen

Crawford, Karel
Marsh, William
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Parshall, Lucius
Von Plinsky, Sparky

Ames, Richard
Fenton, Donovan
Hunt, John
Rhodes, Jennifer
Weber, Lucy

Bordenet, John
Fox, Dru
Maneval, Andrew
Schapiro, Joe
Welkowitz, Lawrence

Eaton, Daniel
Gomarlo, Jennie
Mann, John
Toll, Amanda Elizabeth

COOS

Davis, Arnold
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William
Tucker, Edith

Laflamme, Larry

GRAFTON

Abel, Richard
Depalma IV, Joseph
Folsom, Beth
Massimilla, Linda
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Hakken-Phillips, Mary
Muirhead, Russell
Weston, Joyce

Almy, Susan
Egan, Timothy
Ham, Bonnie
Nordgren, Sharon

Berezhny, Lex
Fellows, Sallie
Ladd, Rick
Stavis, Laurel

HILLSBOROUGH

Alexander, Joe
Baroody, Benjamin
Bradley, Amy
Creighton, Jim
Gagne, Larry
Graham, John
Homola, Susan
Jeudy, Jean
Lascelles, Richard
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rombeau, Catherine
Sofikitis, Catherine
Toomey, Dan
Vann, Ivy

Bouldin, Andrew
Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Hamer, Heidi
Infantine, William
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutter-Upham, Frances
Perez, Maria
Query, Joshua
Rung, Rosemarie
Somero, Paul
Ulery, Jordan
Veilleux, Daniel

Boyd, Bill
Bergeron, Paul
Cohen, Bruce
Erf, Keith
Gorski, Ted
Harriott-Gathright, Linda
Schmidt, Janice
Labranche, Tony
Long, Patrick
McGhee, Kat
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray
Newman, Sue
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Griffin, Barbara
Bouchard, Donald
Connors, Erika
Griffin, Gerald
Gould, Linda
Heath, Mary
Jack, Martin
Lanzara, Tom
King, Mark
Mooney, Maureen
O'Brien, Michael
Piedra, Israel
Rice, Kimberly
Sheehan, Vanessa
Telerski, Laura
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Hill, Gregory
Luneau, David
McWilliams, Rebecca
Pitaro, Matthew
Schultz, Kristina
Wallner, Mary Jane
Wolf, Dan

Allard, James
Ellison, Arthur
Klose, John
MacKay, James
Myler, Mel
Boyd, Stephen
Seaworth, Brian
Walz, Mary Beth
Woods, Gary

Bartlett, Christy
Gallager, Eric
Lane, Connie
Mason, James
Pearl, Howard
Schamberg, Thomas
Shurtleff, Steve
Wazir, Safiya
Yakubovich, Michael

Caplan, Tony
Hall, Muriel
Leavitt, John
McGuire, Carol
Pimentel, Roderick
Schuett, Dianne
Soucy, Timothy
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Altschiller, Debra
Cali-Pitts, Jacqueline
Edgar, Michael
Gilman, Julie
Hamblet, Joan
Janigian, John
Love, David
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Tudor, Paul
Welch, David

Abrami, Patrick
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Grossman, Gaby
Harb, Robert
Murray, Kate
Pearson, Mark
Melvin, Charles
Paige, Mark
Read, Ellen
Somssich, Peter
Vose, Michael
Weyler, Kenneth

Abramson, Max
Bunker, Lisa
DiLorenzo, Charlotte
Emerick, Tracy
Grote, Jaci
Harley, Tina
Khan, Aboul
Maggiore, Jim
Meuse, David
Pantelakos, Laura
Roy, Terry
Sytek, John
MacDonald, Wayne

Acton, Dennis
Cahill, Michael
Doucette, Fred
Ford, Oliver
Guthrie, Joseph
Nelson, Jodi
Loughman, Tom
Malloy, Dennis
Milz, David
Pratt, Kevin
Pearson, Stephen
Thomas, Douglas
Ward, Gerald

STRAFFORD

Bixby, Peter
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Cannon, Gerri
Horgan, James

Chase, Wendy
Horriggan, Timothy

Fontneau, Timothy
Kenney, Cam

Levesque, Cassandra
Pitre, Joseph
Southworth, Thomas
Wuelper, Kurt

Smith, Marjorie
Rich, Cecilia
Spang, Judith

Newton, Clifford
Salloway, Jeffrey
Treleven, Susan

Schmidt, Peter
Sandler, Catt
Wall, Janet

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Aron, Judy
Merchant, Gary
Stapleton, Walter

Callum, John
O'Hearne, Andrew
Smith, Steven

Cloutier, John
Oxenham, Lee
Sullivan, Brian

Gottling, Suzanne
Rollins, Skip
Tanner, Linda

NAYS - 84 BELKNAP

Bean, Harry
Mackie, Jonathan
Sylvia, Michael

Hough, Gregg
O'Hara, Travis
Terry, Paul

Howard, Raymond
Ploszaj, Tom

Johnson, Dawn
Silber, Norman

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Avellani, Lino

Nelson, Bill

Smith, Jonathan

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HILLSBOROUGH

Lekas, Alicia
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Foster, William
Kofalt, Jim
McLean, Mark
Plett, Fred
Rouillard, Claire

Berry, Ross
Cushman, Leah
Greene, Bob
Lewicke, John
Notter, Jeanine
Post, Lisa
Lekas, Tony

Blasek, Melissa
Kelley, Diane
Healey, Robert
Marston, Dick
Nunez, Hershel
Prout, Andrew
Warden, Mark

Boehm, Ralph
Fedolfi, Jim
Hopper, Gary
Mayville, Mary
Pauer, Diane
Renzullo, Andrew

MERRIMACK

Andrus, Louise
Moffett, Michael

Cambrils, Jose
Testerman, Dave

Cross, Kenna

Kennedy, Margaret

ROCKINGHAM

Baxter, Tim
Dolan, Tom
Layon, Erica
Soti, Julius
Tripp, Richard

Bernardy, JD
Green, Dennis
Litchfield, Melissa
Spillane, James
True, Chris

Bershtein, Alan
Hobson, Deborah
Lynn, Bob
Sweeney, Joe
Wallace, Scott

Dodge, Dustin
Katsakiores, Phyllis
Potucek, John
Torosian, Peter
Yokela, Josh

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Bailey, Glenn
Hayward, Peter

DeLemus, Susan
Kaczynski, Thomas

Groen, Fenton
Kittredge, Mac

Harrington, Michael
Turcotte, Leonard

SULLIVAN

Spilsbury, Walter

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

The House recessed at 12:10 p.m.

RECESS

The House reconvened at 1:20 p.m.

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

SB 330-FN, establishing a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office; relative to the boxing and wrestling commission; and relative to the expiration of terms of the board of foresters members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Executive Departments and Administration. The original senate bill was requested by the Office of Professional Licensure and Certification (OPLC) to examine reciprocal license requirements.

The Senate amended the bill to create a broader study committee to review interactions of OPLC with all of the boards, councils and commissions within their purview; added a provision for expiration of terms for the board of foresters and proposed relocating the boxing and wrestling commission within OPLC. The House amendment expands the study proposed by the Senate to add examination of funding for OPLC; deletes the boxing and wrestling commission which is more properly being dealt with in HB 1102. The legislative study calls for one senator and House members from executive departments and administration, health human services and elderly affairs and a third, which we would recommend be from ways and means. The last section creates a statutory oversight committee for OPLC. The oversight committee will begin in January, 2023 to follow through any recommendations of the legislative study committee in section 2 and more generally analyze the division of duties between administration and the boards, councils, committees, and commissions in order to promote more productive and efficient interactions and recommend legislation deemed necessary to correct issues it identifies. The oversight committee would sunset after five years. Vote 19-0.

Amendment (1732h)

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

AN ACT establishing a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office and relative to the expiration of terms of the board of foresters members.

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

1 Findings. The general court finds that:

I. New Hampshire has a workforce shortage.

II. New Hampshire competes with neighboring states to attract qualified members for its workforce.

III. Licensure requirements and licensure processes may impact the overall workforce in New Hampshire.

2 Committee Established.

I. There is established a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office.

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

(a) Three members of the house of representatives, at least one of whom shall be from the executive departments and administration committee and one shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall:

(a) Review the structure of occupational licensing and regulation in this state, including the relationship between the office and the boards, councils, and commissions within the office and make recommendations, as necessary, regarding changes to the current structure.

(b) Review the licensure processes of the office of professional licensure and certification and the boards, councils, and commissions within the office, including how the statutory and regulatory framework may impact the timely and efficient licensure of qualified applicants.

(c) Identify and make recommendations for increasing portability of licensure for qualified professionals from other states.

(d) Explore licensure barriers to attracting qualified professionals to New Hampshire.

(e) If necessary, make recommendations for changes to licensure and procedures regarding licensure of professions within the office, including how such criteria relates to requirements in neighboring states.

(f) Seek input from state agencies and boards, councils, and commissions within the office, stakeholders, and any other person or entity the committee deems relevant to its study.

(g) Review the funding sources, fee-setting authority, and fees of the office and the boards, councils, and commissions, within the office and make recommendations, if any, regarding changes to the current statutory framework.

(h) Identify and make recommendations for changes to funding occupational licensing in New Hampshire, if any.

(i) If necessary, make recommendations for changes to the allocation of shared costs among the boards, councils, and commissions within the office.

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

VI. The committee shall submit a final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

3 Board of Foresters; Members. Amend RSA 310-A:100, III to read as follows:

III. Members shall be appointed for 5-year terms, except that no more than ~~one~~ 2 appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

4 New Section; Oversight Committee; Establishment; Purpose. Amend RSA 310-A by inserting after section 1-n the following new section:

310-A:1-o Oversight Committee; Establishment; Purpose.

I. There shall be an oversight committee for the office of professional licensure and certification (OPLC) consisting of the following members:

(a) Three members of the house executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the president of the senate.

II. Membership on the oversight committee shall be for the duration of the biennium and shall be co-terminous with membership in the general court. The first meeting of the committee shall be called by the first-named house member. The committee shall elect a chair from among the members at the first meeting of each biennium. Meetings shall be called as needed, but at least quarterly. The members of the committee shall receive mileage at the legislative rate when performing the duties of the committee. Three members of the committee shall constitute a quorum.

III. The committee shall provide legislative oversight and informational meetings on the policies and rules of the office as brought to its attention by office personnel, legislators, members of the boards, councils, committees, and commissions overseen by OPLC, and members of the professions under the jurisdiction of OPLC. The committee's work shall include analyzing the division of duties between administration and the boards, councils, committees, and commissions in order to promote more productive and efficient interactions.

IV. The oversight committee shall recommend legislation deemed necessary to correct issues it identifies.

5 Repeal. RSA 310-A:1-o, relative to oversight committee for the office of professional licensure and certification, is repealed.

6 Effective Date.

I. Section 4 of this act shall take effect January 1, 2023.

II. Section 5 of this act shall take effect January 1, 2028.

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

AMENDED ANALYSIS

This bill establishes a committee to study and make recommendations relative to the office of professional licensure and certification, and the licensure of professions under boards, councils, and commissions within the office. This bill also creates a statutory oversight committee for the office of professional licensure and certification which shall be effective for 5 years.

Committee amendment was adopted.

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

Rep. Abrami offered floor amendment (1863h).

Floor Amendment (1863h)

Amend paragraph II(a) of section 2 of the bill by replacing it with the following:

(a) Five members of the house of representatives, 2 of whom shall be from the executive departments and administration committee, 2 of whom shall be from the ways and means committee, and one of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

Rep. Abrami spoke in favor.

Floor amendment (1863h) was adopted.

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

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

SB 333, relative to licensure of case management service providers. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Carol McGuire for the Majority of Executive Departments and Administration. This bill explicitly requires licensure of case management agencies for home and community-based care, which have been licensed for almost 30 years. The committee amendment deletes the Senate amendment, which defines “case management agency” - but only for one of the six distinct types of case management agencies. The bill addresses the need for explicit licensing authority in one case, but leaves the others for later action. Vote 18-1.

Rep. William Marsh for the Minority of Executive Departments and Administration. This bill establishes the licensure of case management service providers. Licensure is required under federal law and the Department of Health and Human Services (DHHS) is working with stakeholders to be in compliance with the law to provide conflict free case management by 8/23. The committee recognizes that compliance with section 6052 of the Deficit Reduction Act of 2005 has resulted in Medicaid no longer reimbursing for certain services which they formerly paid for. The minority amendment moves this licensure to RSA 151:2, the licensing statute for healthcare, along with numerous other providers. Lumping them with home health providers in RSA 151:2-b would confound the issue of the need to provide conflict free case management, especially in light of the single case manager provision of the 1915(c)-waiver program. New Hampshire is currently required to implement a corrective action plan to separate case managers from providers by June 2023 and it is important to not confuse these roles. The definition only applies to the Medicaid program.

Majority Amendment (1694h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill regulates case management services providers as a type of home health care provider under RSA 151:2-b.

Majority committee amendment was adopted.

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

Rep. O'Brien offered floor amendment (1914h).

Floor Amendment (1914h)

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

AN ACT relative to licensure of case management service providers and relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

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

2 Short Title; Purpose.

I. Sections 2-4 of this act may be known as the “Property Tax Relief Act of 2022.”

II. The act renews a promise made by state to municipalities and restores the state’s contribution of a portion of the retirement costs of teachers, firefighters, and local police. Its purpose is to help ease the local property tax burden, provide property tax relief to the cities and towns, and enhance public education and public safety.

3 Retirement System; Employer Contributions; State Share of Contributions. Amend RSA 100-A:16, II(b) and (c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the “normal contribution,” and an additional amount to be known as the “accrued liability contribution;” provided that beginning with state fiscal year [2013] **2024** and for each state fiscal year thereafter, any employer [shall pay the full amount of such total contributions] **other than the state, shall pay 92.5 percent of such total contributions, and 7.5 percent thereof shall be paid by the state; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions.** The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraph (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the “normal contribution,” and an additional amount to be known as the “accrued liability contribution;” provided that beginning with state fiscal year [2013] **2024** and for each state fiscal year thereafter, **in the case of teachers, any employer [shall pay the full amount of such total contributions] other than the state, shall pay 92.5 percent of such total contributions, and 7.5 percent thereof shall be paid by the state; and provided further that, in case of teacher members employed by the state, the state shall pay both normal and accrued liability contributions.** The rate percent of such normal

contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraph (i).

4 Repeal. RSA 100-A:16, II(c-1) relative to employer contributions for fiscal year 2012, is repealed.

5 Effective Date.

I. Sections 2-4 of this act shall take effect July 1, 2023.

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

AMENDED ANALYSIS

This bill defines and regulates case management services providers.

The bill also provides that the state shall pay 7.5 percent of contributions of retirement system employers other than the state for group I teachers and group II members.

Rep. McGuire spoke against.

Rep. O'Brien spoke in favor and requested a roll call; sufficiently seconded.

YEAS 170 - NAYS 164

YEAS - 170 BELKNAP

Howard, Raymond Littlefield, Richard

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
Harvey, Cathryn Maneval, Andrew Mann, John Parshall, Lucius
Schapiro, Joe Toll, Amanda Elizabeth Von Plinsky, Sparky Weber, Lucy
Welkowitz, Lawrence

COOS

Davis, Arnold Hatch, William Laflamme, Larry Tucker, Edith

GRAFTON

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

HILLSBOROUGH

Bouldin, Andrew Boyd, Bill Baroody, Benjamin Beaulieu, Jane
Bergeron, Paul Bouchard, Donald Bradley, Amy Chretien, Jacqueline
Cohen, Bruce Connors, Erika DiSilvestro, Linda Espitia, Manny
Goley, Jeffrey Griffith, Willis Hamer, Heidi Harriott-Gathright, Linda
Heath, Mary Jack, Martin Jedy, Jean Klee, Patricia
Klein-Knight, Nicole Labranche, Tony Lanzara, Tom Leishman, Peter
Long, Patrick King, Mark Murray, Megan Mangipudi, Latha
McGhee, Kat Mullen, Sue Nutter-Upham, Frances Nutting-Wong, Allison
O'Brien, Michael Pedersen, Michael Perez, Maria Petrigno, Peter
Piedra, Israel Query, Joshua Newman, Ray Rombeau, Catherine
Rouillard, Claire Rung, Rosemarie Newman, Sue Sofikitis, Catherine
Stevens, Deb Telerski, Laura Toomey, Dan Vail, Suzanne
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 Myler, Mel
Pimentel, Roderick Schamberg, Thomas Schuett, Dianne Schultz, Kristina
Shurtleff, Steve Soucy, Timothy Wallner, Mary Jane Walz, Mary Beth
Wazir, Safiya Wolf, Dan Woods, Gary

ROCKINGHAM

Altschiller, Debra Bunker, Lisa Cahill, Michael Cali-Pitts, Jacqueline
DiLorenzo, Charlotte Edgar, Michael Gilman, Julie Grossman, Gaby
Grote, Jaci Hamblet, Joan Murray, Kate Khan, Aboul
Loughman, Tom Pearson, Mark Maggiore, Jim Malloy, Dennis

Meuse, David
Read, Ellen
Somssich, Peter

Paige, Mark
Roy, Terry
Ward, Gerald

Pantelakos, Laura
Pearson, Stephen

Pratt, Kevin
Simpson, Alexis

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

NAYS - 164

BELKNAP

Bean, Harry
Johnson, Dawn
Ploszaj, Tom

Comtois, Barbara
Lang, Timothy
Silber, Norman

Harvey-Bolia, Juliet
Mackie, Jonathan
Sylvia, Michael

Hough, Gregg
O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Folsom, Beth
Simon, Matthew

Berezhny, Lex
Sanborn, Gail

Binford, David
Greeson, Jeffrey

Depalma IV, Joseph
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Alexander, Joe
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Hopper, Gary
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Griffin, Barbara
Burt, John
Erf, Keith
Gagne, Larry
Greene, Bob
Infantine, William
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Ulery, Jordan

Berry, Ross
Creighton, Jim
Fedolli, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

MERRIMACK

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

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

Cambrils, Jose
Klose, John
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Cross, Kenna
Leavitt, John
Pearl, Howard
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Nelson, Jodi
Litchfield, Melissa
Melvin, Charles
Prudhomme-O'Brien, Katherine
Sytek, John
True, Chris
Wallace, Scott

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Janigian, John
Love, David
Milz, David
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, David

Abramson, Max
Bernardy, JD
Dolan, Tom
Ford, Oliver
Harley, Tina
Katsakiores, Phyllis
Lynn, Bob
Osborne, Jason
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Green, Dennis
Hobson, Deborah
Layon, Erica
McMahon, Charles
Potucek, John
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Spilsbury, Walter

Stapleton, Walter

and floor amendment (1914h) was adopted.

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

On a division vote, with 195 members having voted in the affirmative, and 139 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

SB 358, establishing October 2022 as eczema awareness month. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for the Majority of Executive Departments and Administration. This bill, with the amendment that totally replaces the original language, revises the Joint Legislative Committee on Administrative Rules to be 15 members, rather than 10, and divides them into three groups which each review a third of the rules. This has three significant advantages. First, the division structure means that the workload of each member is only 1/3 of that current, which will help with recruitment and retention. Members will be able to read more of the rules and study them more thoroughly. Second, increasing the size of the committee means that more members of the House will be aware of the rule-making process, and the scope and authority of rules. The committee hopes this will lead to more careful delegation of rulemaking authority and better understanding of rules. Finally, having more members from different backgrounds will enable the committee to understand the rules better, since they will have a broader understanding of the affected areas and more familiarity with the statutes involved. The staff performs yeoman's work in analyzing the compliance with legislative intent, but in some cases the intent is not obvious to them. In others, there are differences of opinion on what a statute implies, or conflicts between various statutes, and having the legislative members familiar with the context will be invaluable. This will not likely apply very often, but when it does, it will be important. Vote 14-5.

Rep. Peter Schmidt for the Minority of Executive Departments and Administration. In this non-germane amendment to SB 358, the Executive Departments and Administration (ED&A) majority proposes a radical reworking of the administrative rule's statute, which the committee minority cannot accept. We reject this undertaking for numerous reasons, both procedural and substantive, but most especially because the underlying principle of the joint legislative committee on administrative rules (JLCAR) is to act as a ministerial gatekeeper over such rules, based on their appropriateness to correctly implement the statutes enacted by the legislature, neither exceeding legislative authority, nor violating legislative intent. However, the minority believe the purpose of the amendment is to expand the JLCAR, creating three divisions so as to have greater policy expertise, which specifically contradicts and violates the non-policy function for which it was created. The policy decision has already been rendered by the enactment of the statute(s); it is now the executive branch's constitutional function to implement and carry out these laws. The JLCAR's sole responsibility and function is to ensure that there is no executive overreach or violation embedded in the administrative rules. It is not a policy committee to rehash the statutes. In addition, it is clear to the committee minority that the vetting process of this restructuring has been woefully inadequate, lacking analysis and clear understanding of the ramifications of the proposal as to staffing, committee membership, and general workability, to name but a few of the defects and deficiencies. Testimony challenging the fundamental premise of this restructuring and the purported need for it was ignored.

Majority Amendment (1645h)

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

AN ACT relative to the joint legislative committee on administrative rules.

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

1 Administrative Procedure Act; Definitions; Committee. Amend RSA 541-A:1, III to read as follows:

III. "Committee" means the joint legislative committee on administrative rules, *as well as the divisions of said committee*, unless the context clearly indicates otherwise.

III-a. "Entire committee" shall mean the entirety of the appointed regular members of the joint legislative committee on administrative rules.

2 Administrative Procedure Act; Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:2, I and II to read as follows:

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of [10] **15** members of the general court and [10]

15 alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: [5] **9** members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than [3] **5** of whom shall be from the same party; [5] **6** members of the senate, appointed by the senate president in consultation with the minority leader, not more than [3] **4** of whom shall be from the same party; [5] **9** alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than [3] **5** of whom shall be from the same party; and [5] **6** alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than [3] **4** of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the chair shall designate an alternate member to serve regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a chair and a vice-chair from among its members, provided that the chair shall rotate biennially between the house and senate members.

II. The joint legislative committee on administrative rules shall **be divided into 3 divisions, each consisting of 2 senators and 3 members of the house, with an equal number of alternates. A quorum of a division shall be 3 members. Each division shall meet separately to conduct its business, and have the authority of the full committee, except that a joint resolution resulting from a final objection shall be approved by the entire committee. Each division shall** meet at least once each month and more often as necessary for the prompt discharge of its duties. The director of legislative services shall provide services to the committee. The joint legislative committee on administrative rules shall adopt rules to govern its operation and organization. ~~[A quorum of the committee shall consist of 6 members.]~~ Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

3 Administrative Procedures Act; Review by the Joint Legislative Committee on Administrative Rules; Entire Committee for Final Objection Required. Amend RSA 541-A:13, VII to read as follows:

VII.(a) The provisions of this paragraph may be used by the **entire** committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds to a preliminary or revised objection but the basis for objection has not been removed or the response creates a new basis for objection, the **entire** committee may, within 50 days from the date on which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the **entire** committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the joint resolution shall be introduced in the house of representatives or senate within 20 business days of such vote when the general court is in session and 20 business days of the start of the following legislative session if such vote occurs when the general court is not in session. If a joint resolution is not introduced within this time frame, the agency may adopt the rule. If a joint resolution is introduced within this time frame, the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the specific portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the **entire** committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the **entire** committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

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

AMENDED ANALYSIS

This bill increases the number of members and alternate members on the joint legislative committee on administrative rules, as well as establishes three equal divisions within the committee and specify that a final objection shall only be entered into by the entirety of the regular members on the committee. Majority committee amendment was adopted.

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

On a division vote, with 208 members having voted in the affirmative, and 123 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

SB 382, relative to licensure requirements for telehealth services and relative to licensure of physicians and physicians assistants through reciprocity agreements. **MAJORITY: OUGHT TO PASS. MINORITY: IN-EXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the Majority of Executive Departments and Administration. This bill clarifies that the site of service for medical services is the physical location of the patient. This is already provided for relative to compact states but not all states, specifically not Massachusetts, have adopted the compact. This is important when complications ensue as without this being clearly defined, it would be unclear which courts would resolve malpractice claims or which governing boards would impose discipline. If not clearly defined, providers could be subject to double jeopardy in such cases. Section 2 allows for reciprocity for non-compact states. Vote 13-6.

Rep. Matthew Santonastaso for the Minority of Executive Departments and Administration. This bill prohibits telehealth services to patients living in New Hampshire by out of state providers unless the provider has a New Hampshire license. We expect some providers might not bother to get licensed in New Hampshire with a small population relative to other states. Since telehealth services are already being provided to New Hampshire residents this would cut patients off from care. We believe that telehealth services will be a growing industry in the 21st century and we should work on how to make access to these services easier not prohibit them.

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

Rep. Santonastaso spoke against and yielded to questions.

Rep. Marsh spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Post moved that **SB 382**, relative to licensure requirements for telehealth services and relative to licensure of physicians and physicians assistants through reciprocity agreements, be laid on the table.

Rep. Blasek requested a roll call; sufficiently seconded.

