



State of
New Hampshire

HOUSE RECORD

First Year of the 168th General Court Calendar and Journal of the 2023 Session

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Concord, N.H.

Thursday, June 8, 2023

No. 15

HOUSE JOURNAL NO. 14 (Cont'd)

Thursday, May 18, 2023

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

HOUSE JOURNAL NO. 15

Thursday, June 8, 2023

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, the Member from Exeter, the Honorable Alexis Simpson.

Good morning, colleagues and guests. It is good to be together here today. Let us pray. O Divine Comforter, we come today with heavy hearts for our colleague, Representative Janvrin, who has recently lost his son. We pray today that You will provide comfort, care, and strength to him, the entire Janvrin family, their friends and community. Please continue to show us how to be a community of compassion for him in the upcoming months. As we all turn our hearts and minds to the work of the legislature today, please give us the ability to carry out our work in the midst of the challenges of day-to-day life. Center us this morning as we join our hearts in an interfaith adaptation of the prayer attributed to St. Francis. Source of all that is holy, make me an instrument of Your peace: where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is sadness, joy. And where the shadows fall, may we still find warmth. O divine One, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in caring for the vulnerable that we find purpose. Amen.

Representative Jordan Ulery, member from Hudson, led the Pledge of Allegiance.

The National Anthem was sung by the Alvirne High School B Naturals of Hudson.

LEAVES OF ABSENCE

Reps. Hatch, Wayne MacDonald and