YEAS 144 - NAYS 187

YEAS - 144

BELKNAP

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

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

Hough, Gregg
Mackie, Jonathan
Sylvia, Michael

CARROLL

Avellani, Lino
McConkey, Mark

Cordelli, Glenn

MacDonald, John

Smith, Jonathan

CHESHIRE

Hunt, John

Qualey, James

Santonastaso, Matthew

COOS

Craig, Kevin

Mermer, Troy

GRAFTON

Alliegro, Mark
Gordon, Edward

Berezhny, Lex
Greeson, Jeffrey

Binford, David
Ladd, Rick

Folsom, Beth
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Kelley, Diane
Gagne, Larry
Healey, Robert
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Post, Lisa
Somero, Paul

Griffin, Barbara
Burt, John
Erf, Keith
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Lekas, Tony

Berry, Ross
Creighton, Jim
Fedolfi, Jim
Gould, Linda
Hopper, Gary
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Warden, Mark

Blasek, Melissa
Cushman, Leah
Foster, William
Greene, Bob
Infantine, William
Lewicke, John
Mooney, Maureen
Plett, Fred
Sheehan, Vanessa

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Pitaro, Matthew
Walsh, Thomas

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

Cross, Kenna
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
Pearl, Howard
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Bernardy, JD
Doucette, Fred
Green, Dennis
Nelson, Jodi
Litchfield, Melissa
Melvin, Charles
Soti, Julius
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Edwards, Jess
Guthrie, Joseph
Janigian, John
Love, David
Potucek, John
Spillane, James
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Baldasaro, Al
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Katsakiores, Phyllis
Lynn, Bob
Pratt, Kevin
Sweeney, Joe
True, Chris
Wallace, Scott

Baxter, Tim
Dolan, Tom
Ford, Oliver
Hobson, Deborah
Layon, Erica
McMahon, Charles
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Tudor, Paul
Welch, David

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Rollins, Skip

Spilsbury, Walter

**NAYS - 187
BELKNAP**

Littlefield, Richard

CARROLL

Nelson, Bill
Knirk, Jerry
Woodcock, Stephen

Buco, Thomas
Marsh, William

Burroughs, Anita
McAleer, Chris

Dessaies, Brodie
Umberger, Karen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Rhodes, Jennifer
Weber, Lucy

Ames, Richard
Fenton, Donovan
Maneval, Andrew
Schapiro, Joe
Welkowitz, Lawrence

Bordenet, John
Fox, Dru
Mann, John
Toll, Amanda Elizabeth

Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Von Plinsky, Sparky

COOS

Davis, Arnold

Kelley, Eamon

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Dontonville, Roger
Hakken-Phillips, Mary
Nordgren, Sharon

Adjutant, Joshua
Egan, Timothy
Ham, Bonnie
Stavis, Laurel

Almy, Susan
Fellows, Sallie
Massimilla, Linda
Sykes, George

Depalma IV, Joseph
Sanborn, Gail
Muirhead, Russell
Weston, Joyce

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Chretien, Jacqueline
Espitia, Manny
Griffith, Willis
Jack, Martin
Labranche, Tony
King, Mark
Mullen, Sue
Perez, Maria
Newman, Ray
Rung, Rosemarie
Telerski, Laura
Van Houten, Constance

Bouldin, Andrew
Bergeron, Paul
Cohen, Bruce
Griffin, Gerald
Hamer, Heidi
Judy, Jean
Lanzara, Tom
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Rice, Kimberly
Newman, Sue
Toomey, Dan
Vann, Ivy

Boyd, Bill
Bouchard, Donald
Connors, Erika
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Sofikitis, Catherine
Ulery, Jordan
Veilleux, Daniel

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Graham, John
Heath, Mary
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
Pedersen, Michael
Query, Joshua
Rouillard, Claire
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Klose, John
Mason, James
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Allard, James
Ellison, Arthur
Lane, Connie
McGuire, Carol
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Bartlett, Christy
Gallager, Eric
Luneau, David
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Caplan, Tony
Hall, Muriel
MacKay, James
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
 Cahill, Michael
 Edgar, Michael
 Hamblet, Joan
 Pearson, Mark
 Milz, David
 Read, Ellen
 Somssich, Peter

Acton, Dennis
 Cali-Pitts, Jacqueline
 Gilman, Julie
 Murray, Kate
 Maggiore, Jim
 Osborne, Jason
 Roy, Terry
 Sytek, John

Altschiller, Debra
 DeSimone, Debra
 Grossman, Gaby
 Khan, Aboul
 Malloy, Dennis
 Paige, Mark
 Pearson, Stephen
 Ward, Gerald

Bunker, Lisa
 DiLorenzo, Charlotte
 Grote, Jaci
 Loughman, Tom
 Meuse, David
 Pantelakos, Laura
 Simpson, Alexis

STRAFFORD

Bixby, Peter
 Grassie, Chuck
 Smith, Marjorie
 Sandler, Catt
 Wall, Janet

Cannon, Gerri
 Horrigan, Timothy
 Schmidt, Peter
 Southworth, Thomas

Chase, Wendy
 Kenney, Cam
 Rich, Cecilia
 Spang, Judith

Fontneau, Timothy
 Levesque, Cassandra
 Salloway, Jeffrey
 Treleaven, Susan

SULLIVAN

Cloutier, John
 Oxenham, Lee

Gottling, Suzanne
 Stapleton, Walter

Merchant, Gary
 Sullivan, Brian

O'Hearne, Andrew
 Tanner, Linda

and the motion failed.

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

SB 397, relative to the mental health counseling compact and the interstate compact for the placement of children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for the Majority of Executive Departments and Administration. This bill as amended will enter New Hampshire in the telehealth mental health compact. New Hampshire will be the tenth state to do so and will be the state that enacts the compact. This compact will allow Granite Staters to have access to mental health practitioners and specialists. Currently New Hampshire is not involved with any mental health compact. This bill also brings forward two desperately needed modifications to the child and family placement compact of 1960, which the state is a part of. These modifications will assist in New Hampshire having better control and oversight with the placement of New Hampshire children. The amendment removes the second part of the bill which is a new compact for the placement of children. The committee feels that under our rushed schedule, that it was not afforded the proper amount of time to do a deep dive on whether or not the state should leave the 1960 child compact and enter into a new compact. Vote 16-3.

Rep. William Marsh for the Minority of Executive Departments and Administration. The first half of the bill adopts the mental health counseling compact and, because 9 states have adopted it previously, it would bring the compact immediately into effect. Data brought before the telehealth commission has shown delivery of mental health counseling by telemedicine has been extraordinarily effective. No show rates have dramatically declined. Services are available more widely. The interaction of providers with patients in their own homes has enabled counselors to identify and address the root causes of certain issues. The interstate compact for the placement of children would be updated from its 1960 version to its current version by the second half of the bill. Obviously, it is a significantly more complex world regarding the placement of children than 60 years ago when the current version was drafted. This would come into effect when thirty-five states have adopted the compact and is unlikely to occur imminently. The minority amendment would put into effect immediately a key part of the new compact requiring home visits for children placed into foster care across state lines. This may have prevented the widely publicized, suspected death of Harmony Montgomery. Governor Sununu wrote to the committee in support of this bill, and both Health Human Services and Elderly Affairs and Children and Family Law were consulted in our deliberations.

Majority Amendment (1759h)

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

3 New Section; Interstate Compact on the Placement of Children; Placement of a Child with a Parent.
 Amend RSA 170-A by inserting after section 1 the following new section:

170-A:1-a Placement of a Child with a Parent. The provisions of this chapter shall not apply to the placement of a child with a parent, provided that:

I. The parent proves, to the satisfaction of a court, a substantial relationship with the child; and

II. The court makes a written finding that placement with the parent is in the best interests of the child.

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

AMENDED ANALYSIS

This bill provides for the adoption of the mental health counseling compact and exempts certain child placements from the interstate compact on the placement of children under RSA 170-A.
 Majority committee amendment was adopted.

The question being adoption of the majority committee report of Ought to Pass with Amendment.
 Rep. Alliegro spoke against.
 Rep. Stephen Pearson spoke in favor.
 Rep. Silber requested a roll call; sufficiently seconded.

YEAS 202 - NAYS 132**YEAS - 202****CARROLL**

Buco, Thomas
 Knirk, Jerry
 Woodcock, Stephen

Burroughs, Anita
 Marsh, William

Deshaies, Brodie
 McAleer, Chris

MacDonald, John
 Umberger, Karen

CHESHIRE

Abbott, Michael
 Faulkner, Barry
 Harvey, Cathryn
 Rhodes, Jennifer
 Weber, Lucy

Ames, Richard
 Fenton, Donovan
 Maneval, Andrew
 Schapiro, Joe
 Welkowitz, Lawrence

Bordenet, John
 Fox, Dru
 Mann, John
 Toll, Amanda Elizabeth

Eaton, Daniel
 Gomarlo, Jennie
 Parshall, Lucius
 Von Plinsky, Sparky

COOS

Davis, Arnold
 Theberge, Robert

Kelley, Eamon
 Tucker, Edith

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
 Dontonville, Roger
 Hakken-Phillips, Mary
 Nordgren, Sharon

Adjutant, Joshua
 Egan, Timothy
 Ham, Bonnie
 Stavis, Laurel

Almy, Susan
 Fellows, Sallie
 Massimilla, Linda
 Sykes, George

Depalma IV, Joseph
 Gordon, Edward
 Muirhead, Russell
 Weston, Joyce

HILLSBOROUGH

Alexander, Joe
 Beaulieu, Jane
 Chretien, Jacqueline
 Espitia, Manny
 Griffith, Willis
 Heath, Mary
 Klee, Patricia
 Leishman, Peter
 Mangipudi, Latha
 Mullen, Sue
 Pedersen, Michael
 Query, Joshua
 Rouillard, Claire
 Stevens, Deb
 Van Houten, Constance

Bouldin, Andrew
 Bergeron, Paul
 Cohen, Bruce
 Gagne, Larry
 Hamer, Heidi
 Infantine, William
 Klein-Knight, Nicole
 Long, Patrick
 Mayville, Mary
 Nutter-Upham, Frances
 Perez, Maria
 Newman, Ray
 Rung, Rosemarie
 Telerski, Laura
 Vann, Ivy

Boyd, Bill
 Bouchard, Donald
 Connors, Erika
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Jack, Martin
 Labranche, Tony
 King, Mark
 McGhee, Kat
 Nutting-Wong, Allison
 Petrigno, Peter
 Rice, Kimberly
 Newman, Sue
 Toomey, Dan
 Veilleux, Daniel

Baroody, Benjamin
 Bradley, Amy
 DiSilvestro, Linda
 Graham, John
 Healey, Robert
 Jeudy, Jean
 Lascelles, Richard
 Murray, Megan
 Mooney, Maureen
 O'Brien, Michael
 Piedra, Israel
 Rombeau, Catherine
 Sofikitis, Catherine
 Vail, Suzanne
 Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
 Ellison, Arthur
 Lane, Connie
 McWilliams, Rebecca
 Schamberg, Thomas
 Soucy, Timothy
 Wells, Natalie

Bartlett, Christy
 Gallagher, Eric
 Luneau, David
 Myler, Mel
 Schuett, Dianne
 Wallner, Mary Jane
 Wolf, Dan

Caplan, Tony
 Hall, Muriel
 MacKay, James
 Pimentel, Roderick
 Schultz, Kristina
 Walz, Mary Beth
 Woods, Gary

Ebel, Karen
 Klose, John
 Mason, James
 Pitaro, Matthew
 Shurtleff, Steve
 Wazir, Safiya

ROCKINGHAM

Abrami, Patrick
 Cahill, Michael
 Doucette, Fred
 Gilman, Julie
 Harb, Robert
 Loughman, Tom
 McMahon, Charles
 Paige, Mark
 Pearson, Stephen
 Sytek, John

Acton, Dennis
 Cali-Pitts, Jacqueline
 Edgar, Michael
 Grossman, Gaby
 Nelson, Jodi
 Pearson, Mark
 Meuse, David
 Pantelakos, Laura
 Simpson, Alexis
 Tudor, Paul

Altschiller, Debra
 DeSimone, Debra
 Edwards, Jess
 Grote, Jaci
 Murray, Kate
 Maggiore, Jim
 Milz, David
 Prudhomme-O'Brien, Katherine
 Somssich, Peter
 Ward, Gerald

Bunker, Lisa
 DiLorenzo, Charlotte
 Emerick, Tracy
 Hamblet, Joan
 Khan, Aboul
 Malloy, Dennis
 Osborne, Jason
 Read, Ellen
 Sweeney, Joe
 Weyler, Kenneth

STRAFFORD

Bixby, Peter
 Grassie, Chuck

Cannon, Gerri
 Horrigan, Timothy

Chase, Wendy
 Kenney, Cam

Fontneau, Timothy
 Levesque, Cassandra

Smith, Marjorie
Sandler, Catt
Wall, Janet

Schmidt, Peter
Southworth, Thomas

Rich, Cecilia
Spang, Judith

Salloway, Jeffrey
Treleven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee
Tanner, Linda

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Smith, Steven

O'Hearne, Andrew
Sullivan, Brian

NAYS - 132

BELKNAP

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

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

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

CARROLL

Avellani, Lino
McConkey, Mark

Nelson, Bill

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Hunt, John

Qualey, James

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

GRAFTON

Alliegro, Mark
Sanborn, Gail

Berezhny, Lex
Greeson, Jeffrey

Binford, David
Ladd, Rick

Folsom, Beth
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Homola, Susan
Lanzara, Tom
Notter, Jeanine
Post, Lisa
Somero, Paul

Griffin, Barbara
Burt, John
Erf, Keith
Gorski, Ted
Hopper, Gary
Lewicke, John
Nunez, Hershel
Prout, Andrew
Lekas, Tony

Berry, Ross
Creighton, Jim
Fedolfi, Jim
Gould, Linda
Kofalt, Jim
Marston, Dick
Pauer, Diane
Renzullo, Andrew
Ulery, Jordan

Blasek, Melissa
Cushman, Leah
Foster, William
Greene, Bob
Sanborn, Laurie
McLean, Mark
Plett, Fred
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
Moffett, Michael
Testerman, Dave

Andrus, Louise
Kennedy, Margaret
Pearl, Howard
Walsh, Thomas

Cambrils, Jose
Leavitt, John
Boyd, Stephen
Yakubovich, Michael

Cross, Kenna
McGuire, Carol
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Bernardy, JD
Ford, Oliver
Janigian, John
Love, David
Pratt, Kevin
Thomas, Douglas
Vose, Michael
Yokela, Josh

Abramson, Max
Bershtein, Alan
Green, Dennis
Katsakiores, Phyllis
Lynn, Bob
Roy, Terry
Torosian, Peter
MacDonald, Wayne

Baldasaro, Al
Dodge, Dustin
Guthrie, Joseph
Layon, Erica
Melvin, Charles
Soti, Julius
Tripp, Richard
Wallace, Scott

Baxter, Tim
Dolan, Tom
Hobson, Deborah
Litchfield, Melissa
Potucek, John
Spillane, James
True, Chris
Welch, David

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy

Callum, John

Rollins, Skip

Spilsbury, Walter

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

SB 450, relative to the prescription drug affordability board. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Tony Lekas for the Majority of Executive Departments and Administration. Earlier this year, this House dealt with a bill on a related topic and decided to send it to Interim Study. The majority recommends the

same for this bill. In addition to making some minor changes this bill attempts to resolve a couple of the many issues the committee had regarding the prescription drug affordability board. Two of those changes are incompatible with each other. In addition the prescription drug affordability board was created by a Senate amendment to a 2020 House bill that the Senate turned into an omnibus bill that included at least 7 different topics. While the House concurred with the Senate version, this section of the bill had no public hearing in the House and was not considered by any House committee so the House did not have an opportunity to give this complicated bill proper consideration. It is also a concern that not only did the bill creating the prescription drug affordability board not get a hearing before the House finance committee even though it has significant financial implications, this bill did not contain a fiscal note and is not planned to be heard by House Finance or Ways and Means, even though it would create a highly paid position of Executive Director, make significant changes to fees, and would established a non-lapsing fund. For these and other reasons the majority of the committee believes that this very complicated issue requires study by the House and any bill on this should be carefully reviewed through the entire legislative process. Vote 10-9.

Rep. William Marsh for the Minority of Executive Departments and Administration. This bill makes necessary changes to current law requested by the Prescription Drug Affordability Board. Most important, it creates a non-lapsing fund to collect the fees to pay the expenses of the Board. It also modifies the alternates to make quorum achievable. It changes the executive director to an unclassified position. It establishes an appeals process for decisions made by the board. The majority concern about excessive fees being collected is already addressed in existing law.

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

Rep. Deshaies spoke against.

On a division vote, with 164 members having voted in the affirmative, and 168 in the negative, the majority committee report failed.

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

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 173 - NAYS 161

YEAS - 173

CARROLL

Buco, Thomas
Knirk, Jerry
Woodcock, Stephen

Burroughs, Anita
Marsh, William

Deshaies, Brodie
McAleer, Chris

MacDonald, John
Umberger, Karen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Fenton, Donovan
Maneval, Andrew
Toll, Amanda Elizabeth

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

COOS

Davis, Arnold
Theberge, Robert

Kelley, Eamon
Tucker, Edith

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Dontonville, Roger
Ham, Bonnie
Stavis, Laurel

Adjutant, Joshua
Egan, Timothy
Massimilla, Linda
Sykes, George

Almy, Susan
Fellows, Sallie
Muirhead, Russell
Weston, Joyce

Depalma IV, Joseph
Hakken-Phillips, Mary
Nordgren, Sharon

HILLSBOROUGH

Alexander, Joe
Bergeron, Paul
Cohen, Bruce
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Graham, John
Heath, Mary
Klein-Knight, Nicole
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Newman, Ray
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Griffith, Willis
Jack, Martin
Labranche, Tony
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Rombeau, Catherine
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

Beaulieu, Jane
Chretien, Jacqueline
Espitia, Manny
Hamer, Heidi
Judy, Jean
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rouillard, Claire
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Lane, Connie
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Allard, James
Ellison, Arthur
Luneau, David
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

Bartlett, Christy
Gallager, Eric
MacKay, James
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Caplan, Tony
Hall, Muriel
Mason, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Gilman, Julie
Murray, Kate
Malloy, Dennis
Read, Ellen
Ward, Gerald

Acton, Dennis
Cali-Pitts, Jacqueline
Grossman, Gaby
Loughman, Tom
Meuse, David
Pearson, Stephen

Altschiller, Debra
DiLorenzo, Charlotte
Grote, Jaci
Pearson, Mark
Paige, Mark
Simpson, Alexis

Bunker, Lisa
Edgar, Michael
Hamblet, Joan
Maggiore, Jim
Pantelakos, Laura
Somssich, Peter

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew
Tanner, Linda

NAYS - 161**BELKNAP**

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

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

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

CARROLL

Avellani, Lino
McConkey, Mark

Nelson, Bill

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

GRAFTON

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Gordon, Edward

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Cushman, Leah
Foster, William
Gould, Linda
Hopper, Gary
Lanzara, Tom
Marston, Dick
Notter, Jeanine
Post, Lisa
Sheehan, Vanessa
Warden, Mark

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Greene, Bob
Infantine, William
Lascelles, Richard
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Somero, Paul

Griffin, Barbara
Burt, John
Erf, Keith
Gagne, Larry
Healey, Robert
Kofalt, Jim
Leishman, Peter
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Lekas, Tony

Berry, Ross
Creighton, Jim
Fedolfi, Jim
Gorski, Ted
Homola, Susan
Sanborn, Laurie
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Ulery, Jordan

MERRIMACK

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

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

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

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

ROCKINGHAM

Abbas, Daryl
Bernardy, JD
Dolan, Tom
Ford, Oliver
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Osborne, Jason
Roy, Terry
Sytek, John
True, Chris
Wallace, Scott

Abramson, Max
Bershtein, Alan
Doucette, Fred
Green, Dennis
Nelson, Jodi
Layon, Erica
McMahon, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, David

Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
Melvin, Charles
Pratt, Kevin
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Katsakiores, Phyllis
Love, David
Milz, David
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Rollins, Skip

Spilsbury, Walter

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Goley moved that the House reconsider its action whereby, on a roll call vote of 173-161, the House adopted the minority committee report of Ought to Pass on **SB 450**, relative to the prescription drug affordability board.

On a division vote, with 157 members having voted in the affirmative, and 175 in the negative, the motion failed.

MOTION TO SPECIAL ORDER

Rep. Marjorie Smith moved that **SB 399-FN**, relative to certain provisions of the fetal life protection act requiring an ultrasound examination, be made a Special Order as the next order of business.

Rep. Marjorie Smith spoke in favor.

Rep. Kennedy requested a roll call; sufficiently seconded.

YEAS 159 - NAYS 173**YEAS - 159****CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Fenton, Donovan
Maneval, Andrew
Toll, Amanda Elizabeth

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Dontonville, Roger
Massimilla, Linda
Sykes, George

Adjutant, Joshua
Egan, Timothy
Muirhead, Russell
Weston, Joyce

Almy, Susan
Fellows, Sallie
Nordgren, Sharon

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

HILLSBOROUGH

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Griffith, Willis
Jack, Martin
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter

Beaulieu, Jane
Chretien, Jacqueline
Espitia, Manny
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel

Bergeron, Paul
Cohen, Bruce
Goley, Jeffrey
Heath, Mary
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua

Newman, Ray
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Newman, Sue
Toomey, Dan
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

Bartlett, Christy
Gallager, Eric
MacKay, James
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Caplan, Tony
Hall, Muriel
Mason, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Ebel, Karen
Lane, Connie
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

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
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Loughman, Tom
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 173

BELKNAP

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

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

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Dessaies, Brodie
Umberger, Karen

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Binford, David
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

HILLSBOROUGH

Lekas, Alicia
Berry, Ross
Creighton, Jim
Fedolfi, Jim
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

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Hopper, Gary
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Griffin, Barbara
Burt, John
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

MERRIMACK

Allard, James
Hill, Gregory

Andrus, Louise
Kennedy, Margaret

Cambrils, Jose
Klose, John

Cross, Kenna
Leavitt, John

McGuire, Carol
Boyd, Stephen
Wells, Natalie

Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Pearl, Howard
Testerman, Dave

Pitaro, Matthew
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Katsakiores, Phyllis
Love, David
Melvin, Charles
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, David

Abramson, Max
Bernardy, JD
Dolan, Tom
Ford, Oliver
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Green, Dennis
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the motion failed.

MOTION TO REMOVE FROM THE TABLE

Rep. Weber moved that **HB 1674**, relative to reproductive rights, be removed from the table.
Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 158 - NAYS 173

YEAS - 158

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Fenton, Donovan
Maneval, Andrew
Toll, Amanda Elizabeth

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

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

Adjutant, Joshua
Fellows, Sallie
Nordgren, Sharon

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Griffith, Willis
Jack, Martin
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Newman, Ray
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Beaulieu, Jane
Chretien, Jacqueline
Espitia, Manny
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
McGhee, Kat
O'Brien, Michael
Piedra, Israel
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Bergeron, Paul
Cohen, Bruce
Goley, Jeffrey
Heath, Mary
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua
Newman, Sue
Toomey, Dan
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

Bartlett, Christy
Gallager, Eric
MacKay, James
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Caplan, Tony
Hall, Muriel
Mason, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

Ebel, Karen
Lane, Connie
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

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
Murray, Kate
Meuse, David
Simpson, Alexis

Cali-Pitts, Jacqueline
Grossman, Gaby
Loughman, Tom
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

Cannon, Gerri
Horriggan, Timothy
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 173**BELKNAP**

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

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

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

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Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

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Craig, Kevin

Davis, Arnold

Merner, Troy

Theberge, Robert

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Alliegro, Mark
Sanborn, Gail
Ladd, Rick

Berezhny, Lex
Gordon, Edward
Simon, Matthew

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ham, Bonnie

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Lekas, Alicia
Berry, Ross
Creighton, Jim
Fedolfi, Jim
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

Boyd, Bill
Boehm, Ralph
Kelley, Diane
Griffin, Gerald
Graham, John
Hopper, Gary
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Griffin, Barbara
Burt, John
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

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

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

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

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

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 DeSimone, Debra
 Edwards, Jess
 Guthrie, Joseph
 Janigian, John
 Litchfield, Melissa
 McMahon, Charles
 Potucek, John
 Pearson, Stephen
 Sytek, John
 True, Chris
 Wallace, Scott

Abrami, Patrick
 Baxter, Tim
 Dodge, Dustin
 Emerick, Tracy
 Harb, Robert
 Katsakiores, Phyllis
 Love, David
 Melvin, Charles
 Pratt, Kevin
 Soti, Julius
 Thomas, Douglas
 Tudor, Paul
 Welch, David

Abramson, Max
 Bernardy, JD
 Dolan, Tom
 Ford, Oliver
 Hobson, Deborah
 Khan, Aboul
 Lynn, Bob
 Milz, David
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Torosian, Peter
 Vose, Michael
 Weyler, Kenneth

Acton, Dennis
 Bershtein, Alan
 Doucette, Fred
 Green, Dennis
 Nelson, Jodi
 Layon, Erica
 Pearson, Mark
 Osborne, Jason
 Roy, Terry
 Sweeney, Joe
 Tripp, Richard
 MacDonald, Wayne
 Yokela, Josh

STRAFFORD

Bailey, Glenn
 Hayward, Peter
 Newton, Clifford

DeLemus, Susan
 Horgan, James
 Pitre, Joseph

Groen, Fenton
 Kaczynski, Thomas
 Turcotte, Leonard

Harrington, Michael
 Kittredge, Mac
 Wuelper, Kurt

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John
 Smith, Steven

Rollins, Skip

Spilsbury, Walter

and the motion failed.

MOTION TO REMOVE FROM THE TABLE

Rep. Altschiller 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 removed from the table. Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 157 - NAYS 174**YEAS - 157****CARROLL**

Buco, Thomas
 Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
 Faulkner, Barry
 Harvey, Cathryn
 Schapiro, Joe
 Welkowitz, Lawrence

Ames, Richard
 Fenton, Donovan
 Maneval, Andrew
 Toll, Amanda Elizabeth

Bordenet, John
 Fox, Dru
 Mann, John
 Von Plinsky, Sparky

Eaton, Daniel
 Gomarlo, Jennie
 Parshall, Lucius
 Weber, Lucy

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Tucker, Edith

GRAFTON

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

Adjutant, Joshua
 Fellows, Sallie
 Nordgren, Sharon

Almy, Susan
 Hakken-Phillips, Mary
 Stavis, Laurel

Dontonville, Roger
 Massimilla, Linda
 Sykes, George

HILLSBOROUGH

Bouldin, Andrew
 Bouchard, Donald
 Connors, Erika
 Graham, John
 Heath, Mary
 Klein-Knight, Nicole
 King, Mark
 Mullen, Sue
 Pedersen, Michael
 Query, Joshua
 Newman, Sue
 Toomey, Dan
 Veilleux, Daniel

Baroody, Benjamin
 Bradley, Amy
 DiSilvestro, Linda
 Griffith, Willis
 Jack, Martin
 Labranche, Tony
 Murray, Megan
 Nutter-Upham, Frances
 Perez, Maria
 Newman, Ray
 Sofikitis, Catherine
 Vail, Suzanne
 Wilhelm, Matthew

Beaulieu, Jane
 Chretien, Jacqueline
 Espitia, Manny
 Hamer, Heidi
 Jeudy, Jean
 Leishman, Peter
 Mangipudi, Latha
 Nutting-Wong, Allison
 Petrigno, Peter
 Rombeau, Catherine
 Stevens, Deb
 Van Houten, Constance

Bergeron, Paul
 Cohen, Bruce
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Klee, Patricia
 Long, Patrick
 McGhee, Kat
 O'Brien, Michael
 Piedra, Israel
 Rung, Rosemarie
 Telerski, Laura
 Vann, Ivy

MERRIMACK

Alicea, Caroletta
 Ellison, Arthur

Bartlett, Christy
 Gallager, Eric

Caplan, Tony
 Hall, Muriel

Ebel, Karen
 Lane, Connie

Luneau, David
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

MacKay, James
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Mason, James
Schamberg, Thomas
Soucy, Timothy
Wolf, Dan

McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Read, Ellen

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

Cali-Pitts, Jacqueline
Grossman, Gaby
Loughman, Tom
Paige, Mark
Somssich, Peter

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

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Chase, Wendy
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Gottling, Suzanne
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 174

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Bean, Harry
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Sheehan, Vanessa
Warden, Mark

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Lascelles, Richard
McLean, Mark
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Yakubovich, Michael

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Walsh, Thomas

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DeSimone, Debra
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Baxter, Tim
Dodge, Dustin
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Abramson, Max
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Dolan, Tom
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Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter
and the motion failed.

Callum, John
Smith, Steven

Rollins, Skip

Spillsbury, Walter

REGULAR CALENDAR CONT'D

SB 227-FN, relative to death benefits for first responders who die from suicide. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gerald Griffin for Finance. This bill includes suicide as a work-related cause of death for first responders and corrections officers. The amendment adds parole officers and certain other Class II employees. The Finance Committee heard testimony that suicide for members of this group was quite rare and that the overall impact of this bill would likely not result in a major financial burden to the state. Vote 15-3.

Amendment (1330h)

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

AN ACT relative to death benefits of police officers to include corrections officers, probation-parole officers, and correctional line personnel, and including death from suicide.

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

1 Death Benefit for Police Officer or Firefighter Killed in Line of Duty; Corrections Personnel. Amend RSA 21-I:29-a, I(g) to read as follows:

(g) "Police officer" means:

(1) Any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies who are employed by a city, town, village district, county, or precinct within the state of New Hampshire[;].

(2) Police officers employed by the university system of New Hampshire[;].

(3) Court security officers and bailiffs[;and].

(4) ***Corrections officers, probation-parole officers, and correctional line personnel meeting the definition of permanent policemen under RSA 100-A:1, VII.***

(5) Any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

2 Killed in the Line of Duty; Suicide Included. Amend RSA 21-I:29-a, I(f) to read as follows:

(f) "Killed in the line of duty" means a death, ***including suicide***, of a police officer, firefighter, emergency medical technician, or rescue squad member while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death. ***Death by suicide shall be considered a work related cause of death.*** "Incident" shall include any death that is determined to be occupationally related by the worker's compensation insurance carrier, a self-insured worker's compensation plan, or by the labor commissioner for workers' compensation purposes pursuant to RSA 281-A.

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

AMENDED ANALYSIS

This bill adds death by suicide under the definition of "killed in the line of duty" when considering eligibility for death benefits of police officers. The bill also includes corrections officers, probation-parole officers and correctional line personnel to persons eligible for the death benefits. Committee amendment was adopted.

The question being adoption of the committee report of Ought to Pass with Amendment. Rep. Wuelper offered floor amendment (1915h).

Floor Amendment (1915h)

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

AN ACT relative to death benefits of police officers to include corrections officers, probation-parole officers, and correctional line personnel, and including death from suicide, and relative to forfeiture of personal property.

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

3 New Section; Forfeiture of Personal Property. Amend RSA 617 by inserting after section 12 the following new section:

617:13 Limiting Adoptions by the Federal Government of Property Seized Under State Law.

I. A state or local law enforcement agency shall not offer for transfer or adoption property, seized under state law, to a federal agency for the purpose of forfeiture under the federal Controlled Substances Act, Public Law 91-513.

II. Paragraph I shall only apply to a seizure by a state or local law enforcement agency pursuant to its own authority under state law and without involvement of the federal government in the seizure. Nothing in paragraph I shall be construed to limit state and local law enforcement agencies from participating in a joint task force with the federal government.

III. The state or local law enforcement agency shall not accept payment of any kind or distribution of forfeiture proceeds from the federal government if the state or local law enforcement agency violates paragraph I. All proceeds received shall be transferred and deposited to the state's general fund.

4 Effective Date.

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

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

AMENDED ANALYSIS

This bill adds death by suicide under the definition of "killed in the line of duty" when considering eligibility for death benefits of police officers, and includes corrections officers, probation-parole officers, and correctional line personnel to persons eligible for the death benefits. The bill also limits the conditions under which seized property may be transferred to a federal agency.

Rep. Wuelper spoke in favor.

Floor amendment (1915h) was adopted.

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

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

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

(Representative Rice in the Chair)

REGULAR CALENDAR CONT'D

SB 267-FN-A, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gerald Griffin for Finance. This bill establishes the position of upland invasive species program coordinator in the Department of Agriculture, Markets and Food. The bill also establishes the upland invasive species remediation program and fund and makes an appropriation to the upland invasive species remediation fund. This bill appropriates \$150,000 for the reimbursement of municipalities for their purchases of herbicides. The amendment to the bill sets out method and timing of such reimbursements. The amendment also requires the department maintain an active invasive species remediation program of mechanical, cultural, biological and chemical controls to prevent the spread of invasive species. Vote 21-0.

Amendment (1779h)

Amend RSA 430:58, I(d) and (e) as inserted by section 1 of the bill by replacing them with the following:

(d) Maintain an active upland invasive species program that includes a combination of mechanical, cultural, biological, and chemical controls for the purpose of preventing and inhibiting the spread of invasive species.

(e) Subsidize the purchase of herbicides by municipalities, when funding is available. Municipalities shall provide the coordinator with copies of invoices paid by them no later than November 1 of each year. Based on the invoices received, the coordinator shall, if necessary, distribute reimbursements on a pro-rata basis and make payments to such municipalities no later than December 15.

Committee amendment was adopted.

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

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

SB 275, relative to the opioid abatement trust fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Erf for Finance. This bill provides that disbursement from the opioid abatement trust fund shall be based on the most recent decennial census, revises the membership and duties of the opioid abatement advisory commission and adds other organizations to the list of those that can receive grants from the trust.

The amendment does two things. It changes the newly added list item for public school programs to “public and non-public school programs.” It allows the Governor to remove a non-legislative member from the commission for cause. Vote 20-0.

Amendment (1831h)

Amend the bill by replacing section 3 with the following:

3 New Subparagraphs; New Hampshire Opioid Abatement Advisory Commission; Duties. Amend RSA 126-A:86, I(b) by inserting after subparagraph (14) the following new subparagraphs:

(15) Support evidence-based prevention programs and services, including efforts to promote healthy, drug-free lifestyles, reduce isolation, build skills and confidence, and facilitate community-based prevention efforts.

(16) Support for public and non-public school programs and services for students with OUD and any co-occurring SUD/MH issues or who have been affected by OUD and any co-occurring SUD/MH issues within their family.

Amend the bill by replacing section 5 with the following:

5 New Hampshire Abatement Advisory Commission Membership; Terms; Reference Change. Amend RSA 126-A:85, III to read as follows:

III. Members appointed under subparagraphs (n) through [(v)] (*w*) shall be appointed for staggered 2-year terms. Members appointed under subparagraphs (a) through (m) shall serve a term coterminous with their term in office. The advisory commission shall elect a chairperson every year with no person serving as chairperson for more than 2 consecutive one-year terms. *The governor may remove any non-legislative member, with cause.*

AMENDED ANALYSIS

This bill provides that disbursement from the opioid abatement trust fund shall be based on the most recent decennial census. The bill also revises the membership and duties of the opioid abatement advisory commission.

Committee amendment was adopted.

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

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

SB 303-FN, relative to the reimbursement of sheriffs offices for prisoner custody and control. **OUGHT TO PASS.** Rep. Gerald Griffin for Finance. This bill requires the Judicial Branch to reimburse the sheriffs offices at a rate provided in the collective bargaining agreement applicable to per diem court security officers for court security and prisoner custody and control. The obligation to reimburse the sheriffs offices, for court security and prisoner custody and control, shifted in 2021 from the Department of Administrative Services to the Judicial Branch. Currently court security officers are paid at a rate provided in the collective bargaining agreement. This bill brings the reimbursement of sheriffs in line with that collective bargaining rate and should help with recruitment and retention of sheriff personnel. Vote 21-0.

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

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

SB 346-FN-A, requiring the department of environmental services to conduct feasibility and impact studies for the construction of a pier on Hampton Beach. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for Finance. This bill requires the Hampton Beach area commission to study the feasibility and impacts of constructing and maintaining a pier directly south of Boar's Head in the Town of Hampton. The commission must report its findings and recommendations to the Speaker of the House, the President of the Senate, the Governor, and the state library by November 1, 2022. As amended, the bill appropriates \$150,000 to the Department of Natural and Cultural Resources to be disbursed by that agency to the Hampton Beach area commission to fund the study. Vote 20-0.

Amendment (1830h)

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

AN ACT relative to a feasibility and impact study for the construction of a pier on Hampton Beach.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 2023, is hereby appropriated to department of natural and cultural resources and shall be disbursed to the Hampton Beach area commission for the feasibility study relative to building a pier in the town of Hampton. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Committee amendment was adopted.

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

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

SB 366-FN, requiring an audit of ballots cast in the 2022 primary and general election. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen Mooney for the Majority of Finance. This bill came to Finance after a unanimous Ought to Pass recommendation from the House Election Law Committee, and full House adoption on the Consent Calendar. The bill is intended to test voting machine accuracy by authorizing the Secretary of State to conduct an audit of all AccuVote devices used in at least two voting districts in the 2022 state primary election. The Secretary of State shall randomly select not less than four voting districts for auditing that use the AccuVote devices at the 2022 state general election, unless the general election audits are foregone due to unresolved problems detected during the primary audits. High speed scanners are necessary to perform said audits at a one-time cost from the general fund of between \$50,000 to \$100,000. The majority of the committee believes this use of public funds is warranted to test machine accuracy and increase more voter confidence. Vote 12-9.

Rep. William Hatch for the Minority of Finance. This bill requires the Secretary of State to conduct an audit of a very small number of the AccuVote electronic counting devices used in the state 2022 primary and general elections for the stated purpose of increasing voter confidence in the vote count. This bill authorized the Secretary of State to spend up to \$100,000 to purchase a high-speed scanner. For the primary election all machines used in two voting locations will be audited with the intent of identifying problems with the process used in the general election audit. If the Secretary of State finds problems and cannot resolve all problems found, he or she may elect to forego a further audit of the general election. If a general election audit is conducted, the secretary will select four locations at random for said audit. The minority disagreed with the majority that this expenditure will provide much to add confidence to our vote count. As structured less than 1% to 2% of machines will be audited, (2 to 4 out of +/- 306 voting districts). In consideration of these factors the minority believes the \$100,000 that would be expended has better uses elsewhere and urges members to vote against this measure.

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

Rep. Hatch spoke against.

Rep. Mooney spoke in favor and yielded to questions.

Rep. Homola requested a roll call; sufficiently seconded.

YEAS 177 - NAYS 139

YEAS - 177

BELKNAP

Bean, Harry
Johnson, Dawn
O'Hara, Travis
Terry, Paul

Comtois, Barbara
Lang, Timothy
Ploszaj, Tom

Harvey-Bolia, Juliet
Littlefield, Richard
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Hough, Gregg
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Yokela, Josh

Abramson, Max
Bershtein, Alan
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Green, Dennis
Janigian, John
Litchfield, Melissa
Maggiore, Jim
Osborne, Jason
Roy, Terry
Sytek, John
True, Chris
Wallace, Scott

Acton, Dennis
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
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McMahon, Charles
Potucek, John
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Thomas, Douglas
Tudor, Paul
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Callum, John

Rollins, Skip

Spilsbury, Walter

NAYS - 139**CARROLL**

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Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Fenton, Donovan
Maneval, Andrew
Toll, Amanda Elizabeth

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTON

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

Adjutant, Joshua
Fellows, Sallie
Nordgren, Sharon

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Griffith, Willis
Jack, Martin
Long, Patrick
Nutter-Upham, Frances
Petrigno, Peter
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Judy, Jean
King, Mark
Nutting-Wong, Allison
Piedra, Israel
Sofikitis, Catherine
Vail, Suzanne

Beaulieu, Jane
Chretien, Jacqueline
Espitia, Manny
Harriott-Gathright, Linda
Labranche, Tony
Murray, Megan
Pedersen, Michael
Query, Joshua
Stevens, Deb
Van Houten, Constance

Bergeron, Paul
Cohen, Bruce
Goley, Jeffrey
Heath, Mary
Leishman, Peter
Mangipudi, Latha
Perez, Maria
Newman, Ray
Telerski, Laura
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David

Bartlett, Christy
Gallager, Eric
MacKay, James

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca

Ebel, Karen
Lane, Connie
Myler, Mel

Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Schuett, Dianne
Wallner, Mary Jane

Schultz, Kristina
Walz, Mary Beth

Shurtleff, Steve
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Edgar, Michael
Hamblet, Joan
Malloy, Dennis
Simpson, Alexis

Bunker, Lisa
Gilman, Julie
Harb, Robert
Meuse, David
Ward, Gerald

Cali-Pitts, Jacqueline
Grossman, Gaby
Murray, Kate
Pantelakos, Laura

DiLorenzo, Charlotte
Grote, Jaci
Loughman, Tom
Read, Ellen

STRAFFORD

Cannon, Gerri
Kenney, Cam
Rich, Cecilia
Spang, Judith

Chase, Wendy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Cloutier, John
Tanner, Linda

Gottling, Suzanne

Oxenham, Lee

Sullivan, Brian

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

SB 371-FN-A, making an appropriation to the lead paint hazard remediation fund. **OUGHT TO PASS.**

Rep. Gerald Griffin for Finance. This bill makes a \$3 million appropriation to the lead paint hazard remediation fund administered by the Housing Finance Authority. The fund is used to provide interest free loans to the owners of rental units for lead paint remediation in order to protect the health of young children living in those rental units. The program has been a great success with more than 800 rental units completed to date. However, the initial appropriation has been used and most of it is now in the form of outstanding loans. This appropriation will allow the program to resume at a reasonable rate and protect many young children from the harmful effects of lead poisoning. Vote 19-1.

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

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

SB 376-FN, relative to creating a board to review police incidents involving citizens affected by mental health issues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph Pitre for Finance. This bill, as amended, establishes a mental health incident review board for law enforcement. The purpose of the board is to analyze all mental health aspects in law enforcement interacting with distressed individuals and the use of deadly force. This bill gives a wide berth to an in-depth study of the problem. SB 376 encourages a mental health review board under the auspices of the law enforcement conduct review committee. This bill appropriates \$1,100,000 for year ending 30 June 2023 to Police Standards and Training Council to support crisis intervention training (CIT) of law enforcement officers and the costs of training are included in this appropriation. Vote 20-0.

Amendment (1728h)

Amend section 4 of the bill by replacing paragraph I with the following:

I. The committee shall study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal SWAT engagements, including regional SWAT teams, as the mental health incident review board may choose to review. The committee shall consider establishing the mental health incident review board under the auspices of a law enforcement conduct review committee similar to that established in HB 1682 of the 2022 regular legislative session.

Amend section 4 of the bill by deleting subparagraph II(o).

Amend the bill by replacing section 7 with the following:

7 Appropriation. The sum of \$1,100,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the police standards and training council to support CIT training. Such funds shall be used to reimburse agencies for any overtime or backfill costs associated with the attendance of one officer who attends and successfully completes a police standards and training council recognized CIT training offered within the state, for any costs associated with the transportation, lodging, and meal expenses incurred by the agency during such CIT training, for the costs associated with police standards and training council hiring any outside vendor to deliver the CIT training, and to provide for and compensate a part-time program administrator at police standards and training to manage this program. The appropriation shall be in addition to any other funds appropriated to the police standards and training council and shall be nonlapsing. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by the police standards and training council, which shall coordinate officer training with individual departments throughout the state.

Departments with one or more previously CIT trained officers shall not be eligible for funds allocated under this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Committee amendment was adopted.

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

SB 381-FN-A, establishing an office of the advocate for special education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for the Majority of Finance. This bill establishes the office of the advocate for special education who will be appointed by the Governor and approved by the Executive Council. The office will serve as a resource for disability related information and a source of information and referral regarding state and federal laws regarding special education, track metrics of the types of disagreements or complaints along with many other duties to serve the special education population. Having a stand-alone advocate has been the goal of the special education community and passing this bill makes it a reality. Vote 15-6.

Rep. Mary Jane Wallner for the Minority of Finance. The minority of the committee finds that SB 381 as amended recognizes the need to examine parental concerns regarding the special education process at the New Hampshire Department of Education (DOE). However, establishing the office of the Advocate for Special Education is not the solution. At a cost of \$500,000 to establish such an office completely separate from the Office of the Child Advocate creates a redundancy of efforts that should be coordinated and not separate. In reality, this office will do little to enhance the resolution to the process already in place at the DOE. The minority believes that these efforts would be better spent coordinating with the DOE and school districts to determine why parents are so concerned with the current process that adhere to the current federal and state legislation and this bill is better suited for an Inexpedient to Legislate motion.

Majority Amendment (1857h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 4 and 5, respectively:

2 Office of the Child Advocate; Reference to Education Deleted. Amend RSA 21-V:2, II(c) to read as follows:

(c) Ensure that children placed in the care of the state or receiving services under the supervision of an agency in any public or private facility, receive humane and dignified treatment at all times, with full respect for the child's personal dignity, right to privacy, and right to adequate and appropriate healthcare [~~and education~~] in accordance with state and federal law.

3 Office of the Child Advocate; Access to Information and Facilities; Reference to Education Deleted. Amend RSA 21-V:4, I(a) to read as follows:

(a) All case records, all third party records, including the healthcare [~~and education~~] records of any child receiving services from an executive agency, and all records submitted to the courts.

Rep. Mullen spoke against.

Rep. Cordelli spoke in favor.

On a division vote, with 163 members having voted in the affirmative, and 152 in the negative, the majority committee amendment was adopted.

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

Rep. Woodcock spoke against.

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

YEAS 170 - NAYS 155

YEAS - 170

BELKNAP

Bean, Harry
Johnson, Dawn
O'Hara, Travis

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

Howard, Raymond
Mackie, Jonathan
Terry, Paul

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Hunt, John
Santonastaso, Matthew

Mann, John

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

GRAFTON

Adjutant, Joshua
Gordon, Edward

Alliegro, Mark
Greeson, Jeffrey

Depalma IV, Joseph
Ham, Bonnie

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Berry, Ross
Creighton, Jim
Griffin, Gerald
Graham, John
Hopper, Gary
Lascelles, Richard
McLean, Mark
Pauer, Diane
Prout, Andrew
Somero, Paul
Veilleux, Daniel

Alexander, Joe
Blasek, Melissa
Kelley, Diane
Gagne, Larry
Greene, Bob
Infantine, William
Lewicke, John
Mooney, Maureen
Piedra, Israel
Renzullo, Andrew
Stevens, Deb
Warden, Mark

Boyd, Bill
Boehm, Ralph
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Plett, Fred
Rouillard, Claire
Lekas, Tony

Griffin, Barbara
Burt, John
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Post, Lisa
Sheehan, Vanessa
Ulery, Jordan

MERRIMACK

Cross, Kenna
Leavitt, John
Pearl, Howard
Seaworth, Brian
Wolf, Dan

Hill, Gregory
Mason, James
Pitaro, Matthew
Testerman, Dave
Yakubovich, Michael

Kennedy, Margaret
McGuire, Carol
Boyd, Stephen
Walsh, Thomas

Klose, John
Moffett, Michael
Schamberg, Thomas
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Cali-Pitts, Jacqueline
Doucette, Fred
Green, Dennis
Janigian, John
Litchfield, Melissa
Maggiore, Jim
Osborne, Jason
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Abrami, Patrick
Baxter, Tim
DeSimone, Debra
Edwards, Jess
Harb, Robert
Katsakiores, Phyllis
Love, David
McMahon, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, David

Abramson, Max
Bernardy, JD
Dodge, Dustin
Emerick, Tracy
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Melvin, Charles
Pratt, Kevin
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Acton, Dennis
Bershtein, Alan
Dolan, Tom
Ford, Oliver
Nelson, Jodi
Layon, Erica
Pearson, Mark
Milz, David
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne

STRAFFORD

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

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Spang, Judith

Harrington, Michael
Kittredge, Mac
Turcotte, Leonard

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

**NAYS - 155
BELKNAP**

Comtois, Barbara

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Toll, Amanda Elizabeth

Ames, Richard
Fenton, Donovan
Maneval, Andrew
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

Theberge, Robert

GRAFTON

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

Almy, Susan
Fellows, Sallie
Muirhead, Russell
Sykes, George

Berezhny, Lex
Sanborn, Gail
Nordgren, Sharon
Weston, Joyce

Dontonville, Roger
Hakken-Phillips, Mary
Simon, Matthew

HILLSBOROUGH

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Goley, Jeffrey
Heath, Mary
Klein-Knight, Nicole
Long, Patrick
McGhee, Kat
O'Brien, Michael
Query, Joshua
Newman, Sue
Vail, Suzanne

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Griffith, Willis
Jack, Martin
Kofalt, Jim
King, Mark
Mullen, Sue
Pedersen, Michael
Newman, Ray
Sofikitis, Catherine
Van Houten, Constance

Beaulieu, Jane
Chretien, Jacqueline
Erf, Keith
Hamer, Heidi
Judy, Jean
Labranche, Tony
Murray, Megan
Nutter-Upham, Frances
Perez, Maria
Rombeau, Catherine
Telerski, Laura
Vann, Ivy

Bergeron, Paul
Cohen, Bruce
Espitia, Manny
Harriott-Gathright, Linda
Klee, Patricia
Leishman, Peter
Mangipudi, Latha
Nutting-Wong, Allison
Petrigno, Peter
Rung, Rosemarie
Toomey, Dan
Wilhelm, Matthew

MERRIMACK

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

Allard, James
Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schultz, Kristina
Walz, Mary Beth

Andrus, Louise
Ebel, Karen
Lane, Connie
Myler, Mel
Shurtleff, Steve
Wazir, Safiya

Bartlett, Christy
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Soucy, Timothy
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Gilman, Julie
Hamblet, Joan
Meuse, David
Roy, Terry

Bunker, Lisa
Grossman, Gaby
Murray, Kate
Paige, Mark
Simpson, Alexis

DiLorenzo, Charlotte
Grote, Jaci
Loughman, Tom
Pantelakos, Laura
Ward, Gerald

Edgar, Michael
Guthrie, Joseph
Malloy, Dennis
Read, Ellen
Yokela, Josh

STRAFFORD

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

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

Chase, Wendy
Levesque, Cassandra
Salloway, Jeffrey
Wall, Janet

Grassie, Chuck
Smith, Marjorie
Sandler, Catt

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne

Merchant, Gary

Oxenham, Lee

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

(Speaker Packard in the Chair)

REGULAR CALENDAR CONT'D

SB 394-FN, relative to the definition of a child with a disability under special education laws and establishing a commission to study special education eligibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Heath for Finance. This bill will change the definition of a "child with a disability" to include students through the school year in which they turn 21 until their 22nd birthday and will take effect upon passage bringing New Hampshire into compliance with the federal Individuals with Disabilities Act (IDEA). Furthermore, the bill as amended, upon application by a school district, the Department of Education (DOE) shall provide reimbursement for any such costs, which were not compensated for through other forms of state aid. To qualify for reimbursement, a school district shall have utilized any unexpended federal IDEA funds for fiscal year 2022 and any available IDEA American Rescue Plan Act (ARPA) funds. These payments shall be made to school districts under the payment schedule of special education aid under RSA 186-C:18. As amended, any unexpended funds for the biennium ending June 30, 2023 (special education aid) shall not lapse and shall be available to the department for the purpose of providing reimbursements to qualifying school districts. If such funds are insufficient to cover reimbursements, the Governor is authorized to draw a warrant from the education trust to satisfy the state's obligation for identified school district reimbursements. Vote 20-1.

Amendment (1770h)

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

AN ACT relative to the definition of a child with a disability under special education laws and providing funding for special education costs for students over age 21 to age 22.

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

2 Department of Education; Special Education; Students Age 21; Funding.

I. For the 2022-2023 school year, department of education shall be liable for all school district costs related to providing services to special education students over age 21 until their 22nd birthday. Upon application by a school district, the department shall provide reimbursement for any such costs, which were not otherwise compensated for through other forms of state education aid. To qualify for reimbursement, a school district shall have utilized any unexpended federal Individuals with Disabilities Education Act (IDEA) funds for the fiscal year 2022 and any available IDEA American Rescue Plan Act funds. Payments shall be made to school districts under the payment schedule of special education aid under RSA 186-C:18.

II. Notwithstanding any law to the contrary, any unexpended funds for biennium ending June 30, 2023, in account 06-56-56-560040-3043-629 (special education aid), shall not lapse and shall be made available to the department of education for the purpose of providing reimbursements under paragraph I. Any remaining unexpended funds after all reimbursements have been made shall be transferred to 06-56-56-562010-3015 (court ordered placements). If amounts available under this paragraph are insufficient to cover reimbursements approved under paragraph I, an amount equal to the shortfall is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section.

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

AMENDED ANALYSIS

This bill modifies the definition of "child with a disability" to include persons up to 21 years of age. The bill also provides for reimbursement from the department of education for special education costs for students over age 21 until their 22nd birthday and provides funding therefor. Committee amendment was adopted.

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

SB 401-FN, making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund and permitting the department of transportation to operate dash cameras in fleet vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Umberger for Finance. This bill allocates \$36 million for the fiscal year ending June 30, 2022, for bridges. One half, \$18,000,000 shall be distributed based on the municipality's share of the state's population as of July 1, 2021, and \$18,000,000 based on total bridge deck area. It eliminates the 20% match for red listed bridges. The Department of Transportation indicated there will be additional dollars available to the communities to repair red listed bridges. Additionally, there is \$30,000,000 for municipal roads that will be distributed based on apportionment A distribution. There is appropriated \$1,000,000 for body worn and dashboard camera fund. Additionally, we approved \$4.1 million to repair the state owned Dixville-Colebrook Road. Construction will not commence until financing has been obtained for the redevelopment of the resort facility and property formerly known as the Balsams Grand Resort Hotel and for commencement of commercial operations. These funds will provide much needed funds to municipalities for bridge and road repair. Vote 18-2.

Amendment (1844h)

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

1 Department of Transportation; Municipal Bridges; Appropriation. There is hereby appropriated to the department of transportation the sum of \$36,000,000 for the fiscal year ending June 30, 2022, which shall be nonlapsing and expended for municipal bridges by municipalities with existing bridges. One half of the funds (\$18,000,000) shall be distributed to municipalities with municipally-owned bridges based on each municipality's total bridge deck area per department inventory, as of January 1, 2022. The other half of the funds (\$18,000,000) shall be distributed to municipalities with municipally-owned bridges based on each municipality's share of total state population based on the office of planning and development's population estimate with each municipal population in proportion to the total population of the state as of July 1, 2021. The funds to be distributed under this section shall be in addition to all other state and federal aid specifically authorized by statute. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. No funds appropriated under this section shall be used to supplant locally budgeted and approved funds for bridge maintenance or construction. The funds appropriated in this section may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

2 Department of Transportation; "Apportionment A" Distributions; Appropriation. There is hereby appropriated to the department of transportation the sum of \$30,000,000 for the fiscal year ending June 30, 2022, which shall be nonlapsing and expended as additional "Apportionment A" distributions under RSA 235:23, I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. No funds appropriated under this section shall be used to supplant locally budgeted and ap-

proved funds for road maintenance or construction. The funds appropriated in this section may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

3 Body-Worn and Dashboard Camera Fund; Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2022, is hereby appropriated to the body-worn and dashboard camera fund established in RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The funds appropriated in this section may be considered unanticipated money though fiscal year 2023, under RSA 31:95-b, and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

4 New Subparagraph; Highway Surveillance Prohibited; Exception for Dash Cameras in Fleet Vehicles. Amend RSA 236:130, III by inserting after subparagraph (g) the following new subparagraph:

(h) Is undertaken for safety and security by the department of transportation to operate dash cameras in its fleet. Except as otherwise provided, no video recording shall be stored longer than 3 business days. Any video recordings requested by the department of transportation or another legal entity, and retrieved prior to expiration of the 3 business days, shall be copied and retained by the department of transportation's transportation management center. The stored recording may only be used by the requesting party for a lawful purpose, including as evidence in a judicial or administrative proceeding.

5 Department of Transportation; Dixville-Colebrook Road Project. The department of transportation is authorized to proceed with the road project named Dixville-Colebrook, project number 40518, subject to the following contingencies:

I. The department of transportation shall not commence construction on project number 40518 until such time as all approvals necessary for the road project are received and financing is secured.

II. Financing must be sufficient for the redevelopment of the resort facility and property formerly known as "the balsams grand resort hotel" and for the commencement of commercial operations at the former resort facility.

III. Prior to construction of project number 40518, the towns and/or county shall execute an agreement with the department, agreeing to take ownership of the road with responsibility for continuing maintenance and repairs.

IV. Construction costs and other project costs associated with project number 40518 shall not exceed \$4,100,000. The governor is authorized to draw a warrant for the necessary sum out of any money in the treasury not otherwise appropriated, for construction costs and other project expenses. The appropriation shall be non-lapsing. Project costs shall not be charged to the highway fund.

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

AMENDED ANALYSIS

This bill:

I. Makes appropriations to the department of transportation for state bridge aid and municipal bridge aid.

II. Makes an appropriation to the body-worn and dashboard camera fund.

III. Permits the department of transportation to operate dash cameras in fleet vehicles.

IV. Authorizes the department of transportation to proceed with the Dixville-Colebrook road project if certain criteria are met and make an appropriation to the department of transportation for this purpose. Committee amendment was adopted.

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

Rep. Turcotte offered floor amendment (1927h).

Floor Amendment (1927h)

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

AN ACT making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund, permitting the department of transportation to operate dash cameras in fleet vehicles, and relative to the duration of unemployment benefits.

Amend the bill by replacing all after section 5 with the following:

6 New Paragraph; Unemployment Compensation; Weekly Benefit Amount. Amend RSA 282-A:25 by inserting after paragraph III the following new paragraph:

IV.(a) Notwithstanding RSA 4:45 and the maximum benefit amounts in paragraph I, for unemployment compensation claims submitted during a calendar year, the duration of benefits under this chapter shall be limited to 16 weeks, if the state's average unemployment rate is at or below 3 percent, plus one additional week for each 0.5 percent increment in the state's average unemployment rate above 3 percent, up to a maximum of 26 weeks if the state's average unemployment rate exceeds 8 percent.

(b) In this paragraph, "state average unemployment rate" shall mean the average of the 3 months for the most recent fourth calendar year quarter of the seasonally adjusted total unemployment rates as determined and benchmarked by the department of labor.

7 Effective Date.

I. Section 6 of this act shall take effect 120 days after its passage.

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

AMENDED ANALYSIS

This bill:

I. Makes appropriations to the department of transportation for state bridge aid and municipal bridge aid.

II. Makes an appropriation to the body-worn and dashboard camera fund.

III. Permits the department of transportation to operate dash cameras in fleet vehicles.

IV. Authorizes the department of transportation to proceed with the Dixville-Colebrook road project if certain criteria are met and make an appropriation to the department of transportation for this purpose.

V. Specifies the duration of unemployment benefits based on the state's average unemployment rate.

Rep. Turcotte spoke in favor.

Rep. Sullivan spoke against.

Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 173 - NAYS 142**YEAS - 173****BELKNAP**Bean, Harry
Howard, Raymond
Mackie, Jonathan
Sylvia, MichaelComtois, Barbara
Johnson, Dawn
O'Hara, Travis
Terry, PaulHarvey-Bolia, Juliet
Lang, Timothy
Ploszaj, TomHough, Gregg
Littlefield, Richard
Silber, Norman**CARROLL**Avellani, Lino
Smith, JonathanCordelli, Glenn
McConkey, MarkDeshaies, Brodie
Umberger, Karen

MacDonald, John

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTONAlliegro, Mark
Sanborn, Gail
Ladd, RickBerezhny, Lex
Gordon, Edward
Simon, MatthewDepalma IV, Joseph
Greeson, JeffreyFolsom, Beth
Ham, Bonnie**HILLSBOROUGH**Lekas, Alicia
Berry, Ross
Creighton, Jim
Foster, William
Gould, Linda
Homola, Susan
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Prout, Andrew
Sheehan, Vanessa
Warden, MarkAlexander, Joe
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Graham, John
Hopper, Gary
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Renzullo, Andrew
Somero, PaulBoyd, Bill
Boehm, Ralph
Erf, Keith
Gagne, Larry
Greene, Bob
Infantine, William
Lascelles, Richard
McLean, Mark
Pauer, Diane
Rice, Kimberly
Lekas, TonyGriffin, Barbara
Burt, John
Fedolli, Jim
Gorski, Ted
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Post, Lisa
Rouillard, Claire
Ulery, Jordan**MERRIMACK**Allard, James
Hill, Gregory
Mason, James
Pitaro, Matthew
Walsh, ThomasAndrus, Louise
Kennedy, Margaret
McGuire, Carol
Boyd, Stephen
Wells, NatalieCambrils, Jose
Klose, John
Moffett, Michael
Seaworth, Brian
Wolf, DanCross, Kenna
Leavitt, John
Pearl, Howard
Testerman, Dave
Yakubovich, Michael**ROCKINGHAM**Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Harb, Robert
Katsakiores, Phyllis
Love, DavidAbrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Hobson, Deborah
Khan, Aboul
Lynn, BobAbramson, Max
Bernardy, JD
Dolan, Tom
Ford, Oliver
Nelson, Jodi
Layon, Erica
Pearson, MarkActon, Dennis
Bershtein, Alan
Doucette, Fred
Green, Dennis
Janigian, John
Litchfield, Melissa
McMahon, Charles

Melvin, Charles
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, David

Milz, David
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Osborne, Jason
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 142

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Knirk, Jerry

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe
Welkowitz, Lawrence

Ames, Richard
Fenton, Donovan
Maneval, Andrew
Toll, Amanda Elizabeth

Bordenet, John
Fox, Dru
Mann, John
Von Plinsky, Sparky

Eaton, Daniel
Gomarlo, Jennie
Parshall, Lucius
Weber, Lucy

COOS

Kelley, Eamon

Laflamme, Larry

Tucker, Edith

GRAFTON

Abel, Richard
Egan, Timothy
Nordgren, Sharon

Adjutant, Joshua
Fellows, Sallie
Stavis, Laurel

Almy, Susan
Massimilla, Linda
Sykes, George

Dontonville, Roger
Muirhead, Russell
Weston, Joyce

HILLSBOROUGH

Bouldin, Andrew
Bouchard, Donald
Connors, Erika
Griffith, Willis
Jack, Martin
Labranche, Tony
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Jeudy, Jean
Long, Patrick
McGhee, Kat
O'Brien, Michael
Plett, Fred
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

Baulieu, Jane
Chretien, Jacqueline
Espitia, Manny
Harriott-Gathright, Linda
Klee, Patricia
King, Mark
Mullen, Sue
Pedersen, Michael
Query, Joshua
Newman, Sue
Toomey, Dan
Wilhelm, Matthew

Bergeron, Paul
Cohen, Bruce
Goley, Jeffrey
Heath, Mary
Klein-Knight, Nicole
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Sofikitis, Catherine
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

Ebel, Karen
Lane, Connie
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

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

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

Edgar, Michael
Loughman, Tom
Paige, Mark
Somssich, Peter

Gilman, Julie
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

STRAFFORD

Bixby, Peter
Grassie, Chuck
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Chase, Wendy
Kenney, Cam
Rich, Cecilia

Fontneau, Timothy
Levesque, Cassandra
Sandler, Catt

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and floor amendment (1927h) was adopted.

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

Rep. Burt spoke against.

Rep. Umberger spoke in favor.

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

SB 407-FN, relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Keith Erf for Finance. This bill takes advantage of the American Rescue Plan Act provision allowing New Hampshire to extend Medicaid postpartum coverage for up to 12 months after birth to a narrow segment of women between 138% and 196% of the federal poverty level who currently only receive 60 days of coverage. This is a group of approximately 570 women that are expected to have about 25% utilization. Currently their income is too great to qualify for Medicaid or expanded Medicaid but without enough income to afford insurance coverage. The program extends the federal dollar match to this group for five years. The program sunsets when the federal program ends. The Finance Committee agrees with the bill as it came to us. Vote 20-0.

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

Rep. Turcotte offered floor amendment (1926h).

Floor Amendment (1926h)

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

AN ACT relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor and relative to exemptions from vaccine mandates.

Amend the bill by replacing all after section 4 with the following:

5 Legislative Findings. The general court finds that:

I. It is the longstanding public policy of New Hampshire to protect the rights of its citizens to live free; and

II. The state of New Hampshire has affirmed in statute the natural, essential, and inherent right to individual bodily integrity. Therefore, citizens shall have the right to choose what, if any, substances are injected into their bodies, including without limitation, any mandated vaccine.

6 New Subdivision; Labor; Protective Legislation; Exemption from Vaccination Mandates. Amend RSA 275 by inserting after section 77 the following new subdivision:

Exemption from Vaccination Mandates

275:78 Exemption from Vaccination Mandates; Public and Private Employers.

I. Any public or private employer that receives public funds from the federal or state government or any subdivision thereof, whether such funds are in the form of payment for contractual services, grants, or in any other form however denominated, and irrespective of the amount or level of such funding, and mandates any vaccine, inoculation, or immunization procedure, shall offer an employee the opportunity to submit a request for a medical, religious, or right of conscience exemption.

II. An employee's written request for exemption shall simply state: "I, (employee name), hereby submit a request for a medical, religious, or right of conscience exemption from the mandated vaccination or inoculation. [employee signature and date]". Such request for exemption shall be granted. The employer may then work with the employee to see if an agreement for a reasonable accommodation can be reached.

III. If any provision of this section or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

7 New Chapter; Exemptions from Vaccination Mandates in

Postsecondary Educational Institutions. Amend RSA by inserting after chapter 200-N the following new chapter:

CHAPTER 200-O**EXEMPTIONS FROM VACCINATION MANDATES IN
POSTSECONDARY EDUCATIONAL INSTITUTIONS**

200-O:1 Exemptions from Vaccination Mandates; Postsecondary Educational Institutions.

I. Any postsecondary educational institution that receives public funds from the federal or state government or any subdivision thereof, whether such funds are in the form of payment for contractual services, grants, or in any other form however denominated, and irrespective of the amount or level of such funding, and mandates any vaccine, inoculation, or immunization procedure, shall offer each student the opportunity to submit a request for a medical, religious, or right of conscience exemption.

II. A student's written request for exemption shall simply state: "I, (student name), hereby submit a request for a medical, religious, or right of conscience exemption from the mandated vaccination or inoculation. [student signature and date]". Such request for exemption shall be granted. The school may then work with the student to see if an agreement for a reasonable accommodation can be reached.

200-O:2 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

8 Effective Date.

I. Section 4 of this act shall take effect March 31, 2027.

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

AMENDED ANALYSIS

This bill directs the department of health and human services to submit a state plan amendment to temporarily expand postpartum coverage under Medicaid, establishes a quarterly reporting requirement, and makes an appropriation to the department for the purpose of funding the postpartum health care services for a 12 month period. The program expansion is repealed March 31, 2027.

The bill also requires public employers, private employers, and postsecondary education institutions that receive public funds to accept an employee or student's request for exemption from a vaccination or other inoculation procedure on medical, religious, or right of conscience grounds.

Rep. Turcotte spoke in favor.

Rep. Knirk spoke against.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 162 - NAYS 153

YEAS - 162

BELKNAP

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

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

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

CARROLL

Avellani, Lino
McConkey, Mark

Nelson, Bill
Umberger, Karen

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTON

Alliegro, Mark
Sanborn, Gail
Simon, Matthew

Berezhny, Lex
Gordon, Edward

Depalma IV, Joseph
Greeson, Jeffrey

Folsom, Beth
Ladd, Rick

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Erf, Keith
Gagne, Larry
Healey, Robert
Sanborn, Laurie
Marston, Dick
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Boyd, Bill
Burt, John
Fedolfi, Jim
Gorski, Ted
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Griffin, Barbara
Creighton, Jim
Foster, William
Gould, Linda
Infantine, William
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kofalt, Jim
Lewicke, John
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Andrus, Louise
Kennedy, Margaret
McGuire, Carol
Seaworth, Brian
Wolf, Dan

Cambrils, Jose
Klose, John
Moffett, Michael
Testerman, Dave
Yakubovich, Michael

Cross, Kenna
Leavitt, John
Pearl, Howard
Walsh, Thomas

Hill, Gregory
Mason, James
Boyd, Stephen
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
 Baxter, Tim
 DeSimone, Debra
 Edwards, Jess
 Guthrie, Joseph
 Janigian, John
 Litchfield, Melissa
 Milz, David
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Tripp, Richard
 MacDonald, Wayne
 Yokela, Josh

Abrami, Patrick
 Bernardy, JD
 Dodge, Dustin
 Emerick, Tracy
 Harb, Robert
 Katsakiores, Phyllis
 Love, David
 Osborne, Jason
 Roy, Terry
 Sytek, John
 True, Chris
 Wallace, Scott

Abramson, Max
 Bershtein, Alan
 Dolan, Tom
 Ford, Oliver
 Hobson, Deborah
 Khan, Aboul
 Lynn, Bob
 Potucek, John
 Pearson, Stephen
 Thomas, Douglas
 Tudor, Paul
 Welch, David

Baldasaro, Al
 Cali-Pitts, Jacqueline
 Doucette, Fred
 Green, Dennis
 Nelson, Jodi
 Layon, Erica
 McMahon, Charles
 Pratt, Kevin
 Soti, Julius
 Torosian, Peter
 Vose, Michael
 Weyler, Kenneth

STRAFFORD

Bailey, Glenn
 Horgan, James
 Pitre, Joseph

DeLemus, Susan
 Kaczynski, Thomas
 Turcotte, Leonard

Groen, Fenton
 Kittredge, Mac
 Wuelper, Kurt

Hayward, Peter
 Newton, Clifford

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John
 Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 153**CARROLL**

Buco, Thomas
 McAleer, Chris

Burroughs, Anita
 Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
 Fenton, Donovan
 Maneval, Andrew
 Toll, Amanda Elizabeth

Ames, Richard
 Fox, Dru
 Mann, John
 Weber, Lucy

Bordenet, John
 Gomarlo, Jennie
 Parshall, Lucius
 Welkowitz, Lawrence

Faulkner, Barry
 Harvey, Cathryn
 Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

GRAFTON

Abel, Richard
 Egan, Timothy
 Massimilla, Linda
 Sykes, George

Adjutant, Joshua
 Fellows, Sallie
 Muirhead, Russell
 Weston, Joyce

Almy, Susan
 Hakken-Phillips, Mary
 Nordgren, Sharon

Dontonville, Roger
 Ham, Bonnie
 Stavis, Laurel

HILLSBOROUGH

Alexander, Joe
 Bergeron, Paul
 Cohen, Bruce
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Klee, Patricia
 Murray, Megan
 Mullen, Sue
 Pedersen, Michael
 Query, Joshua
 Newman, Sue
 Toomey, Dan
 Veilleux, Daniel

Bouldin, Andrew
 Bouchard, Donald
 Connors, Erika
 Graham, John
 Heath, Mary
 Labranche, Tony
 Mangipudi, Latha
 Nutter-Upham, Frances
 Perez, Maria
 Newman, Ray
 Sofikitis, Catherine
 Vail, Suzanne
 Wilhelm, Matthew

Baroody, Benjamin
 Bradley, Amy
 DiSilvestro, Linda
 Griffith, Willis
 Jack, Martin
 Leishman, Peter
 Mayville, Mary
 Nutting-Wong, Allison
 Petrigno, Peter
 Rombeau, Catherine
 Stevens, Deb
 Van Houten, Constance

Beaulieu, Jane
 Chretien, Jacqueline
 Espitia, Manny
 Hamer, Heidi
 Jeudy, Jean
 King, Mark
 McGhee, Kat
 O'Brien, Michael
 Piedra, Israel
 Rung, Rosemarie
 Telerski, Laura
 Vann, Ivy

MERRIMACK

Alicea, Caroletta
 Ebel, Karen
 Lane, Connie
 Myler, Mel
 Schultz, Kristina
 Walz, Mary Beth

Allard, James
 Ellison, Arthur
 Luneau, David
 Pimentel, Roderick
 Shurtleff, Steve
 Wazir, Safiya

Bartlett, Christy
 Gallagher, Eric
 MacKay, James
 Schamberg, Thomas
 Soucy, Timothy
 Woods, Gary

Caplan, Tony
 Hall, Muriel
 McWilliams, Rebecca
 Schuett, Dianne
 Wallner, Mary Jane

ROCKINGHAM

Acton, Dennis
 Gilman, Julie

Altschiller, Debra
 Grossman, Gaby

Bunker, Lisa
 Grote, Jaci

Edgar, Michael
 Hamblet, Joan

Murray, Kate
Malloy, Dennis
Simpson, Alexis

Loughman, Tom
Meuse, David
Somssich, Peter

Pearson, Mark
Paige, Mark
Ward, Gerald

Maggiore, Jim
Read, Ellen

STRAFFORD

Bixby, Peter
Grassie, Chuck
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Harrington, Michael
Smith, Marjorie
Sandler, Catt
Wall, Janet

Chase, Wendy
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Fontneau, Timothy
Kenney, Cam
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and floor amendment (1926h) was adopted.

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

YEAS 295 - NAYS 28

YEAS - 295

BELKNAP

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

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

Harvey-Bolia, Juliet
Lang, Timothy
Ploszaj, Tom

Hough, Gregg
Littlefield, Richard
Silber, Norman

CARROLL

Avellani, Lino
Cordelli, Glenn
McAleer, Chris

Nelson, Bill
MacDonald, John
McConkey, Mark

Buco, Thomas
Smith, Jonathan
Umberger, Karen

Burroughs, Anita
Knirk, Jerry
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Fox, Dru
Qualey, James
Toll, Amanda Elizabeth

Ames, Richard
Gomarlo, Jennie
Rhodes, Jennifer
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Santonastaso, Matthew
Welkowitz, Lawrence

Fenton, Donovan
Hunt, John
Schapiro, Joe

COOS

Davis, Arnold
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Depalma IV, Joseph
Folsom, Beth
Hakken-Phillips, Mary
Muirhead, Russell
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Sanborn, Gail
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

Alliegro, Mark
Egan, Timothy
Gordon, Edward
Ladd, Rick
Simon, Matthew

Almy, Susan
Fellows, Sallie
Greeson, Jeffrey
Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Lekas, Alicia
Griffin, Barbara
Berry, Ross
Bradley, Amy
Connors, Erika
Erf, Keith
Griffin, Gerald
Gould, Linda
Healey, Robert
Jack, Martin
Kofalt, Jim
Leishman, Peter
Murray, Megan
McLean, Mark
Nunez, Hershel
Pauer, Diane
Piedra, Israel
Query, Joshua
Rombeau, Catherine

Alexander, Joe
Baroody, Benjamin
Blasek, Melissa
Burt, John
Creighton, Jim
Espitia, Manny
Gagne, Larry
Greene, Bob
Heath, Mary
Judy, Jean
Sanborn, Laurie
Lewicke, John
Mangipudi, Latha
Mooney, Maureen
Nutter-Upham, Frances
Pedersen, Michael
Plett, Fred
Newman, Ray
Ruillard, Claire

Bouldin, Andrew
Beaulieu, Jane
Boehm, Ralph
Chretien, Jacqueline
Kelley, Diane
Fedolfi, Jim
Goley, Jeffrey
Hamer, Heidi
Homola, Susan
Klee, Patricia
Lanzara, Tom
Long, Patrick
Marston, Dick
Mullen, Sue
Nutting-Wong, Allison
Perez, Maria
Post, Lisa
Renzullo, Andrew
Rung, Rosemarie

Boyd, Bill
Bergeron, Paul
Bouchard, Donald
Cohen, Bruce
DiSilvestro, Linda
Foster, William
Gorski, Ted
Harriott-Gathright, Linda
Infantine, William
Klein-Knight, Nicole
Lascelles, Richard
King, Mark
Mayville, Mary
Notter, Jeanine
O'Brien, Michael
Petrigno, Peter
Prout, Andrew
Rice, Kimberly
Newman, Sue

Sheehan, Vanessa
Lekas, Tony
Van Houten, Constance

Sofikitis, Catherine
Telerski, Laura
Vann, Ivy

Somero, Paul
Ulery, Jordan
Veilleux, Daniel

Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Alicea, Caroletta
Caplan, Tony
Hall, Muriel
Lane, Connie
Mason, James
Myler, Mel
Schamberg, Thomas
Shurtleff, Steve
Walsh, Thomas
Wolf, Dan

Allard, James
Cross, Kenna
Hill, Gregory
Leavitt, John
McGuire, Carol
Pearl, Howard
Schuett, Dianne
Soucy, Timothy
Walz, Mary Beth
Woods, Gary

Bartlett, Christy
Ebel, Karen
Kennedy, Margaret
Luneau, David
McWilliams, Rebecca
Pimentel, Roderick
Schultz, Kristina
Testerman, Dave
Wazir, Safiya
Yakubovich, Michael

Cambrils, Jose
Gallager, Eric
Klose, John
MacKay, James
Moffett, Michael
Boyd, Stephen
Seaworth, Brian
Wallner, Mary Jane
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Altschiller, Debra
Bershtein, Alan
Dolan, Tom
Emerick, Tracy
Grossman, Gaby
Harb, Robert
Murray, Kate
Litchfield, Melissa
Pearson, Mark
Melvin, Charles
Pantelakos, Laura
Roy, Terry
Spillane, James
Tudor, Paul
Welch, David

Abrami, Patrick
Baldasaro, Al
Bunker, Lisa
Doucette, Fred
Ford, Oliver
Grote, Jaci
Hobson, Deborah
Katsakiores, Phyllis
Loughman, Tom
Maggiore, Jim
Milz, David
Potucek, John
Pearson, Stephen
Sweeney, Joe
MacDonald, Wayne
Weyler, Kenneth

Abramson, Max
Baxter, Tim
Cali-Pitts, Jacqueline
Edgar, Michael
Gilman, Julie
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Love, David
Malloy, Dennis
Osborne, Jason
Pratt, Kevin
Simpson, Alexis
Sytek, John
Wallace, Scott
Yokela, Josh

Acton, Dennis
Bernardy, JD
DeSimone, Debra
Edwards, Jess
Green, Dennis
Hamblet, Joan
Janigian, John
Layon, Erica
Lynn, Bob
McMahon, Charles
Paige, Mark
Prudhomme-O'Brien, Katherine
Soti, Julius
Tripp, Richard
Ward, Gerald

STRAFFORD

Bailey, Glenn
DeLemus, Susan
Harrington, Michael
Kenney, Cam
Newton, Clifford
Salloway, Jeffrey
Turcotte, Leonard

Bixby, Peter
Fontneau, Timothy
Hayward, Peter
Kittredge, Mac
Schmidt, Peter
Sandler, Catt
Wall, Janet

Cannon, Gerri
Grassie, Chuck
Horgan, James
Levesque, Cassandra
Pitre, Joseph
Southworth, Thomas

Chase, Wendy
Groen, Fenton
Horrigan, Timothy
Smith, Marjorie
Rich, Cecilia
Treleaven, Susan

SULLIVAN

Aron, Judy
Rollins, Skip
Sullivan, Brian

Callum, John
Spilsbury, Walter
Tanner, Linda

Cloutier, John
Stapleton, Walter

Gottling, Suzanne
Smith, Steven

NAYS - 28

CARROLL

Marsh, William

CHESHIRE

Faulkner, Barry

Maneval, Andrew

Mann, John

Parshall, Lucius

COOS

Craig, Kevin

GRAFTON

Berezhny, Lex

HILLSBOROUGH

Graham, John
Toomey, Dan

Griffith, Willis
Warden, Mark

Labranche, Tony

McGhee, Tat

MERRIMACK

Andrus, Louise

Ellison, Arthur

ROCKINGHAM

Dodge, Dustin
Thomas, Douglas

Meuse, David
Torosian, Peter

Read, Ellen
True, Chris

Somssich, Peter
Vose, Michael

STRAFFORD

Kaczynski, Thomas

Spang, Judith

Wuelper, Kurt

SULLIVAN

Merchant, Gary

Oxenham, Lee

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

SB 412-FN-A, making an appropriation to the department of health and human services for nursing home reimbursement rates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jess Edwards for Finance. This bill corrects an inadvertent error, made in the budget. The legislature last spring, decided to increase nursing home rates by 5 percent as of July 1, 2021. Language inserted into HB 2 was interpreted at the time to require rates to be calculated based on a larger number of occupied beds than appropriate. The appropriation placed in the budget was only enough to raise rates and was insufficient to support the increase of 5 percent. SB 412-FN-A appropriates up to an additional \$5 million of general funds as a contingency. If the contingency funds are not needed, they will lapse. Vote 20-0.

Amendment (1582h)

Amend the bill by replacing section 1 with the following:

1 Department of Health and Human Services; Nursing Home Reimbursement Rates; Appropriation. The department of health and human services is hereby directed to establish new rates for nursing homes paid out of account 05-95-48-482010-2152. The average daily rate across all facilities shall be equal to no less than 105 percent of the average daily rate in effect as of June 30, 2021, and shall be retroactive to July 1, 2021. Should budgeted appropriations be insufficient to fund the revised rates, the commissioner of health and human services shall transmit a letter to the governor, senate president, and speaker of the house of representatives advising them of the need for additional funding. Contingent upon the transmittal of said letter, and for the biennium ending June 30, 2023, an amount not to exceed \$5,000,000 shall be appropriated to the department for the purpose of funding the shortfall. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any portion of said appropriation remaining unspent as of June 30, 2023 shall lapse to the general fund. The department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court.

Committee amendment was adopted.

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.

SB 416-FN, relative to behavioral health assessment and treatment for children in out-of-home placements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Jane Wallner for Finance. This bill requires a functional behavior assessment and a behavior intervention plan, if clinically indicated, for children in need of residential treatment due to problem behaviors. The amendment makes it clear that if a functional behavior assessment exists another one is not required for special education IEPs. This bill will take effect on January 1, 2024 and the cost of the assessments will be included in the next budget. Vote 20-0.

Amendment (1786h)

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Special Education; Individualized Education Programs; Functional Behavioral Assessment Required. Amend RSA 186-C:7 by inserting after paragraph III the following new paragraph:

IV. If a functional behavioral assessment exists for the student and if the IEP team has determined a positive intervention plan is appropriate after review of the functional behavioral assessment, the child's individualized education program shall include data from the functional behavioral assessment with recommendations and reference to a positive behavior intervention plan that is developed in addition to the IEP. Districts shall refer to 34 C.F.R. 530 in its entirety to determine their responsibilities for discipline procedures under IDEA.

Committee amendment was adopted.

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

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

SB 417-FN, establishing an electric school bus pilot program. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill establishes an electric school bus pilot program managed by the Department of Environmental Services (NHDES). As a pilot program NHDES and the Department of Energy will be studying all aspects of the electric bus program and report on the health benefits, financial costs, operating and maintenance costs and use of vehicle to grid technology. NHDES may

allocate funding from the New Hampshire Volkswagen Mitigation Trust and may apply for, and accept, other federal funding for the purpose of funding and administering this program and shall not exclude a school or district from receiving grants from the public school infrastructure fund, established in RSA 198:15-y.

Rep. Mary Heath

Statement in support of Inexpedient to Legislate: The minority of the committee believes that there is no need for this pilot project, as it seems highly likely that there have been other localities around the country, including in areas with winter climates, which have experimented with electric school buses. We can obtain the information we need from these other localities. The Volkswagen Settlement monies proposed to fund this bill could be put to better use.

Rep. Bob Lynn

MOTION TO LAY ON THE TABLE

Rep. Steven Smith moved that **SB 417-FN**, establishing an electric school bus pilot program, be laid on the table. On a division vote, with 166 members having voted in the affirmative, and 151 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

SB 418-FN, relative to verification of voter affidavits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gerald Griffin for the Majority of Finance. This bill came to Finance after a vote in the full House of 180-154 in favor of Ought to Pass with Amendment. The bill only applies to those registering for the first time on election day without proof of his/her identity. The intention is to strengthen election integrity and improve the verification of voter identification and residency. The likely number of voters who may receive Affidavit Ballots may be far less than the 733 who voted statewide in the general 2020 election without proof of his/her identity. The majority of the committee believes that spending an estimated \$48,000 in FY 2023, and \$72,000 in FY 2025 is a reasonable amount to verify identity for same day voter registrants. Vote 12-9.

Rep. Mary Beth Walz for the Minority of Finance. The minority believes this is a troubled bill that should be sent to Interim Study. The creation of provisional ballots that cannot be counted until seven days after an election means elections may not be certified until a week after the polls closed. In a primary election the delay would make it impossible to mail ballots 45 days before the general election placing New Hampshire in violation of the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA). By passing this bill, we are making it difficult, if not impossible, for members of our military stationed overseas, government employees stationed overseas, and US citizens residing overseas to return their ballots in time to be counted. It requires the creation of provisional ballots that include a mark identifying the voter. New Hampshire's Constitution guarantees the right to a secret ballot. Marking ballots with a code that identifies the voter is a clear violation of a voter's constitutional right. We should not be abridging this sacred right. Furthermore, this violation will, no doubt, once again be challenged in the courts, costing the state millions of dollars in legal fees. The most recent challenge to SB 3 cost the state \$4.2 million in legal fees and the equivalent of two years of full-time lawyers in our Department of Justice. The minority in the Finance Committee cannot support a bill that violates our state constitution and is most certainly going to be challenged in our courts. By changing the rules for same day voter registration SB 418 endangers the exemption New Hampshire enjoys from the National Voter Registration Act (NVRA). Compliance with NVRA would require a complete, radical, and expensive change to the way we register voters in New Hampshire. SB 418 is a classic example of a bill that has unintended consequences. Given that implementing this bill will abridge the constitutional rights of some of our citizens, will cause the state to violate two federal laws, and that violation of those federal laws could cost us millions of dollars in legal fees, the loss of federal dollars, and the possible high cost of revamping our voter registration system, the minority cannot support SB 418.

Majority Amendment (1870h)

Amend RSA 659:23-a, II(b) as inserted by section 2 of the bill by replacing it with the following:

(b) An affidavit voter verification letter, in duplicate form, which lists all the documents required to qualify to vote in the state of New Hampshire. The authorized election official shall mark on both copies of the verification letter which qualifying documents were not provided, thereby necessitating voting by affidavit ballot. One copy of the affidavit verification letter shall be given to the voter; the other copy shall be retained by the authorized election official. The voter shall be required to return their copy of the affidavit verification letter and a copy of any required documentation to the secretary of state in the provided prepaid U.S. Postal Service envelope within 7 days of the date of the election in order for the ballot to be certified.

Majority committee amendment was adopted.

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

Rep. Walz spoke against.

Rep. Barbara Griffin spoke in favor.

Rep. Hobson requested a roll call; sufficiently seconded.

YEAS 164 - NAYS 155**YEAS - 164
BELKNAP**

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

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

Hough, Gregg
Littlefield, Richard
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

GRAFTON

Alliegro, Mark
Sanborn, Gail

Berezhny, Lex
Greeson, Jeffrey

Depalma IV, Joseph
Ladd, Rick

Folsom, Beth
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Boehm, Ralph
Erf, Keith
Gagne, Larry
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Griffin, Barbara
Burt, John
Fedolfi, Jim
Gorski, Ted
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Berry, Ross
Creighton, Jim
Foster, William
Gould, Linda
Infantine, William
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

MERRIMACK

Allard, James
Hill, Gregory
Mason, James
Boyd, Stephen
Wolf, Dan

Andrus, Louise
Kennedy, Margaret
McGuire, Carol
Seaworth, Brian
Yakubovich, Michael

Cambrils, Jose
Klose, John
Moffett, Michael
Testerman, Dave

Cross, Kenna
Leavitt, John
Pearl, Howard
Wells, Natalie

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Bernardy, JD
Dolan, Tom
Ford, Oliver
Janigian, John
Litchfield, Melissa
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Green, Dennis
Katsakiores, Phyllis
Love, David
Melvin, Charles
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, David

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John

Rollins, Skip

Spilsbury, Walter

**NAYS - 155
CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Maneval, Andrew
Toll, Amanda Elizabeth

Ames, Richard
Fox, Dru
Mann, John
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Parshall, Lucius
Welkowitz, Lawrence

Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

Theberge, Robert

GRAFTON

Abel, Richard
Egan, Timothy
Ham, Bonnie
Stavis, Laurel

Adjutant, Joshua
Fellows, Sallie
Massimilla, Linda
Sykes, George

Almy, Susan
Gordon, Edward
Muirhead, Russell
Weston, Joyce

Dontonville, Roger
Hakken-Phillips, Mary
Nordgren, Sharon

HILLSBOROUGH

Bouldin, Andrew
Bergeron, Paul
Cohen, Bruce
Goley, Jeffrey
Harriott-Gathright, Linda
Klee, Patricia
Long, Patrick
McGhee, Kat
Pedersen, Michael
Query, Joshua
Newman, Sue
Toomey, Dan
Veilleux, Daniel

Boyd, Bill
Bouchard, Donald
Connors, Erika
Graham, John
Heath, Mary
Klein-Knight, Nicole
King, Mark
Mullen, Sue
Perez, Maria
Newman, Ray
Sofikitis, Catherine
Vail, Suzanne
Wilhelm, Matthew

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Griffith, Willis
Jack, Martin
Labranche, Tony
Murray, Megan
Nutting-Wong, Allison
Petrigno, Peter
Rombeau, Catherine
Stevens, Deb
Van Houten, Constance

Beaulieu, Jane
Chretien, Jacqueline
Espitia, Manny
Hamer, Heidi
Judy, Jean
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Piedra, Israel
Rung, Rosemarie
Telerski, Laura
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Shurtleff, Steve
Wazir, Safiya

Bartlett, Christy
Gallager, Eric
MacKay, James
Schamberg, Thomas
Soucy, Timothy
Woods, Gary

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schuett, Dianne
Wallner, Mary Jane

Ebel, Karen
Lane, Connie
Myler, Mel
Schultz, Kristina
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Gilman, Julie
Hamblet, Joan
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Grossman, Gaby
Harb, Robert
Malloy, Dennis
Read, Ellen

Cali-Pitts, Jacqueline
Grote, Jaci
Murray, Kate
Meuse, David
Simpson, Alexis

Edgar, Michael
Guthrie, Joseph
Loughman, Tom
Paige, Mark
Somssich, Peter

STRAFFORD

Bixby, Peter
Horriggan, Timothy
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

Grassie, Chuck
Smith, Marjorie
Sandler, Catt
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.

SB 420-FN-A-1, establishing an extraordinary need grant for schools and relative to additional adequate education grant amounts for pupils receiving special education services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Karen Umberger for the Majority of Finance. This bill provides an extraordinary need grant for schools. It provides additional aid for school systems with equalized evaluation under \$6 million. Each child who receives free and reduced lunch that are in these school systems will receive additional dollars at a cost of \$14.5 million. In order to receive these grants, the schools must provide an accountability plan to the Department of Education (DOE). As the bill came to the Finance Committee it also included additional funds for children receiving special education services, which was anticipated to cost over \$29 million. The Finance Committee did not believe the Education Trust Fund could support both of these programs and, opted to remove the special education portion of the bill which passed the House in April. Vote 14-6.

Rep. Leonard Turcotte for the Minority of Finance. This bill would create a new and additional layer of educational aide above and beyond all educational aide that currently exists. The “extraordinary need grants”

would be apportioned based on an “equalized valuation per free and reduced-price meal pupils” (EVFRP) formula. Unfortunately, the majority of the fund allocation of \$14.6 million in year one would end up being distributed to a few select cities. Two cities alone would receive 38% of the total. Five cities, when combined, would receive 51% of the \$14.6 million allocation. On the other end of the scale, approximately 63% of the in our state would receive zero funds. The minority believes equity and fairness are not an integral part of this bill and therefore believe Ought to Pass is an inappropriate motion.

Majority Amendment (1761h)

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

AN ACT establishing an extraordinary need grant for schools.

Amend RSA 198:40-f, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In this section, “equalized valuation per pupil eligible to receive a free or reduced-price meal” means a municipality’s equalized valuation, excluding properties subject to taxation under RSA 82 and equalized payments in lieu of taxes, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district’s kindergarten through grade 12 ADMR in the determination year eligible to receive a free or reduced-price meal.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill establishes an extraordinary need grant for schools in addition to regular adequate education grants and relief grants.

Majority committee amendment was adopted.

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

Rep. Turcotte offered floor amendment (1925h).

Floor Amendment (1925h)

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

AN ACT establishing an extraordinary need grant for schools and relative to eligibility for the education tax credit.

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

4 Education Tax Credit; Definition of Eligible Student; Household Income. Amend RSA 77-G:1, VIII(b) to read as follows:

(b) Whose annual household income is less than or equal to ~~[300]~~ **500** percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902(2). The scholarship organization shall verify eligibility under this subparagraph.

5 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2022.

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

AMENDED ANALYSIS

This bill establishes an extraordinary need grant for schools in addition to regular adequate education grants and relief grants. This bill increases the household income level to qualify as an eligible student under the education tax credit program.

Rep. Turcotte spoke in favor.

Rep. Cushman requested a roll call; sufficiently seconded.

YEAS 171 - NAYS 150

YEAS - 171

BELKNAP

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

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

Hough, Gregg
Littlefield, Richard
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

Theberge, Robert

GRAFTONAlliegro, Mark
Sanborn, Gail
Ladd, RickBerezhny, Lex
Gordon, Edward
Simon, MatthewDepalma IV, Joseph
Greeson, JeffreyFolsom, Beth
Ham, Bonnie**HILLSBOROUGH**Lekas, Alicia
Berry, Ross
Creighton, Jim
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, PaulAlexander, Joe
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lascelles, Richard
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, TonyBoyd, Bill
Boehm, Ralph
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, JordanGriffin, Barbara
Burt, John
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark**MERRIMACK**Allard, James
Hill, Gregory
Mason, James
Boyd, Stephen
Wells, NatalieAndrus, Louise
Kennedy, Margaret
McGuire, Carol
Seaworth, Brian
Yakubovich, MichaelCambrils, Jose
Klose, John
Moffett, Michael
Testerman, DaveCross, Kenna
Leavitt, John
Pitaro, Matthew
Walsh, Thomas**ROCKINGHAM**Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
McMahon, Charles
Potucek, John
Pearson, Stephen
Sytek, John
True, Chris
Wallace, ScottAbrami, Patrick
Baxter, Tim
Dodge, Dustin
Emerick, Tracy
Harb, Robert
Katsakiores, Phyllis
Love, David
Melvin, Charles
Pratt, Kevin
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, DavidAbramson, Max
Bernardy, JD
Dolan, Tom
Ford, Oliver
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Prudhomme-O'Brien, Katherine
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, KennethActon, Dennis
Bershtein, Alan
Doucette, Fred
Green, Dennis
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh**STRAFFORD**Bailey, Glenn
Hayward, Peter
Newton, CliffordDeLemus, Susan
Horgan, James
Pitre, JosephGroen, Fenton
Kaczynski, Thomas
Turcotte, LeonardHarrington, Michael
Kittredge, Mac
Wuelper, Kurt**SULLIVAN**Aron, Judy
Stapleton, WalterCallum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 150**CARROLL**Buco, Thomas
McAleer, ChrisBurroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIREAbbott, Michael
Fenton, Donovan
Maneval, Andrew
Toll, Amanda ElizabethAmes, Richard
Fox, Dru
Mann, John
Weber, LucyBordenet, John
Gomarlo, Jennie
Parshall, Lucius
Welkowitz, LawrenceFaulkner, Barry
Harvey, Cathryn
Schapiro, Joe**COOS**

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTONAbel, Richard
Egan, Timothy
Muirhead, Russell
Weston, JoyceAdjutant, Joshua
Fellows, Sallie
Nordgren, SharonAlmy, Susan
Hakken-Phillips, Mary
Stavis, LaurelDontonville, Roger
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Bouldin, Andrew	Baroody, Benjamin	Beaulieu, Jane	Bergeron, Paul
Bouchard, Donald	Bradley, Amy	Chretien, Jacqueline	Cohen, Bruce
Connors, Erika	DiSilvestro, Linda	Espitia, Manny	Goley, Jeffrey
Griffith, Willis	Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary
Jack, Martin	Jeady, Jean	Klee, Patricia	Klein-Knight, Nicole
Labranche, Tony	Leishman, Peter	Lewicke, John	Long, Patrick
King, Mark	Murray, Megan	Mangipudi, Latha	McGhee, Kat
Mullen, Sue	Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael
Pedersen, Michael	Petrigno, Peter	Piedra, Israel	Query, Joshua
Newman, Ray	Rombeau, Catherine	Rung, Rosemarie	Newman, Sue
Sofikitis, Catherine	Stevens, Deb	Telerski, Laura	Toomey, Dan
Vail, Suzanne	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	Myler, Mel
Pimentel, Roderick	Schamberg, Thomas	Schuett, Dianne	Schultz, Kristina
Shurtleff, Steve	Soucy, Timothy	Wallner, Mary Jane	Walz, Mary Beth
Wazir, Safiya	Wolf, Dan	Woods, Gary	

ROCKINGHAM

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

STRAFFORD

Bixby, Peter	Cannon, Gerri	Fontneau, Timothy	Grassie, Chuck
Horriggan, Timothy	Kenney, Cam	Levesque, Cassandra	Smith, Marjorie
Schmidt, Peter	Rich, Cecilia	Salloway, Jeffrey	Sandler, Catt
Southworth, Thomas	Spang, Judith	Treleaven, Susan	Wall, Janet

SULLIVAN

Cloutier, John	Gottling, Suzanne	Merchant, Gary	Oxenham, Lee
Sullivan, Brian	Tanner, Linda		

and floor amendment (1925h) 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.

SB 422-FN, establishing an adult 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. This is the companion bill to Medicaid Dental bill HB 103 that most recently passed the House 237-100. SB 422 is completely replaced by the amendment making it identical to the House passed version with three changes agreed to with the Senate. Prosthodontics are limited to removable. Copays aren't required for preventive services. Part of the Centene settlement (\$2.4 million) is used to repay the Center for Medicaid Services for the overpayment to DHHS as a result of Centene's error (referred to as the Risk Corridor Calculation). Vote 16-3.

Rep. Bob Lynn for the Minority of Finance. The minority of the committee believes that this bill, which establishes yet another entitlement that will be in effect in perpetuity and will cost the taxpayers more and more in future years, should be voted Inexpedient to Legislate.

Majority Amendment (1331h)

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) Removable 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) With the exception of diagnostic and preventive services, 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, the sum of \$21,148,822 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. Of said sum:

I. The first \$2,420,203 of funds received by the state shall be used by the department of health and human services to meet the financial requirements of completing the Medicaid Care Management SFY 20 Risk Corridor calculation.

II. The remaining \$18,728,619 shall be used to fund the non-federal share of an adult dental benefit in the Medicaid program.

III. In the event an adult dental benefit in the Medicaid program is not implemented by June 30, 2023, the sum allocated under paragraph II shall be transferred as follows:

(a) 10 percent of the funds shall be transferred to the revenue stabilization reserve account pursuant to RSA 7:6-e, I; and

(b) The remainder of the funds shall be transferred to the general fund.

IV. The department of health and human services may accept and expend matching federal funds without prior approval of the fiscal committee of the general court.

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 was adopted.

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

On a division vote, with 205 members having voted in the affirmative, and 109 in the negative, the majority committee report was adopted and the bill was ordered to third reading.

SB 430-FN-A, relative to health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Erf for Finance. This is a multi-part bill that came from the Health and Human Services committee which removed a number of parts requiring more work. The Finance amendment makes changes to three sections and adds an additional section. The developmental disabilities pilot program section is amended to lapse any unspent funds as typically occurs. The section [deleting] would have eliminated the Medicaid Family Planning Services annual report and was deleted so that the joint legislative fiscal committee will continue to receive this report annually. DHHS requested that section 29 related to reviewing and investigating records of New Hampshire owned mental health care facilities be changed to include “Hampstead hospital or other state-owned facilities that provide child inpatient psychiatric treatment within the state mental health system” thereby allowing the department to begin commercial rate negotiations in advance of an anticipated transfer of the facility to the state and removed reference of the Philbrook Center. Vote 20-0.

Amendment (1883h)

Amend the bill by replacing section 3 with the following:

3 Department of Health and Human Services; Developmental Services; Pilot Program.

I. For the fiscal year ending June 30, 2023, the department of health and human services, division of long term supports and services, shall develop a pilot program to provide services for individuals with developmental disabilities, between 18 and 21 years of age, who are enrolled in school and determined eligible for developmental services that are not the responsibility of the local education agency, another state agency, or another division of the department. Participation in the pilot program plan shall be limited to not more than 20 eligible individuals. The selection of the eligible individuals shall be done in a transparent manner accessible by any interest party in the developmental disability community. The department may adopt rules under RSA 541-A relative to implementation and administration of the pilot program.

II. For purposes of the pilot program, the local education agency, all state agencies, and divisions of the department involved with an individual seeking services shall, with the consent of the individual or the individual's guardian, provide information to the area agency and participate in the individual's service planning. The area agency shall provide such information to the department.

III. In addition, the department shall use the information provided in accordance with paragraph II to make the final determination as to whether the services requested are the legal responsibility of the local education agency, another state agency, or another division of the department. All services provided through the pilot program shall be described in detail and provided to the interested parties identified in paragraph V. This requirement shall not be construed as authorization to report personally identifiable information of the program participants.

IV. For individuals deemed eligible pursuant to paragraph I, the time period between completion of the individual service agreement, pursuant to RSA 171-A:12, and the allocation by the department of the funds needed to perform the services required by the agreement shall not exceed 90 calendar days.

V. On or before February 1, 2023, the department shall provide a detailed report of the pilot program plan to the senate health and human services committee, the senate finance committee, the house children and family law committee, the house health, human services and elderly affairs committee, the house finance committee, the oversight committee on health and human services established in RSA 136-A:13, and the fiscal committee of the general court. The report shall include data on utilization, including the number of individuals seeking services in accordance with paragraph I, the number of individuals provided services as part of the pilot program, the types of specific services provided for each individual, the total cost of the services provided, and other relevant information necessary to assess the pilot program for statewide expansion as part of the state budget for the biennium ending June 30, 2025.

VI. If the department determines that all necessary coordination for the pilot program has been sufficiently completed, the department may make a request to the fiscal committee of the general court to begin implementation of the pilot program on an appropriate effective date. The pilot program shall not begin until approval by the fiscal committee of the general court.

VII. There is hereby appropriated to the department of health and human services the sum of \$2,800,000, for the fiscal year ending June 30, 2023, for the purpose of implementing the pilot program plan or the pilot itself, for developmental services established in this section. Additionally, the department may accept and expend any applicable federal funds, and any gifts, grants, or donations that may be available for the purposes of the pilot program. In the event of any remaining funds not otherwise expended after reaching the cap of serving 20 eligible individuals under the pilot program, the department may allocate funding and provide services to additional eligible individuals. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 6 with the following:

6 New Sections; Recreation Camp Licensing; Confidentiality and Investigations. Amend RSA 170-E by inserting after 66 the following new sections:

170-E:67 Confidentiality and Investigations. The department may request and shall receive cooperation from other state agencies in connection with investigations and licensure. The department shall strictly observe the confidentiality requirements of the agency from which it receives information.

170-E:68 License Suspension, Revocation, or Denial. The department may suspend, revoke, or deny any license if the license holder:

I. Neglects or abuses children in his or her care;

II. Does not comply with this subdivision or the rules adopted under this subdivision relative to the health and safety of children;

III. Violates any provision of this subdivision, or is unable to meet and maintain standards adopted by the commissioner;

IV. Substantially or repeatedly violates any provisions of the license issued;

V. Furnishes or makes any misleading or any false statement or report to the department;

VI. Refuses or fails to submit any reports or to make available to the department any records required by it in making an investigation of the facility for licensing purposes;

VII. Refuses or fails to submit to an investigation or to the required visits by the department;

VIII. Refuses or fails to admit authorized representatives of the department at any time the camp is in operation for the purpose of investigation or visit;

IX. Fails to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for recreation camps as required under standards prescribed by rules adopted by the commissioner under RSA 541-A or as otherwise required by any law, rule, ordinance, or term of the license applicable to the location of such facility; or

X. Retaliates against an employee who in good faith reports a suspected violation of the provisions of this subdivision and rules adopted under it.

Amend the bill by replacing section 29 with the following:

29 Department of Health and Human Services; Office of Reimbursement; Duties. Amend RSA 126-A:34, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, ~~[Laconia developmental services;]~~ the secure psychiatric unit, the Glencliff home, and ~~[the Anna Philbrook center]~~ ***the Hampstead hospital or other state-owned facilities that provide child inpatient psychiatric treatment within the state mental health system***, relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.

Amend the bill by replacing all after section 63 with the following:

64 Effective Date.

I. Sections 1-3, 6, 15, 16, 22, 28, 52, 53, and 55 of this act shall take effect July 1, 2022.

II. Sections 17 and 23 of this act shall take effect 60 days after its passage.

III. Sections 25-27 of this act shall take effect June 30, 2022.

IV. Sections 7, 8 and 62 of this act shall take effect January 1, 2023.

V. Sections 57-61 of this act shall take effect 30 days after its passage.

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

AMENDED ANALYSIS

This bill:

1. Establishes a special fund for administration of opioid treatment programs.
2. Establishes a pilot program plan for individuals with developmental disabilities, requires approval of the fiscal committee for implementation of the program, and makes an appropriation for this purpose.
3. Revises the department's authority to recover unauthorized payments by the state.
4. Repeals certain reporting requirements.
5. Establishes investigatory procedures and licensing criteria for recreational camps.
6. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located.
7. Creates a separate category of foster care license for kinship care homes.
8. Removes the requirement that the department charge premiums for medical assistance provided under MEAD and MOAD.
9. Allows the department to address the court in guardianship and spousal support cases involving Medicaid recipients or suspected victims of abuse or exploitation.
10. Directs the department to submit a Medicaid state plan amendment to allow certain family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants and makes an appropriation for this purpose.
11. Modifies the blood test requirement for purposes of lead paint poisoning prevention and control.
12. Clarifies the food service licensure exemption for recreational camps.
13. Revises certain department of health and human services employee position titles.
14. Provides shift differential payments to clinical staff at New Hampshire hospital and the Glencliff home and makes an appropriation for this purpose.
15. Establishes new positions for inpatient treatment of children's behavioral health.
16. Permits salary adjustments for recruitment or retention of classified clinical positions at New Hampshire hospital and the Glencliff home.
17. Removes references to the Anna Philbrook center, Laconia state school, and Laconia developmental services and inserts a reference to Hampstead hospital.
18. Increases the fee for certain child care employment eligibility cards.
19. Establishes requirements for the transfer or discharge of residents from certain child care agencies.
20. Makes an appropriation to the department of health and human services for hospital birthing services.
21. Permits consultation and follow up care via telehealth from out-of-state health care providers.

22. Removes the criminal background check requirement for designated caregivers in the therapeutic cannabis program and modifies the criminal background check requirement for alternative treatment center agents.

23. Changes the penalty for disclosure of confidential information in an abuse or neglect proceeding under RSA 169-C from a misdemeanor to a violation.

Committee amendment was adopted.

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

Rep. Edwards offered floor amendment (1909h).

Floor Amendment (1909h)

Amend the bill by inserting after section 63 the following and renumbering the original section 64 to read as 65:

64 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;***

Amend section 65 of the bill by replacing paragraph IV with the following:

IV. Sections 7, 8, 62, and 64 of this act shall take effect January 1, 2023.

AMENDED ANALYSIS

This bill:

1. Establishes a special fund for administration of opioid treatment programs.
 2. Establishes a pilot program plan for individuals with developmental disabilities, requires approval of the fiscal committee for implementation of the program, and makes an appropriation for this purpose.
 3. Revises the department's authority to recover unauthorized payments by the state.
 4. Repeals certain reporting requirements.
 5. Establishes investigatory procedures and licensing criteria for recreational camps.
 6. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located.
 7. Creates a separate category of foster care license for kinship care homes.
 8. Removes the requirement that the department charge premiums for medical assistance provided under MEAD and MOAD.
 9. Allows the department to address the court in guardianship and spousal support cases involving Medicaid recipients or suspected victims of abuse or exploitation.
 10. Directs the department to submit a Medicaid state plan amendment to allow certain family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants and makes an appropriation for this purpose.
 11. Modifies the blood test requirement for purposes of lead paint poisoning prevention and control.
 12. Clarifies the food service licensure exemption for recreational camps.
 13. Revises certain department of health and human services employee position titles.
 14. Provides shift differential payments to clinical staff at New Hampshire hospital and the Glencliff home and makes an appropriation for this purpose.
 15. Establishes new positions for inpatient treatment of children's behavioral health.
 16. Permits salary adjustments for recruitment or retention of classified clinical positions at New Hampshire hospital and the Glencliff home.
 17. Removes references to the Anna Philbrook center, Laconia state school, and Laconia developmental services and inserts a reference to Hampstead hospital.
 18. Increases the fee for certain child care employment eligibility cards.
 19. Establishes requirements for the transfer or discharge of residents from certain child care agencies.
 20. Makes an appropriation to the department of health and human services for hospital birthing services.
 21. Permits consultation and follow up care via telehealth from out-of-state health care providers.
 22. Removes the criminal background check requirement for designated caregivers in the therapeutic cannabis program and modifies the criminal background check requirement for alternative treatment center agents.
 23. Changes the penalty for disclosure of confidential information in an abuse or neglect proceeding under RSA 169-C from a misdemeanor to a violation.
 24. Establishes an exemption from certain licensing requirements for health care facilities that operate on a membership-based or direct payment business model.
- Reps. Edwards and Layon spoke in favor.
Rep. Knirk spoke against.
Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 167 - NAYS 147**YEAS - 167****BELKNAP**

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

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

Hough, Gregg
Littlefield, Richard
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Craig, Kevin

Merner, Troy

Theberge, Robert

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
Berry, Ross
Creighton, Jim
Foster, William
Gould, Linda
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

Alexander, Joe
Blasek, Melissa
Kelley, Diane
Griffin, Gerald
Graham, John
Infantine, William
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Boyd, Bill
Boehm, Ralph
Erf, Keith
Gagne, Larry
Greene, Bob
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Griffin, Barbara
Burt, John
Fedolfi, Jim
Gorski, Ted
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

MERRIMACK

Allard, James
Hill, Gregory
Mason, James
Pitaro, Matthew
Wells, Natalie

Andrus, Louise
Kennedy, Margaret
McGuire, Carol
Boyd, Stephen
Wolf, Dan

Cambrils, Jose
Klose, John
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Cross, Kenna
Leavitt, John
Pearl, Howard
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Harb, Robert
Katsakiores, Phyllis
Love, David
Milz, David
Prudhomme-O'Brien, Katherine
Sweeney, Joe
Tripp, Richard
Wallace, Scott

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Osborne, Jason
Roy, Terry
Sytek, John
True, Chris
Welch, David

Abramson, Max
Bernardy, JD
Dolan, Tom
Green, Dennis
Nelson, Jodi
Layon, Erica
McMahon, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
Weyler, Kenneth

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
Melvin, Charles
Pratt, Kevin
Spillane, James
Torosian, Peter
Vose, Michael
Yokela, Josh

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 147**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Umberger, Karen

Knirk, Jerry
Woodcock, Stephen

Marsh, William

CHESHIRE

Abbott, Michael
Fenton, Donovan
Maneval, Andrew
Toll, Amanda Elizabeth

Ames, Richard
Fox, Dru
Mann, John
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Parshall, Lucius
Welkowitz, Lawrence

Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe

COOS

Davis, Arnold

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTON

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

Adjutant, Joshua
Fellows, Sallie
Nordgren, Sharon

Almy, Susan
Hakken-Phillips, Mary
Stavis, Laurel

Dontonville, Roger
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Baroody, Benjamin
Bradley, Amy
DiSilvestro, Linda
Hamer, Heidi
Klee, Patricia
Murray, Megan
Nutter-Upham, Frances
Petrigno, Peter
Rombeau, Catherine
Telerski, Laura
Vann, Ivy

Beaulieu, Jane
Chretien, Jacqueline
Espitia, Manny
Harriott-Gathright, Linda
Labranche, Tony
Mangipudi, Latha
Nutting-Wong, Allison
Piedra, Israel
Rung, Rosemarie
Toomey, Dan
Veilleux, Daniel

Bergeron, Paul
Cohen, Bruce
Goley, Jeffrey
Heath, Mary
Leishman, Peter
McGhee, Kat
Pedersen, Michael
Query, Joshua
Newman, Sue
Vail, Suzanne
Wilhelm, Matthew

Bouchard, Donald
Connors, Erika
Griffith, Willis
Jack, Martin
King, Mark
Mullen, Sue
Perez, Maria
Newman, Ray
Stevens, Deb
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Soucy, Timothy

Bartlett, Christy
Gallager, Eric
MacKay, James
Schuett, Dianne
Wallner, Mary Jane

Caplan, Tony
Hall, Muriel
McWilliams, Rebecca
Schultz, Kristina
Walz, Mary Beth

Ebel, Karen
Lane, Connie
Myler, Mel
Shurtleff, Steve
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Gilman, Julie
Murray, Kate
Malloy, Dennis
Pantelakos, Laura
Somssich, Peter

Bunker, Lisa
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen
MacDonald, Wayne

Cali-Pitts, Jacqueline
Grote, Jaci
Pearson, Mark
Meuse, David
Pearson, Stephen
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Maggiore, Jim
Paige, Mark
Simpson, Alexis

STRAFFORD

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Kenney, Cam
Rich, Cecilia
Spang, Judith

Fontneau, Timothy
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

Grassie, Chuck
Smith, Marjorie
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and floor amendment (1909h) was adopted.

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

MOTION TO PRINT DEBATE

Rep. Bartlett moved that the debate on **SB 430-FN-A**, relative to health and human services, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON SB 430-FN-A

Speaker Packard: The bill is on second reading and open to further amendment. Rep. Edwards offers floor amendment (1909h) in your seat pockets. The Chair recognizes Rep. Edwards to speak to his amendment.

Representative Edwards: Thank you, Mister Speaker. What this amendment does, is it reinstitutes a House Bill that we passed a few weeks ago sponsored by Rep. McLean. It went over to the other body and they put it in Interim Study. What we are trying to do is to indicate to the other body that this was a serious idea. What we proposed, Rep. McLean proposed, was that if there is a health care organization that's a

membership based only or receives cash payments only, that they would not be required to accept patients that aren't within that particular payor mix. There aren't any of these in New Hampshire right now so if you've heard that this is going to hurt our critical care hospitals and the like, it's not true because these things don't yet exist and our critical care facilities and others are protected with a 15-mile radius so it's a noncompetitive situation in any case. So, a couple of years ago, we passed the direct primary care bill. There weren't any direct primary care providers at the time. That legislation fertilized the ground and now we have some direct primary care. What this is attempting to do is to lay the ground and fertilize it again so that we can create another alternative in our health care system. If we keep doing the same thing over and over and over again, we are going to get the same kind of broken results. One of the great benefits of doing this, if we can get some of these direct payment organizations in place, then we will start to really know what the true costs are. If you were to go and ask prior to a procedure exactly what they are going to charge you for a given procedure, they can't give you a price because the payor mixes are so complicated that they can't get to reality. So, this is an opportunity for us to peel it back and take a fresh look at health care delivery in New Hampshire. I hope you vote in favor of it.

Speaker Packard: The Chair recognizes Rep. Layon to speak.

Representative Layon: Thank you, Mister Speaker. What this amendment would do is it would allow hospitals to operate out of the sight of the sphere of influence of CMS, the Centers for Medicaid Services. That's all it does and that's enough. I've heard opponents of this bill say that it means that hospitals won't need to have an emergency room, won't need to have a requirement for charity care. All this changes is the requirement for a hospital to take all payors. We've seen the power of that. Right now, CMS is telling us what laws we can pass here in New Hampshire. CMS is telling us what our hospitals can and can't do and CMS is basically telling us what doctors and other health care heroes we can employ. We have direct pay primary care and so there a lot of providers who do have an option to practice outside of this sphere of CMS influence, but some doctors can only work in a hospital. Would you see a surgeon who can't go to a hospital? These doctors, right now, are forced between continuing to practice in New Hampshire while complying with all of these mandates, are going to some other state that's putting up more of a fight. Do we want our surgeons to move to Florida? Do we want them to just retire and stop practicing? We have a health care shortage. We need to pass this amendment and send this on to the Senate so we can have an option for these surgeons who otherwise would no longer practice in New Hampshire to open up their own hospitals. Allow them to negotiate with the payors, negotiate with the patients, because right now the payors decide what happens. This allows the patient to be the payor. This will be small. It will be niche. We still have the 15-mile buffer. We are not going to allow these to open up next to our critical access hospitals because this doesn't change that part of the law. Please pass this so that the patients are in control. When you write the check, you make the decision and you'd work directly with your doctor. Thank you.

Speaker Packard: The Chair recognizes Rep. Knirk.

Representative Knirk: Thank you, Mister Speaker. Indeed I rise to speak against this amendment to SB 430. As stated, this amendment would add the wording of HB 1044 to SB 430. It was sent to Interim Study in the Senate. Now, first of all, contrary to what was just said, this has nothing to do with providers individual practitioners. This has to do with facilities, facility licensing. That's where this statute resides. Currently, licensed health care facilities are required to provide services to all persons, regardless of payment. This requirement was added by the legislature in 2016 to ensure access to services for low-income individuals and those covered by Medicaid. The reason for this requirement is really pretty straight forward. Medicaid would be useless if facilities will not treat patients who are covered by Medicaid. We also have uninsured patients who need care and guess what? They don't just crawl away and die. They need care. They need access. This amendment would exempt from this requirement the health care facilities which exclusively provide services on a membership basis business model or to persons who make a direct payment without any reimbursement or third-party payment. Some folks have claimed that this is actually going to help those with high deductibles, but it won't because the only way to have any payment credited to your high deductible insurance plan is if you submit the bill to the insurance company and that is prohibited by the language of this amendment. So, it seems kind of like a minor change, right? Well it isn't. The comment that we are not seeing a problem for something that doesn't yet exist, well, golly. We wouldn't, would we? The question is what will happen. Such a change will allow a very small number of for-profit institutions offering things like urgent care, birthing services or ambulatory surgery to skim off the patients who can pay a full cash price, changing the payor mix to the remaining hospitals or other facilities. Maintaining payor mix is important. Our critical access hospitals run on razor thin margins. Some of them actually run a little bit into the red, they can't really make it and they lose money on services such as full service, 24 hour per day emergency room and obstetrical services, which serve a lot of people on Medicaid or with no insurance. Again, this is health care financing 101 here. Those services, which are critical to have in rural areas are subsidized by the higher paying services and higher paying insurances. You go in and have your total hip replacement done with insurance, that's going to be some of the money that is going to help keep that emergency room open so if you get run over by a car,

you have a place to be taken care of. Skimming off the higher paying patients will have a significant negative economic impact on our critical access hospitals and we are seeing closures of critical access hospitals around the country. There will be a substantial risk of closure or the need to drop critical services such as maternity and we've seen that happen in this very state because it is not a money-making proposition. This will leave a large number of individuals, especially in rural areas like where I live, with no access to timely medical care for emergencies or childbirth. The losses sustained by those facilities will be shifted to those who have insurance, driving up the cost for everyone else and not changing that total health care cost. A comment was just made about that protection with the 15-mile radius. That's not sufficient to do anything. I live just a little over 15 miles from either Huggins Hospital or Memorial Hospital. I have to drive over 15 miles for any facility care. For those of you who live in the Southern part of the state, you are not used to the kind of distances we have to drive to get any kind of care. A facility placed, for example, in Tamworth would not be governed by RSA 151:4-a because it would be outside of that 15-mile radius and it could draw from both Huggins and Memorial. So think about a woman in labor who makes the mistake of going to a local birthing center in her town only to discover between contractions that they only serve an elite group. She packs up, drives perhaps another hour to get to the only remaining hospital that still offers maternity services or she may deliver in her car in the parking lot and we have certainly see that happening a great deal more after some of our places have closed their maternity services as we see an increased number of babies who are delivered by the police. EMTALA, which is the Emergency Medical Treatment and Labor Act actually prohibits turning her away. This proposal would violate EMTALA. Now the sponsors presented this bill as allowing the free market to function. That's an unusual way to think about the free market because this bill does not support a free market. If you give favored treatment to facilities using one business model at the expense of others, as far as I know that's not the free market. The business model of our health care system should not be to make money off of the healthy and wealthy while letting the sick and less fortunate suffer and die. This amendment will decrease access to health care and will not drive down the overall cost of health care. Please press the red button to vote no on this amendment and I do request please a division vote.

Speaker Packard: Does the member yield to questions? The member does not yield. The motion before us is the Edwards floor amendment. A division has been requested. Members take your seats. Rep. Osborne has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. The motion before us is the Edwards floor amendment. This is a roll call vote. The Chair recognizes Rep. Hunt for a parliamentary inquiry.

Representative Hunt: Thank you, Mister Speaker. Mister Speaker, if I know when I was sitting here listening to a model that actually was the original managed care model and it's in California known as Kaiser Permanente. Maybe you have heard of it. Mister Speaker, if I know that Kaiser Permanente is a member only hospital system. Mister Speaker, wouldn't I love to have them come to New Hampshire as another competitive model for our health care system? I think, Mister Speaker, I might want to press the green button.

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

Representative Knirk: Mister Speaker, if I know that our critical care access hospitals run on razor thin margins and require a payor mix, which includes private pay, in order to maintain revenue losing services such as 24-hour full-service emergency rooms and obstetrical services. And if I know that I worked for a large managed care health organization, Harvard Pilgrim Health Care. That's not the insurance part, but the provider group, and we took Medicaid after a while. We didn't in the beginning, but we did later. And if I know that skimming off those higher paying patients would have a significant negative economic effect on our critical care access hospitals leading to closures of obstetrical services and of critical access hospitals which are needed to provide timely care in our rural areas. And if I know that the hospitals don't want this. The New Hampshire Hospital Association testified against HB 1044. And lastly, if I know that this amendment will decrease access to health care and will not drive down the cost of health care, would I then press the red button to vote no to defeat this amendment? Thank you, Mister Speaker.

Speaker Packard: The motion before us is the Edwards floor 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. 167 voting Yea, 147 voting Nay, the Edwards floor amendment is adopted. The motion before us now is Ought to Pass as Amended on SB 430. 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

SB 438-FN-L, establishing state procurement policies intended to promote the use of American materials.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gerald Griffin for the Majority of Finance. This bill requires the use of American-made steel products in all public works projects where the state administers the contract and the contract involves at least \$1,000,000 state dollars. The Finance Committee heard testimony from local New Hampshire steel fabricators on the uneven playing field they are forced to compete in, with foreign steel flowing through a heavily subsidized

Canadian steel fabrication industry. We also agreed with their economic testimony about the positive aspects of keeping New Hampshire dollars at home and about the multiplier effects those dollars when they are spent locally. The committee also felt that a healthy steel industry is very important to our state and country from a national defense standpoint. Vote 18-3.

Rep. Leonard Turcotte for the Minority of Finance. This bill would require that any state construction project estimated to cost more than \$1 million would require any steel used in the project to be made in the US. The minority sympathizes with the steel industry's predicament, but this is not the first, nor will it be the last, industry that finds itself in less than fair competition from foreign countries. We believe, however, that this is a matter best handled at the federal level. As stewards of taxpayer's money, we are required to spend that money as wisely and frugally as we would spend our own. While the cost differential between US and non-US steel is debatable since there are so many economic and regulatory issues involved, there can be no debate that there would indeed be increased costs to the taxpayers above what would exist in the free market. And then there is the "camel's head under the tent" issue, first we require the state to buy US steel, then what other products or services could be added to the list? This committee recently passed legislation to construct a \$35 million legislative parking garage. How much will that garage now cost taxpayers?

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

Rep. Turcotte offered floor amendment (1933h).

Floor Amendment (1933h)

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

AN ACT relative to state procurement policies intended to promote the use of American materials and certain cosmetology licensure requirements.

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

3 Barbering, Cosmetology, and Esthetics; Nonresident Licensure. Amend RSA 313-A:14 to read as follows:

313-A:14 Nonresidents. The board shall license any applicant who is similarly licensed in any other state, provided the [other state's licensing requirements are substantially equivalent to or higher than those of this state] **applicant holds a current and valid license.**

4 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions; Blow-dry Styling. Amend RSA 313-A:1 by inserting after paragraph III the following new paragraph:

III-a. "Blow-dry styling" means the practice of shampooing, conditioning, drying, arranging, curling, straightening, or styling hair using only mechanical devices, hair sprays, and topical agents such as balms, oils, and serums. "Blow-dry styling" includes the use and styling of hair extensions, hair pieces, and wigs, but excludes cutting hair or the application of dyes, bleach, reactive chemicals, keratin treatments, other preparations to color or alter the structure of hair, or other cosmetology services and is distinct from the practice of cosmetology.

5 Barbering, Cosmetology, and Esthetics; Definitions; Cosmetology. Amend RSA 313-A:1, VI to read as follows:

VI. "Cosmetology" means [~~arranging, dressing, curling, waving, cleansing,~~] cutting, bleaching, coloring, **chemically altering**, or similarly treating the hair of any person, and performing other work customarily performed by a cosmetologist such as giving facials, manicures, pedicures, and artificial nail enhancements[; ~~applying makeup or eyelashes~~] to any person[; ~~and removing superfluous hair~~].

6 Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1, VIII-a to read as follows:

VIII-a. **"Eyelash extension application" means the application, removal, and trimming of thread-like natural or synthetic fibers to an eyelash. It includes the cleaning of lashes. "Eyelash extension application" excludes the use of color agents, straightening agents, permanent wave solutions, bleaching agents, or other cosmetology services and is distinct from the practices of cosmetology and esthetics.**

VIII-b. "Fitzpatrick scale" means the following scale for classifying the 6 skin types, based on the skin's reaction to the first 10 to 45 minutes of sun exposure after the winter season:

Skin Type Sunburning and Tanning History

- 1 Always burns easily; never tans
- 2 Always burns easily; tans minimally
- 3 Burns moderately; tans gradually
- 4 Burns minimally; always tans well
- 5 Rarely burns; tans profusely
- 6 Never burns; deeply pigmented.

VIII-c. **"Makeup application" means the application of a cosmetic to enhance the appearance of the face or skin, including powder, foundation, rouge, eyeshadow, eyeliner, mascara, and lipstick. "Makeup application" includes the application of makeup applied using an airbrush, but excludes the application of permanent makeup, tattooing, or other cosmetology services and is distinct from the practices of cosmetology and esthetics.**

7 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions; Threading. Amend RSA 313-A:1 by inserting after paragraph XV the following new paragraph:

XV-a. "Threading" means a method of removing hair from the eyebrows, upper lip, or other body parts by using a cotton thread to pull hair from follicles. "Threading" includes the use of over the counter astringents, gels, powders, tweezers, and scissors incidental to threading, but excludes other cosmetology services and is distinct from the practice of cosmetology and esthetics.

8 New Paragraph; Barbering, Cosmetology, and Esthetics; Shop Licensure. Amend RSA 313-A:19 by inserting after paragraph IV the following new paragraph:

V. The owner of a salon, barbershop, or mobile barbershop licensed under this section is responsible for:

(a) Verifying the education, training, skills, and competence of persons who work in the owner's salon, barbershop, or mobile barbershop; and

(b) Protecting the health and safety of customers and persons who work in the owner's salon, barbershop, or mobile barbershop. This includes the sanitation of the facility and any equipment used in it.

9 Barbering, Cosmetology, and Esthetics; Exemptions. Amend the section heading and introductory paragraph of RSA 313-A:25 to read as follows:

313-A:25 Exemptions. The provisions of this chapter relative to barbering, cosmetology, esthetics, [and] manicuring, **and shop licensure** shall not be construed to apply to the following persons:

10 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.

11 Effective Date.

I. Sections 1-2 of this act shall take effect January 1, 2023.

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

AMENDED ANALYSIS

This bill:

I. Establishes the requirement, as well as waiver and fraud processes, for the use of American made steel products in all public works projects where the state administers the contract and the contract involves at least \$1,000,000 state dollars.

II. Modifies the requirements for nonresident licensure by the board of barbering, cosmetology, and esthetics.

III. Exempts niche beauty services from occupational and shop license requirements.

Rep. Turcotte spoke in favor.

Rep. Nunez requested a roll call; sufficiently seconded.

YEAS 170 - NAYS 129

YEAS - 170

BELKNAP

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

Comtois, Barbara
Johnson, Dawn
Ploszaj, Tom

Harvey-Bolia, Juliet
Lang, Timothy
Silber, Norman

Hough, Gregg
Littlefield, Richard
Sylvia, Michael

CARROLL

Avellani, Lino
MacDonald, John

Nelson, Bill
Smith, Jonathan

Cordelli, Glenn
McConkey, Mark

Deshaies, Brodie
Umberger, Karen

CHESHIRE

Hunt, John
Santonastaso, Matthew

Maneval, Andrew

Qualey, James

Rhodes, Jennifer

COOS

Craig, Kevin

Davis, Arnold

Merner, Troy

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
Berry, Ross
Creighton, Jim
Griffin, Gerald
Greene, Bob
Infantine, William
Lascelles, Richard
McLean, Mark
Pauer, Diane
Renzullo, Andrew
Somero, Paul

Alexander, Joe
Blasek, Melissa
Kelley, Diane
Gorski, Ted
Griffith, Willis
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Plett, Fred
Rice, Kimberly
Lekas, Tony

Boyd, Bill
Boehm, Ralph
Erf, Keith
Gould, Linda
Healey, Robert
Sanborn, Laurie
Marston, Dick
Notter, Jeanine
Post, Lisa
Rouillard, Claire
Ulery, Jordan

Griffin, Barbara
Burt, John
Foster, William
Graham, John
Homola, Susan
Lanzara, Tom
Mayville, Mary
Nunez, Hershel
Prout, Andrew
Sheehan, Vanessa
Warden, Mark

MERRIMACK

Allard, James
Kennedy, Margaret
Mason, James
Pitaro, Matthew
Wells, Natalie

Cambrils, Jose
Klose, John
McGuire, Carol
Boyd, Stephen
Wolf, Dan

Cross, Kenna
Leavitt, John
Moffett, Michael
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
MacKay, James
Pearl, Howard
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
DeSimone, Debra
Edwards, Jess
Harb, Robert
Katsakiores, Phyllis
Love, David
Melvin, Charles
Pratt, Kevin
Spillane, James
Torosian, Peter
Vose, Michael
Weyler, Kenneth

Abrami, Patrick
Baxter, Tim
Dodge, Dustin
Ford, Oliver
Hobson, Deborah
Khan, Aboul
Lynn, Bob
Milz, David
Roy, Terry
Sweeney, Joe
Tripp, Richard
MacDonald, Wayne
Yokela, Josh

Abramson, Max
Bernardy, JD
Dolan, Tom
Green, Dennis
Nelson, Jodi
Layon, Erica
Pearson, Mark
Osborne, Jason
Pearson, Stephen
Sytek, John
True, Chris
Wallace, Scott

Acton, Dennis
Bershtein, Alan
Doucette, Fred
Guthrie, Joseph
Janigian, John
Litchfield, Melissa
McMahon, Charles
Potucek, John
Soti, Julius
Thomas, Douglas
Tudor, Paul
Welch, David

STRAFFORD

Bailey, Glenn
Hayward, Peter
Newton, Clifford

DeLemus, Susan
Horgan, James
Pitre, Joseph

Groen, Fenton
Kaczynski, Thomas
Turcotte, Leonard

Harrington, Michael
Kittredge, Mac
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Rollins, Skip

Spilsbury, Walter

NAYS - 129**CARROLL**

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Fox, Dru
Schapiro, Joe

Ames, Richard
Harvey, Cathryn
Toll, Amanda Elizabeth

Bordenet, John
Mann, John
Weber, Lucy

Faulkner, Barry
Parshall, Lucius
Welkowitz, Lawrence

COOS

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Fellows, Sallie
Stavis, Laurel

Adjutant, Joshua
Hakken-Phillips, Mary
Sykes, George

Almy, Susan
Muirhead, Russell
Weston, Joyce

Dontonville, Roger
Nordgren, Sharon

HILLSBOROUGH

Beaulieu, Jane
Chretien, Jacqueline
Goley, Jeffrey
Jack, Martin
Murray, Megan
Nutter-Upham, Frances

Bergeron, Paul
Cohen, Bruce
Hamer, Heidi
Klee, Patricia
Mangipudi, Latha
Nutting-Wong, Allison

Bouchard, Donald
Connors, Erika
Harriott-Gathright, Linda
Leishman, Peter
McGhee, Kat
Pedersen, Michael

Bradley, Amy
Espitia, Manny
Heath, Mary
King, Mark
Mullen, Sue
Petrigno, Peter

Piedra, Israel
Rung, Rosemarie
Toomey, Dan
Veilleux, Daniel

Query, Joshua
Newman, Sue
Vail, Suzanne
Wilhelm, Matthew

Newman, Ray
Stevens, Deb
Van Houten, Constance

Rombeau, Catherine
Telerski, Laura
Vann, Ivy

MERRIMACK

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

Andrus, Louise
Ellison, Arthur
Luneau, David
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Gallager, Eric
McWilliams, Rebecca
Schultz, Kristina
Woods, Gary

Caplan, Tony
Hall, Muriel
Myler, Mel
Soucy, Timothy

ROCKINGHAM

Altschiller, Debra
Gilman, Julie
Murray, Kate
Meuse, David
Simpson, Alexis

Bunker, Lisa
Grossman, Gaby
Maggiore, Jim
Pantelakos, Laura
Somssich, Peter

Cali-Pitts, Jacqueline
Grote, Jaci
Malloy, Dennis
Prudhomme-O'Brien, Katherine
Ward, Gerald

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

STRAFFORD

Bixby, Peter
Horrigan, Timothy
Rich, Cecilia
Spang, Judith

Cannon, Gerri
Levesque, Cassandra
Salloway, Jeffrey
Treleaven, Susan

Fontneau, Timothy
Smith, Marjorie
Sandler, Catt
Wall, Janet

Grassie, Chuck
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Cloutier, John
Sullivan, Brian

Gottling, Suzanne
Tanner, Linda

Merchant, Gary

Oxenham, Lee

and floor amendment (1933h) was adopted.

The question 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.

Reps. Baroody, DiSilvestro, Egan, Fenton, Labranche, Massimilla, Shurtleff and Theberge declared conflicts of interest and did not participate in the vote.

MOTION TO REMOVE FROM THE TABLE

Rep. Deshaies moved that **SB 294-FN**, relative to the release of a defendant pending trial, be removed from the table.

On a division vote, with 62 members having voted in the affirmative, and 248 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

SB 442-FN, relative to the suspension of a vehicle registration as a result of evading toll collection systems. **OUGHT TO PASS.**

Rep. Leonard Turcotte for Finance. Effective January 1, 2023, this bill would allow the Department of Safety to suspend an owner's vehicle registration privileges as a result of the vehicle having a significant outstanding balance of unpaid tolls and/or administrative fees. Once the delinquent account has been paid, those registration privileges would be reinstated. This also closes a couple of loopholes that have allowed those with unpaid tolls and/or fees to skirt the intent of the existing RSAs. There would be a small amount of money required to reprogram existing VISION computer systems. The committee believes that all who utilize our toll roads should be paying their fair share and this bill adds a means of ensuring that is accomplished. Vote 20-0.

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

Rep. Umberger spoke in favor.

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

YEAS 201 - NAYS 103

YEAS - 201 BELKNAP

Harvey-Bolia, Juliet
O'Hara, Travis

Hough, Gregg
Terry, Paul

Lang, Timothy

Littlefield, Richard

CARROLL

Buco, Thomas
MacDonald, John
McConkey, Mark

Burroughs, Anita
Knirk, Jerry
Umberger, Karen

Cordelli, Glenn
Marsh, William
Woodcock, Stephen

Deshaies, Brodie
McAleer, Chris

CHESHIRE

Abbott, Michael
Fenton, Donovan
Maneval, Andrew
Toll, Amanda Elizabeth

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

Bordenet, John
Gomarlo, Jennie
Rhodes, Jennifer
Welkowitz, Lawrence

Faulkner, Barry
Harvey, Cathryn
Schapiro, Joe

COOS

Davis, Arnold
Merner, Troy

Kelley, Eamon
Theberge, Robert

Hatch, William

Laflamme, Larry

GRAFTON

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

Adjutant, Joshua
Egan, Timothy
Ladd, Rick
Simon, Matthew

Almy, Susan
Folsom, Beth
Massimilla, Linda
Stavis, Laurel

Depalma IV, Joseph
Gordon, Edward
Muirhead, Russell
Sykes, George

HILLSBOROUGH

Griffin, Barbara
Boehm, Ralph
Cohen, Bruce
Espitia, Manny
Graham, John
Harriott-Gathright, Linda
Klee, Patricia
King, Mark
Mooney, Maureen
Petrigno, Peter
Newman, Ray
Newman, Sue
Toomey, Dan
Vann, Ivy

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Gagne, Larry
Greene, Bob
Healey, Robert
Lanzara, Tom
Murray, Megan
Mullen, Sue
Piedra, Israel
Rice, Kimberly
Somero, Paul
Ulery, Jordan
Veilleux, Daniel

Beaulieu, Jane
Bradley, Amy
Creighton, Jim
Gorski, Ted
Griffith, Willis
Heath, Mary
Lascelles, Richard
Mangipudi, Latha
Nutting-Wong, Allison
Plett, Fred
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Gould, Linda
Hamer, Heidi
Jack, Martin
Leishman, Peter
McGhee, Kat
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Van Houten, Constance

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Hill, Gregory
Luneau, David
McWilliams, Rebecca
Boyd, Stephen
Wallner, Mary Jane
Wolf, Dan

Allard, James
Ellison, Arthur
Klose, John
MacKay, James
Myler, Mel
Schuett, Dianne
Walsh, Thomas
Woods, Gary

Bartlett, Christy
Gallager, Eric
Lane, Connie
Mason, James
Pearl, Howard
Shurtleff, Steve
Walz, Mary Beth

Caplan, Tony
Hall, Muriel
Leavitt, John
McGuire, Carol
Pimentel, Roderick
Soucy, Timothy
Wells, Natalie

ROCKINGHAM

Abrami, Patrick
Dolan, Tom
Grote, Jaci
Murray, Kate
Maggiore, Jim
Meuse, David
Prudhomme-O'Brien, Katherine
Somssich, Peter
MacDonald, Wayne

Altschiller, Debra
Doucette, Fred
Hamblet, Joan
Katsakiores, Phyllis
Malloy, Dennis
Milz, David
Roy, Terry
Sweeney, Joe
Welch, David

Bunker, Lisa
Edgar, Michael
Harb, Robert
Lynn, Bob
McBeath, Rebecca
Paige, Mark
Pearson, Stephen
Sytek, John
Weyler, Kenneth

DeSimone, Debra
Grossman, Gaby
Janigian, John
Pearson, Mark
Melvin, Charles
Pantelakos, Laura
Simpson, Alexis
Tripp, Richard

STRAFFORD

Bixby, Peter
Hayward, Peter
Smith, Marjorie
Rich, Cecilia
Turcotte, Leonard

Cannon, Gerri
Horgan, James
Newton, Clifford
Sandler, Catt
Wall, Janet

Fontneau, Timothy
Horrigan, Timothy
Schmidt, Peter
Southworth, Thomas

Grassie, Chuck
Levesque, Cassandra
Pitre, Joseph
Treleaven, Susan

SULLIVAN

Cloutier, John
Stapleton, Walter

Gottling, Suzanne
Smith, Steven

Merchant, Gary
Sullivan, Brian

Oxenham, Lee
Tanner, Linda

NAYS - 103**BELKNAP**

Bean, Harry
Ploszaj, Tom

Comtois, Barbara
Silber, Norman

Howard, Raymond
Sylvia, Michael

Johnson, Dawn

CARROLL

Avellani, Lino	Nelson, Bill	Smith, Jonathan
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CHESHIRE

Hunt, John	Mann, John	Qualey, James	Santonastaso, Matthew
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COOS

Craig, Kevin		
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GRAFTON

Alliegro, Mark	Berezhny, Lex	Sanborn, Gail	Greeson, Jeffrey
Ham, Bonnie			

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Boyd, Bill	Berry, Ross
Blasek, Melissa	Burt, John	Kelley, Diane	Erf, Keith
Foster, William	Griffin, Gerald	Homola, Susan	Infantine, William
Kofalt, Jim	Sanborn, Laurie	Labranche, Tony	Lewicke, John
Marston, Dick	Mayville, Mary	McLean, Mark	Notter, Jeanine
Nunez, Hershel	Nutter-Upham, Frances	Pauer, Diane	Perez, Maria
Post, Lisa	Prout, Andrew	Renzullo, Andrew	Rouillard, Claire
Sheehan, Vanessa	Lekas, Tony	Warden, Mark	

MERRIMACK

Andrus, Louise	Cambrils, Jose	Cross, Kenna	Kennedy, Margaret
Moffett, Michael	Pitaro, Matthew	Seaworth, Brian	Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl	Abramson, Max	Acton, Dennis	Baldasaro, Al
Bernardy, JD	Bershtein, Alan	Cali-Pitts, Jacqueline	Dodge, Dustin
Edwards, Jess	Ford, Oliver	Green, Dennis	Guthrie, Joseph
Hobson, Deborah	Nelson, Jodi	Khan, Aboul	Layon, Erica
Litchfield, Melissa	Love, David	McMahon, Charles	Potucek, John
Pratt, Kevin	Soti, Julius	Spillane, James	Thomas, Douglas
Torosian, Peter	True, Chris	Tudor, Paul	Vose, Michael
Wallace, Scott	Ward, Gerald	Yokela, Josh	

STRAFFORD

Bailey, Glenn	DeLemus, Susan	Groen, Fenton	Harrington, Michael
Kaczynski, Thomas	Kittredge, Mac	Salloway, Jeffrey	Spang, Judith
Wuelper, Kurt			

SULLIVAN

Aron, Judy	Callum, John	Rollins, Skip	Spilsbury, Walter
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and the committee report was adopted and the bill was ordered to third reading.

Rep. Perez voted Nay and intended to vote Yea.

SB 444-FN, relative to childhood adverse experiences treatment and prevention. **OUGHT TO PASS.**

Rep. Mary Jane Wallner for Finance. This bill provides for the appropriation of \$100,000 for the Department of Health and Human Services (DHHS) to implement a five-year plan to build New Hampshire's workforce capacity to provide Child Parent Psychotherapy, an intervention model for children from birth to age 6, who have experienced traumatic events. \$1,000,000 is also appropriated for DHHS to support family resource centers. The funding in this bill is anticipated to come from American Rescue Plan funds. Vote 18-2.

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

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

SB 445-FN, relative to the broadband matching grant initiative. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gerald Griffin for Finance. This bill appropriates \$122,100,000 million of federal capital projects funds as authorized by the American Rescue Plan Act, to the Department of Business and Economic Affairs. The bill establishes a broadband matching grant initiative. Any broadband provider, political subdivision or communications district who apply shall be eligible for up to 75% of the total cost of the project. This initiative should jump start the state's goal of delivering broadband throughout the state. Vote 19-1.

Amendment (1537h)

Amend the bill by replacing section 2 with the following:

2 Broadband Matching Grant Initiative; Program Guidelines; Rulemaking. Amend RSA 12-O:62, II(b) to read as follows:

(b) Establishment of a challenge process, with reasonable timelines, through which information may be provided to the state to ensure that funds are not used to build projects in served areas or areas where

construction has commenced. [~~Projects in planning, design, or terms negotiations, and not under construction as of January 1, 2021, shall be eligible for funding~~] ***For the purposes of this subdivision, construction has commenced when a provider initiates the make-ready process or begins construction of broadband infrastructure in the project area. A provider who successfully challenges an application's eligibility for funding because construction has commenced shall complete construction as soon as practical and without undue delay.***

Committee amendment was adopted.

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.

SB 458-FN, relative to the Sununu youth services center and operation of a replacement secure facility. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith Erf for the Majority of Finance. The Finance Committee passed SB458 as amended by the Children and Family Law Committee with no changes. The bill includes a state operated 6 bed facility for youth who have committed serious violent crimes. It is anticipated that other youth needing residential care are provided that care in community-based programs. The existing system of care is funded to provide these services. Funds for the design and construction of a new secure youth development facility are anticipated to come from discretionary funds appropriated in the American Rescue Plan Act of 2021. Cost of operating the facility will be included in the next state budget. Vote 13-7.

Rep. Jess Edwards for the Minority of Finance. The Finance Committee did not modify the policy from Children and Family Law and passed it as is. A facility ranging from 12-18 kids to ensure operational flexibility is what is supported by historical data and trends. There has been no data-driven justification to build a replacement facility with only six beds. It is an aspirational capacity. The community-based services needed for any excess residents beyond the six do not currently meet the security requirements of a secure facility. As a consequence, SB 458 is a plan to not have a plan. It fails to inspire confidence in the department's ability to execute replacement operations while ensuring public safety. The minority believes public safety has been given short shrift throughout the House processes this past year and we're leaving it to the Senate to fix the problem. For example, this bill completely eliminates the possibility of committing a non-violent juvenile to a secure facility for property crimes no matter how serious the crime, the extent of the damage, or the prior history of the minor.

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

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

SB 459-FN, relative to a health care facility workplace violence prevention program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sharon Nordgren for Finance. Concerns raised around safety of health care workers acting in their workplace capacity has brought this bill forward. The bill creates definitions of workplace violence and hostile words. It also requires health care facilities to implement and maintain a workplace violence prevention program. The New Hampshire Health care Workplace Safety Commission is established and will receive yearly reports from the health care facilities participating. The amendment removes state operated health care facilities, maintains the program and commission mandates but flips the enforcement from a fine-based coercive model to a public-informed system relying on market-based activism. Personal information has been prohibited in reporting unless part of a police report. The definition of "workplace violence" was repaired to maintain a distinction between violence and harsh words. Vote 18-2.

Amendment (1871h)

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

1 New Subdivision; Workplace Violence Prevention Program. Amend RSA 151 by inserting after section 52 the following new subdivision:

Workplace Violence Prevention Program

151:53 Workplace Violence Prevention Program.

I. In this section:

(a) "Health facility" means an acute care, rehabilitation, psychiatric, or substance abuse treatment hospital, or an urgent care center licensed under RSA 151; provided that a facility with more than one physical location shall be considered a single health facility; and provided that "health facility" shall not include state-operated medical facilities, and voluntary compliance by a state-operated facility shall not subject such facility to the requirements of this section. The term "health facility" shall not include any non-hospital affiliated urgent care with less than 3 clinics in New Hampshire.

(b) "Workplace violence" means any act or threat of physical violence, harassment, intimidation, or other threatening behavior.

(c) "Hostile words" means aggressive and belligerent verbal abuse in which the recipient reasonably believes that the speaker intends to injure or create excessive stress, or in which the recipient suffers actual psychological trauma.

II. Except as provided in paragraph III, health facilities shall implement and maintain a workplace violence prevention program. Said program shall consider the size and complexity of the health facility and shall address the following topics, and others deemed appropriate by the health facility, the goal of which is to encourage participation and address prevention, recognition, response, and reporting of workplace violence:

(a) Policies and procedures to prevent and respond to workplace violence and hostile words.

(b) Appropriate training, education, and resources to employees based on their roles and responsibilities. Said training, education, and resources shall include:

(1) Education on what constitutes workplace violence and hostile words.

(2) Education on the roles and responsibilities of leadership, clinical staff, security personnel, if applicable, and external law enforcement.

(3) Training in de-escalation, nonphysical intervention skills, response to emergency incidents, and at the discretion of the health facility, physical intervention techniques.

(4) The reporting process for workplace violence and hostile words incidents.

(c) A process to report workplace violence and hostile words incidents internally and externally in order to analyze incidents and trends.

(d) A process for follow-up and to support victims and witnesses affected by workplace violence or hostile words, including information about available counseling.

(e) A process to conduct an annual facility-specific risk assessment, which shall:

(1) Examine all existing and potential workplace violence and hostile words risks, including environmental and patient-specific risk factors, the health facility's workplace violence and hostile words incidents, and how the program's policies and procedures, training, education, and environmental design reflect best practices and conform to applicable laws and regulations; and

(2) Be used to develop recommendations to reduce the risk of workplace violence and hostile words.

III. A health facility accredited by the Joint Commission on the accreditation of healthcare organizations may give proof of compliance with Joint Commission standards on workplace violence prevention to the health care workplace safety commission established in RSA 151-J, in lieu of paragraph II.

IV. The commissioner of the department of health and human services shall follow up on participation in the workplace violence prevention program so that participation status is proactively known and that this status is properly reported in the annual report described in RSA 151-J:7.

V. Each health facility shall prepare and submit to the health care workplace safety commission established in RSA 151-J an annual report containing all workplace violence and hostile words incidents reported to the health facility directed at an employee by a patient, coworker, supervisor, manager, or other individuals who have a personal relationship with a patient. The chair of the health and human services oversight committee, established in RSA 126-A:13, with the advice of the health care workplace safety commission, may recommend updates to New Hampshire statutes or recommend updates to the rules adopted for the implementation of this section. The commissioner of health and human services, in consultation with the health care workplace safety commission and the health and human services oversight committee, shall adopt rules pursuant to RSA 541-A deemed necessary for the implementation of this section in coordination with the department of health and human services, including a common reporting form.

VI.(a) The annual report required under paragraph V shall include but not be limited to, for each workplace violence or hostile words incident, a description of:

(1) The incident, including environmental and patient-specific risk factors present at the time of the incident, as well as the appropriate categorization of the incident as workplace violence and/or hostile words.

(2) The date, time, and location of the incident.

(3) The nature and extent of injuries to employees.

(4) A classification, but not any identifiable personal information, of each perpetrator who committed the violence, including whether the perpetrator was:

(A) A patient;

(B) An individual who has or is known to have had a personal relationship with a patient;

(C) A coworker, supervisor; or manager; or

(D) Any other appropriate classification.

(5) How the incident was abated, including any incident response and post-incident investigation.

(6) If the incident involves a patient, the patient's name or other similar identifier shall not be included in the report, provided that the report may include the patient's diagnosis code and whether or not behavioral health or disability were a factor.

(7) The percentage of employees that have participated in the workplace violence prevention program in the reporting year immediately preceding the incident. This percentage shall be an annual point in time percentage and is not intended to be a rolling number calculated upon each incident.

(b) The report shall preserve the reporting distinction between workplace violence and hostile words incidents. There shall not be any identifiable personal information included in any report unless contained within an attached police report or other official report of a governmental entity. No person or health care facility shall retaliate in any manner against any reporting individual acting in good faith, or otherwise discriminate against, a person, employee, or subordinate who exercises any rights under this section or rules adopted pursuant to this section, or by any policy or procedure promulgated under this section or RSA 151-J, including but not limited to reporting of a workplace violence or hostile words incident or otherwise providing notice to the health facility regarding the occupational health and safety of the employee or their fellow employees exposed to workplace violence or hostile words risk factors. Nothing in this section shall be construed to authorize an employee to refuse to discharge his or her ordinary and customary duties in the workplace.

VII. The commissioner of the department of health and human services shall be responsible for maintaining, in an easily navigable, searchable, distinct page on the department's website, a database to share information on the activities of the New Hampshire health care workplace safety commission. Topics included on the page shall include, but not be limited to:

- (a) A listing of all health care facilities by name, with their business address included, which are subject to the provisions of the workplace violence prevention program.
- (b) The participation status of each facility as active, inactive, or unknown.
- (c) The dates of each meeting of the New Hampshire health care workplace safety commission.
- (d) Annually, a press release shall be issued within 60 days of the end of the calendar year, highlighting the active participation of health care facilities and any major findings or recommendations.

VIII. Notwithstanding the requirements of this section, a health facility that is an urgent care center shall not be required to comply with this section before July 1, 2024.

2 New Chapter; New Hampshire Health Care Workplace Safety Commission. Amend RSA by inserting after chapter 151-I the following new chapter:

CHAPTER 151-J

NEW HAMPSHIRE HEALTH CARE WORKPLACE SAFETY COMMISSION

151-J:1 Commission Established; Membership.

I. There is hereby established a commission to review and analyze health care workplace violence safety issues including, but not limited to, reports of workplace violence incidents and trends. The commission shall also support the development and implementation of health care workplace violence prevention programs, including training, and propose changes to improve the safety in health care workplace settings.

II.(a) The members of the commission shall be as follows:

- (1) One representative of each hospital in New Hampshire, licensed under RSA 151, appointed by the hospital.
- (2) The chief executive officer of the New Hampshire hospital, or designee
- (3) One representative of each non-hospital affiliated urgent care network of 3 or more clinics in New Hampshire, licensed under RSA 151, appointed by the urgent care network.
- (4) The commissioner of the department of health and human services, or designee.
- (5) The commissioner of the department of labor, or designee.
- (6) The attorney general, or designee.
- (7) Three members-at-large, one of whom shall be appointed by the speaker of the house of representatives, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the governor.

(b) The governor may remove any member of the commission with cause.

151-J:2 Duties.

I. The commission shall:

- (a) Review and analyze health care workplace violence safety issues including, but not limited to, reports of workplace violence incidents and trends.
- (b) Support the development and implementation of health care workplace violence prevention programs, including training.
- (c) Propose changes to health and human services oversight committee, established in RSA 126-A:13, and to the commissioner of the department of health and human services that will improve the safety of the health care workplace.

II. Sources of data for the duties described in paragraph I may include, but are not limited to, reviews and reports currently required by or submitted to state or national regulatory and accrediting organizations.

151-J:3 Chair; Vice-Chair. The members of the commission shall elect a chair and vice-chair from among the members at the first meeting. The terms of the chair and vice-chair shall be 2 years, with the initial term for the chair to be 3 years, and until successors are elected. The chair shall be responsible for the orderly proceedings of the commission meetings and for compliance with mandates of this chapter. The vice-chair shall serve in the absence of the chair.

151-J:4 Education. Each member of the commission shall be responsible for the dissemination of commission discussions to his or her institutions. All such information shall be disseminated through each participant's safety and security program in order to protect the confidentiality of all participants and patients involved in any incident or topic discussed.

151-J:5 Confidentiality.

I. All information, other than police reports, submitted to or collected by the commission, including, but not limited to, written, oral, and electronic information; records and proceedings of the commission, including, but not limited to, oral testimony and discussions, notes, minutes, summaries, analyses, and reports; and information disseminated by the commission or its members to hospitals and urgent care centers shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial, administrative, or other type of proceeding. The provision of information to the commission and the dissemination of information by the commission shall not be deemed to void, waive, or impair in any manner the confidentiality protection of this section or which the information may have under any other law or regulation.

II. Information, documents, or records otherwise available from original sources shall not be construed as immune from discovery or use in any civil or administrative action merely because they were presented to the commission. Any person who supplies information to or testifies before the commission shall not be immune from discovery in any civil or administrative action because the information or testimony was presented to the commission, but such witness shall not be asked about and shall not provide information about his or her testimony before this commission or opinions formed by him or her as a result of commission participation.

III. Notwithstanding paragraph I, if a workplace violence incident involves a patient, the health care workplace safety commission and the health care quality and safety commission established in RSA 151-G may share information about the incident for the purpose of reviewing and analyzing incidents involving both a patient and an employee. Nevertheless, the principles of data minimization will be respected to include deidentification of any personally identifiable information.

151-J:6 Administration. The commission may delegate to the department of health and human services the functions of collecting, analyzing, and disseminating workplace violence information, organizing and convening meetings of the commission, and other substantive and administrative tasks as may be incident to these activities or directed by the commission. The activities of the department of health and human services and its employees or agents shall be subject to the same confidentiality provisions and data privacy as those that apply to the commission.

151-J:7 Reports. The commission shall annually report its findings and any recommendations which may include proposed legislation to the speaker of the house of representatives, the senate president, the governor, and the health and human services oversight committee established in RSA 126-A:13. Such report shall describe the activities of the commission, indicate the extent of each institution's participation, state the aggregate relative frequency of workplace violence incidents, the nature and extent of injuries, how incidents were responded to, and, to the extent possible, identify strategies for reducing workplace violence incidents. Any information about processes or outcomes provided pursuant to this section shall be aggregate data only and shall not reference individual incidents, patients, health care providers, or institutions.

151-J:8 Rulemaking. The commissioner of the department of health and human services, with the advice of members of the commission, shall adopt rules pursuant to RSA 541-A, to assure de-identification of all individuals and facilities involved in the incidents received.

151-J:9 Exemption; State Operated Medical Facilities. All medical facilities operated by the state of New Hampshire shall not be subject to the jurisdiction of the health care workplace safety commission established in this chapter.

3 New Hampshire Health Care Quality and Safety Commission. Amend the title of RSA 151-G to read as follows:

CHAPTER 151-G

NEW HAMPSHIRE HEALTH CARE QUALITY AND *PATIENT* SAFETY COMMISSION

4 Repeal. The following are repealed:

I. RSA 151:53, relative to the workplace violence prevention program.

II. RSA 151-J, relative to New Hampshire health care workplace safety commission.

5 Effective Date.

I. Section 4 of this act shall take effect March 1, 2034.

II. The remainder of this act shall take effect July 1, 2023.

Committee amendment was adopted.

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

YEAS 220 - NAYS 87**YEAS - 220
BELKNAP**

Hough, Gregg

Lang, Timothy

O'Hara, Travis

CARROLLBuco, Thomas
MacDonald, John
Umberger, KarenBurroughs, Anita
Knirk, Jerry
Woodcock, StephenCordelli, Glenn
Marsh, WilliamDeshaies, Brodie
McAleer, Chris**CHESHIRE**Abbott, Michael
Fenton, Donovan
Hunt, John
Rhodes, Jennifer
Welkowitz, LawrenceAmes, Richard
Fox, Dru
Maneval, Andrew
Schapiro, JoeBordenet, John
Gomarlo, Jennie
Mann, John
Toll, Amanda ElizabethFaulkner, Barry
Harvey, Cathryn
Parshall, Lucius
Weber, Lucy**COOS**Davis, Arnold
Merner, Troy

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTONAbel, Richard
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Sykes, GeorgeAdjutant, Joshua
Egan, Timothy
Hakken-Phillips, Mary
Muirhead, Russell
Weston, JoyceAlmy, Susan
Fellows, Sallie
Ham, Bonnie
Nordgren, SharonDepalma IV, Joseph
Folsom, Beth
Ladd, Rick
Stavis, Laurel**HILLSBOROUGH**Alexander, Joe
Beaulieu, Jane
Chretien, Jacqueline
DiSilvestro, Linda
Gagne, Larry
Griffith, Willis
Heath, Mary
Klee, Patricia
Lewicke, John
Mayville, Mary
Notter, Jeanine
Perez, Maria
Newman, Ray
Newman, Sue
Toomey, Dan
Vann, IvyBoyd, Bill
Bergeron, Paul
Cohen, Bruce
Erf, Keith
Goley, Jeffrey
Hamer, Heidi
Homola, Susan
Labranche, Tony
King, Mark
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Rice, Kimberly
Somero, Paul
Ulery, Jordan
Veilleux, DanielGriffin, Barbara
Bouchard, Donald
Connors, Erika
Espitia, Manny
Graham, John
Harriott-Gathright, Linda
Infantine, William
Lascelles, Richard
Murray, Megan
Mooney, Maureen
Nutting-Wong, Allison
Piedra, Israel
Rombeau, Catherine
Stevens, Deb
Vail, Suzanne
Wilhelm, MatthewBaroody, Benjamin
Bradley, Amy
Creighton, Jim
Griffin, Gerald
Greene, Bob
Healey, Robert
Jack, Martin
Leishman, Peter
Mangipudi, Latha
Mullen, Sue
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Telerski, Laura
Van Houten, Constance**MERRIMACK**Alicea, Caroletta
Ebel, Karen
Klose, John
MacKay, James
Pearl, Howard
Schuett, Dianne
Wallner, Mary Jane
Woods, GaryAllard, James
Ellison, Arthur
Lane, Connie
Mason, James
Pimentel, Roderick
Seaworth, Brian
Walz, Mary BethBartlett, Christy
Gallager, Eric
Leavitt, John
McWilliams, Rebecca
Pitaro, Matthew
Shurtleff, Steve
Wells, NatalieCaplan, Tony
Hall, Muriel
Luneau, David
Myler, Mel
Boyd, Stephen
Soucy, Timothy
Wolf, Dan**ROCKINGHAM**Abbas, Daryl
Bunker, Lisa
Doucette, Fred
Gilman, Julie
Hamblet, Joan
Katsakiores, Phyllis
Maggiore, Jim
Melvin, Charles
Pantelakos, Laura
Simpson, Alexis
Thomas, Douglas
Welch, DavidAbrami, Patrick
Cali-Pitts, Jacqueline
Edgar, Michael
Grossman, Gaby
Harb, Robert
Khan, Aboul
Malloy, Dennis
Meuse, David
Prudhomme-O'Brien, Katherine
Somssich, Peter
Vose, Michael
Weyler, KennethActon, Dennis
DeSimone, Debra
Edwards, Jess
Grote, Jaci
Janigian, John
Layon, Erica
McBeath, Rebecca
Milz, David
Read, Ellen
Spillane, James
MacDonald, WayneAltschiller, Debra
Dolan, Tom
Ford, Oliver
Guthrie, Joseph
Murray, Kate
Pearson, Mark
McMahon, Charles
Paige, Mark
Pearson, Stephen
Sytek, John
Ward, Gerald

STRAFFORD

Bixby, Peter
Hayward, Peter
Smith, Marjorie
Rich, Cecilia
Spang, Judith

Cannon, Gerri
Horgan, James
Newton, Clifford
Salloway, Jeffrey
Treleaven, Susan

Fontneau, Timothy
Horrigan, Timothy
Schmidt, Peter
Sandler, Catt
Wall, Janet

Grassie, Chuck
Levesque, Cassandra
Pitre, Joseph
Southworth, Thomas

SULLIVAN

Aron, Judy
Oxenham, Lee
Sullivan, Brian

Cloutier, John
Rollins, Skip
Tanner, Linda

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Smith, Steven

NAYS - 87**BELKNAP**

Bean, Harry
Johnson, Dawn
Sylvia, Michael

Comtois, Barbara
Littlefield, Richard
Terry, Paul

Harvey-Bolia, Juliet
Ploszaj, Tom

Howard, Raymond
Silber, Norman

CARROLL

Avellani, Lino

Nelson, Bill

Smith, Jonathan

McConkey, Mark

CHESHIRE

Qualey, James

Santonastaso, Matthew

COOS

Craig, Kevin

Theberge, Robert

GRAFTON

Alliegro, Mark
Simon, Matthew

Berezhny, Lex

Sanborn, Gail

Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Burt, John
Kofalt, Jim
McLean, Mark
Post, Lisa
Sheehan, Vanessa

Berry, Ross
Kelley, Diane
Sanborn, Laurie
Nunez, Hershel
Prout, Andrew
Lekas, Tony

Blasek, Melissa
Foster, William
Lanzara, Tom
Pauer, Diane
Renzullo, Andrew
Warden, Mark

Boehm, Ralph
Gould, Linda
Marston, Dick
Plett, Fred
Rouillard, Claire

MERRIMACK

Andrus, Louise
Kennedy, Margaret
Yakubovich, Michael

Cambrils, Jose
McGuire, Carol

Cross, Kenna
Moffett, Michael

Hill, Gregory
Walsh, Thomas

ROCKINGHAM

Abramson, Max
Dodge, Dustin
Litchfield, Melissa
Pratt, Kevin
Torosian, Peter
Wallace, Scott

Baldasaro, Al
Green, Dennis
Love, David
Roy, Terry
Tripp, Richard
Yokela, Josh

Bernardy, JD
Hobson, Deborah
Lynn, Bob
Soti, Julius
True, Chris

Bershtein, Alan
Nelson, Jodi
Potucek, John
Sweeney, Joe
Tudor, Paul

STRAFFORD

Bailey, Glenn
Kaczynski, Thomas

DeLemus, Susan
Kittredge, Mac

Groen, Fenton
Turcotte, Leonard

Harrington, Michael
Wuelper, Kurt

SULLIVAN

Callum, John

Spilsbury, Walter

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

SB 404-FN, establishing a supplemental nutrition assistance program. OUGHT TO PASS WITH AMENDMENT.

Rep. Niki Kelsey for Health, Human Services and Elderly Affairs. The Supplemental Nutrition Assistance Program (SNAP) is a federal program that is the country's first line of defense against hunger and food insecurity. Currently, New Hampshire is 39th in the nation in SNAP participation. Up to 60% of eligible older adults and 1/3 of eligible children are not enrolled which is causing unnecessary hunger here in the state. This is widely expected to get worse as food inflation and shortages worsen. This bill authorizes the Department of Health and Human Services (DHHS) to develop a state outreach plan to promote access to eligible persons who can benefit from the SNAP program. DHHS shall give preference to the use of private and federal

funds to cover the state's costs of implementation. Upon approval of the outreach plan by the US Department of Agriculture (USDA), DHHS shall partner with one or more non-profit organizations for the development and implementation of the plan within six months. Outreach will target marginalized citizens who currently are unaware of available benefits and are experiencing food insecurity. Finally, the outreach plan is revenue neutral due to federal funding and the fact that every dollar brought into the state, it is estimated, creates \$1.50 in economic activity into our local communities. Vote 17-4.

Amendment (1386h)

Amend RSA 161:2, XIII-b(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Meet the criteria established by the Food and Nutrition Services Agency of the United States Department of Agriculture (USDA) for approval of state outreach plans. Upon approval of the outreach plan by USDA, the outreach plan shall be implemented within 6 months following the state's current procurement process set by the department of administrative services.

Amend RSA 161:2, XIII-b(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Submit the final state outreach plan to the Food and Nutrition Service of the USDA for approval on or before the USDA deadline for state fiscal year 2023, as well as annually or as required by USDA thereafter, and shall request any federal matching funds that may be available upon approval of the state outreach plan.

Committee amendment was adopted.

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

Rep. Santonastaso requested a roll call; sufficiently seconded.

YEAS 226 - NAYS 76

YEAS - 226

BELKNAP

Harvey-Bolia, Juliet
O'Hara, Travis

Hough, Gregg
Terry, Paul

Lang, Timothy

Littlefield, Richard

CARROLL

Nelson, Bill
MacDonald, John
Umberger, Karen

Buco, Thomas
Knirk, Jerry
Woodcock, Stephen

Burroughs, Anita
Marsh, William

Deshaiies, Brodie
McAleer, Chris

CHESHIRE

Abbott, Michael
Fenton, Donovan
Hunt, John
Rhodes, Jennifer
Welkowitz, Lawrence

Ames, Richard
Fox, Dru
Maneval, Andrew
Schapiro, Joe

Bordenet, John
Gomarlo, Jennie
Mann, John
Toll, Amanda Elizabeth

Faulkner, Barry
Harvey, Cathryn
Parshall, Lucius
Weber, Lucy

COOS

Davis, Arnold
Merner, Troy

Kelley, Eamon

Hatch, William

Laflamme, Larry

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Stavis, Laurel

Adjutant, Joshua
Egan, Timothy
Hakken-Phillips, Mary
Muirhead, Russell
Sykes, George

Almy, Susan
Fellows, Sallie
Ham, Bonnie
Nordgren, Sharon
Weston, Joyce

Depalma IV, Joseph
Folsom, Beth
Ladd, Rick
Simon, Matthew

HILLSBOROUGH

Alexander, Joe
Beaulieu, Jane
Bradley, Amy
Creighton, Jim
Gagne, Larry
Griffith, Willis
Heath, Mary
Lascelles, Richard
Murray, Megan
McLean, Mark
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Rung, Rosemarie

Boyd, Bill
Bergeron, Paul
Chretien, Jacqueline
DiSilvestro, Linda
Goley, Jeffrey
Hamer, Heidi
Jack, Martin
Leishman, Peter
Mangipudi, Latha
Mooney, Maureen
Nutting-Wong, Allison
Piedra, Israel
Rice, Kimberly
Newman, Sue

Griffin, Barbara
Boehm, Ralph
Cohen, Bruce
Espitia, Manny
Gorski, Ted
Harriott-Gathright, Linda
Klee, Patricia
Lewicke, John
Mayville, Mary
Mullen, Sue
Pedersen, Michael
Plett, Fred
Rombeau, Catherine
Sheehan, Vanessa

Baroody, Benjamin
Bouchard, Donald
Connors, Erika
Griffin, Gerald
Graham, John
Healey, Robert
Labranche, Tony
King, Mark
McGhee, Kat
Notter, Jeanine
Perez, Maria
Query, Joshua
Rouillard, Claire
Somero, Paul

Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Telerski, Laura
Van Houten, Constance

Toomey, Dan
Vann, Ivy

Ulery, Jordan
Veilleux, Daniel

MERRIMACK

Alicea, Caroletta
Cross, Kenna
Hall, Muriel
Leavitt, John
McWilliams, Rebecca
Pitaro, Matthew
Shurtleff, Steve
Wolf, Dan

Allard, James
Ebel, Karen
Hill, Gregory
Luneau, David
Myler, Mel
Boyd, Stephen
Soucy, Timothy
Woods, Gary

Bartlett, Christy
Ellison, Arthur
Klose, John
MacKay, James
Pearl, Howard
Schuett, Dianne
Walz, Mary Beth

Caplan, Tony
Gallager, Eric
Lane, Connie
Mason, James
Pimentel, Roderick
Schultz, Kristina
Wells, Natalie

ROCKINGHAM

Abrami, Patrick
Bunker, Lisa
Doucette, Fred
Gilman, Julie
Hamblet, Joan
Murray, Kate
Pearson, Mark
McMahon, Charles
Paige, Mark
Read, Ellen
Spillane, James
Tudor, Paul
Weyler, Kenneth

Acton, Dennis
Cali-Pitts, Jacqueline
Edgar, Michael
Grossman, Gaby
Harb, Robert
Katsakiores, Phyllis
Maggiore, Jim
Melvin, Charles
Pantelakos, Laura
Pearson, Stephen
Sytek, John
MacDonald, Wayne

Altschiller, Debra
DeSimone, Debra
Edwards, Jess
Grote, Jaci
Nelson, Jodi
Khan, Aboul
Malloy, Dennis
Meuse, David
Pratt, Kevin
Simpson, Alexis
Thomas, Douglas
Ward, Gerald

Bernardy, JD
Dolan, Tom
Ford, Oliver
Guthrie, Joseph
Janigian, John
Lynn, Bob
McBeath, Rebecca
Milz, David
Prudhomme-O'Brien, Katherine
Somssich, Peter
Tripp, Richard
Welch, David

STRAFFORD

Bixby, Peter
Hayward, Peter
Schmidt, Peter
Spang, Judith

Cannon, Gerri
Horgan, James
Rich, Cecilia
Treleaven, Susan

Fontneau, Timothy
Horrigan, Timothy
Sandler, Catt
Wall, Janet

Grassie, Chuck
Smith, Marjorie
Southworth, Thomas

SULLIVAN

Callum, John
Oxenham, Lee
Sullivan, Brian

Cloutier, John
Rollins, Skip
Tanner, Linda

Gottling, Suzanne
Stapleton, Walter

Merchant, Gary
Smith, Steven

NAYS - 76

BELKNAP

Bean, Harry
Ploszaj, Tom

Comtois, Barbara
Silber, Norman

Howard, Raymond
Sylvia, Michael

Johnson, Dawn

CARROLL

Avellani, Lino

Cordelli, Glenn

Smith, Jonathan

CHESHIRE

Qualey, James

Santonastaso, Matthew

COOS

Craig, Kevin

GRAFTON

Alliegro, Mark

Berezhny, Lex

Sanborn, Gail

Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Kelley, Diane
Greene, Bob
Lanzara, Tom
Post, Lisa
Warden, Mark

Berry, Ross
Erf, Keith
Homola, Susan
Marston, Dick
Prout, Andrew

Blasek, Melissa
Foster, William
Kofalt, Jim
Nunez, Hershel
Renzullo, Andrew

Burt, John
Gould, Linda
Sanborn, Laurie
Pauer, Diane
Lekas, Tony

MERRIMACK

Andrus, Louise
Moffett, Michael

Cambrils, Jose
Seaworth, Brian

Kennedy, Margaret
Walsh, Thomas

McGuire, Carol
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Green, Dennis

Abramson, Max
Hobson, Deborah

Bershtein, Alan
Layon, Erica

Dodge, Dustin
Litchfield, Melissa

Love, David
Sweeney, Joe
Wallace, Scott

Potucek, John
Torosian, Peter
Yokela, Josh

Roy, Terry
True, Chris

Soti, Julius
Vose, Michael

STRAFFORD

Bailey, Glenn
Kaczynski, Thomas
Turcotte, Leonard

DeLemus, Susan
Kittredge, Mac
Wuelper, Kurt

Groen, Fenton
Newton, Clifford

Harrington, Michael
Pitre, Joseph

SULLIVAN

Aron, Judy

Spilsbury, Walter

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

RESOLUTION

Rep. Steven Smith 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, May 5, 2022 at 9:00 a.m.
Motion adopted.

LATE SESSION

Third Reading and Final Passage

SB 336, relative to family mediator interns.

SB 446-FN-A, directing the department of health and human services to develop a plan relative to fostering sustainable childcare opportunities for working families and businesses.

SB 204, relative to the definition of “covered claim” for purposes of the New Hampshire insurance guaranty association act.

SB 205, relative to the insurance department administration fund.

SB 206, relative to consumer guaranty contracts.

SB 207, relative to administrative fee credit for insurance company external review.

SB 208, relative to life insurance.

SB 212-FN, relative to liquor manufacturers.

SB 272, establishing a committee to study the oversight and operation of the public deposit investment pool.

SB 285, relative to discount medical plan organizations.

SB 354, relative to insurance adjuster licensing, insurance producer licensing fees, and the sale of credit life and credit accident and health insurance policies by banks.

SB 373, relative to coverage for certain mental illnesses.

SB 385-FN, relative to financial exploitation of vulnerable adults.

SB 393-FN, relative to the use of restraints on pregnant women in the custody of a state or county correctional facility.

SB 233-FN, relative to water bottle filling stations in schools.

SB 236, establishing a committee to study New Hampshire teacher shortages and recruitment incentives, and relative to defining secondary school grades for teacher loan forgiveness programs.

SB 238, relative to special education services in chartered public schools.

SB 350, relative to rulemaking by the state board of education on educational personnel applicant checks and licensing standards.

SB 352, relative to substitute teacher criminal history records check.

SB 353, relative to the education professional standards board.

SB 386, relative to the determination of state adequate education grants and chartered public school tuition amounts.

SB 410, relative to public comment periods at school district meetings and meetings of the state board of education.

SB 421, relative to dual and concurrent enrollment for career and technical education center students.

SB 364, relative to the use of electronic poll books.

SB 368-FN, establishing the agricultural hearings officer revolving fund and relative to penalties for unlawfully transferring dogs, cats, and ferrets.

SB 53, relative to confidentiality of department of revenue administration records.

SB 221, relative to the internal organization of the department of corrections.

SB 225, relative to the bond required of applicants for auctioneer licenses.

SB 226-FN, establishing a recruitment and retention program for state employment.

SB 277-FN, relative to emergency or temporary health care licenses.

SB 282, relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

SB 357-FN, relative to mental health training for first responders.

SB 383-FN, relative to land surveying services.

SB 363-FN, relative to service credit for certain group II retirement eligibility.

SB 402-FN, relative to financial assistance for municipalities affected by disasters.

SB 409, relative to disaster relief loans.

SB 443-FN, relative to municipal authority regarding the state building code.

SB 281, relative to nursing home policies regarding notice of vacancy.

SB 283, relative to membership of the council on autism spectrum disorders and the developmental services quality council.

SB 288, establishing a committee to study the listing of immunizations for children.

SB 335, relative to collaborative pharmacy practice agreements.

SB 337-FN, relative to emergency medical and trauma services data sharing to the purposes of analysis.

SB 390, relative to telemedicine and telehealth.

SB 408-FN, directing the department of health and human services to make adjustments to the facility fee reimbursement schedule for freestanding birthing centers.

SB 419-FN, establishing a commission to study the delivery of public health services in New Hampshire through regional public health networks.

SB 454, establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet.

SB 297, relative to obtaining out-of-state discovery and testimony.

SB 301-FN-L, establishing the office of the right to know ombudsman and making an appropriation therefor.

SB 375-FN, relative to requirements for charitable organizations.

SB 276, relative to the reporting requirements for the regenerative manufacturing workforce development program.

SB 251, relative to the advisory board of a tax increment financing district.

SB 273-A, relative to broadband infrastructure funding.

SB 312, relative to adjusted assessments of taxable property.

SB 317-L, reducing the interest rate for abatements of paid property taxes.

SB 334-L, establishing a committee to study property blight in New Hampshire cities and towns.

SB 305, relative to the operation of personal water craft in marked channels from Hampton Falls to Hampton Harbor.

SB 256, establishing a committee to study the feasibility of replacing the site evaluation committee.

SB 261-FN, relative to net metering participation.

SB 262, relative to customer generators of electric energy.

SB 265, relative to the aggregation of electric customers by counties.

SB 268-FN, relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine.

SB 270, establishing a low-moderate income community solar program.

SB 321, relative to the purchase of output of limited electrical energy producers in intrastate commerce and including qualifying storage systems.

SB 395, establishing the wireless development initiative and the wireless deployment grant fund.

SB 440-FN, relative to the office of offshore wind industry development.

SB 360, relative to national guard educational benefits.

SB 309, authorizing certain organizations to issue decal plates.

SB 389-FN, defining mobile service garages and relative to state vehicle inspections.

SB 406, relative to driver's license reciprocity.

SB 313, relative to the authority of the office of professional licensure and certification to establish fees.

SB 379-FN, establishing the solid waste management fund and grant program.

SB 431-FN, relative to child support in cases with equal or approximately equal parenting schedules.

SB 210, relative to the sale of manufactured housing parks.

SB 299-FN, relative to the penalty for escape and relative to home cultivation of cannabis plants and the possession of certain cannabis-infused products.

SB 367, relative to the regulatory status of advanced recycling and manufacturing facilities.

SB 220, relative to establishing a committee to study licensure of mental health professionals.

SB 325, relative to local organization for emergency management and first responders.

SB 330-FN, establishing a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office and relative to the expiration of terms of the board of foresters members.

SB 333, relative to licensure of case management service providers and relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

SB 358, relative to the joint legislative committee on administrative rules.

SB 382, relative to licensure requirements for telehealth services and relative to licensure of physicians and physicians assistants through reciprocity agreements.

SB 397, relative to the mental health counseling compact and the interstate compact for the placement of children.

SB 450, relative to the prescription drug affordability board.

SB 227-FN, relative to death benefits of police officers to include corrections officers, probation-parole officers, and correctional line personnel, and including death from suicide, and relative to forfeiture of personal property.

SB 267-FN-A, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food.

SB 275, relative to the opioid abatement trust fund.

SB 303-FN, relative to the reimbursement of sheriffs offices for prisoner custody and control.

SB 346-FN-A, relative to a feasibility and impact study for the construction of a pier on Hampton Beach.

SB 366-FN, requiring an audit of ballots cast in the 2022 primary and general election.

SB 371-FN-A, making an appropriation to the lead paint hazard remediation fund.

SB 376-FN, relative to creating a board to review police incidents involving citizens affected by mental health issues.

SB 381-FN-A, establishing an office of the advocate for special education.

SB 394-FN, relative to the definition of a child with a disability under special education laws and providing funding for special education costs for students over age 21 to age 22.

SB 401-FN, making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund, permitting the department of transportation to operate dash cameras in fleet vehicles, and relative to the duration of unemployment benefits.

SB 407-FN, relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor and relative to exemptions from vaccine mandates.

SB 412-FN-A, making an appropriation to the department of health and human services for nursing home reimbursement rates.

SB 416-FN, relative to behavioral health assessment and treatment for children in out-of-home placements.

SB 418-FN, relative to verification of voter affidavits.

SB 420-FN-A-L, establishing an extraordinary need grant for schools and relative to eligibility for the education tax credit.

SB 422-FN, establishing an adult dental benefit under the state Medicaid program.

SB 430-FN-A, relative to health and human services.

SB 438-FN-L, relative to state procurement policies intended to promote the use of American materials and certain cosmetology licensure requirements.

SB 442-FN, relative to the suspension of a vehicle registration as a result of evading toll collection systems.

SB 444-FN, relative to childhood adverse experiences treatment and prevention.

SB 445-FN, relative to the broadband matching grant initiative.

SB 458-FN, relative to the Sununu youth services center and operation of a replacement secure facility.

SB 459-FN, relative to a health care facility workplace violence prevention program.

SB 404-FN, establishing a supplemental nutrition assistance program.

UNANIMOUS CONSENT

Rep. True requested Unanimous Consent of the House regarding a story of David and Goliath and addressed the House.

UNANIMOUS CONSENT

Rep. Salloway requested Unanimous Consent of the House regarding Ukraine and addressed the House.

MOTION TO PRINT REMARKS

Rep. Altschiller moved that the remarks made by Rep. Salloway during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Representative Salloway: Thank you, Mister Speaker. Thank you, my colleagues for waiting and for inviting me and my colleagues to appear before you. I'm Jeffrey Salloway. I've served 3 terms in the House. I'm honored to be permitted to speak and this is my last hurrah. You need no reminder that this House for all its existence has been a first in this nation. It has been first in defense of freedom. You've heard that here

today. First in defense of the nation. First in its commitment to the dignity, the privilege, the privacy and the respect due to each and every one of its citizens. Other governments in this world have been less noble. Our House honors history, it honors memory. Last week, Jews among you, observed a day of remembrance. Around the world Jews and non-Jews alike stopped for a long moment to remember the multiple millions who perished in the Holocaust. In that horrible moment, Jews were executed. The Roma, known commonly as gypsies, were executed. Evangelical Christians executed. Gay men and women all executed. Priests, lawyers, the developmentally challenged, the disabled and anyone who was different, anyone who might speak truth to power executed. One of the great Christian theologians of the 20th century, Dietrich Bonhoeffer, just before peace was declared, executed. Many of those were the very kinds of people who populate this House. Were it today, you my friends might very well have been the victims. I speak in admiration today of our honorable colleague, the Representative from Acworth, who addressed this House two weeks ago with wisdom and with passion. She reminded us of her own family's losses to the Holocaust and of the value she placed on the only democratic state in the middle east and in response so many of you rose in acclamation. I must tell you, you brought tears of pride to my eyes. I speak with praise for my colleague, the Representative from Auburn, who co-sponsored HB 1135 mandating Holocaust and genocide education in our schools. He stands with us today as I express my personal gratitude to him and his leadership. We have been a continuing voice for human dignity. This is the House in which members support the valiant struggle of those in Ukraine who fight to preserve freedom and human dignity. This is the House which next week will welcome Lech Walesa, a seminal architect of freedom in Eastern Europe. Yet it is not all congratulatory. We still find cobwebs in the corners of our House. There are pockets of prejudice in our state. Yes, even my friends in our own house. Let us please guard our thoughts, dispel our biases, reject our own prejudices and the prejudices of others to protect every New Hampshire citizen, regardless of religion, regardless of race, regardless of gender, regardless of gender affiliation, regardless of ethnicity, regardless of class, because we are the New Hampshire House. We are better than that. May we continue to be first in defense of freedom, first in defense of our nation and first in a commitment to the dignity and respect that we provide each and every one of our citizens. I thank you for the privilege of addressing you today. Thank you, Mister Speaker.

RECESS MOTION

Rep. Steven Smith moved that the House stand in recess for the purposes of the introduction of bills, enrolled bill amendments, enrolled bill reports and receiving messages.
Motion adopted.

The House recessed at 6:00 p.m.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILL AMENDMENT

HB 1446-FN, relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.

Amendment 2022-1699EBA

Amend the bill by replacing section 2 with the following:

2 Allied Health Professionals; Governing Boards. Amend RSA 328-F:3, I to read as follows:

I. There shall be established governing boards of athletic trainers, occupational therapists, ~~recreational therapists, respiratory care practitioners,~~ physical therapists, speech-language pathologists and hearing care providers, and genetic counselors.

Motion adopted.

RECESS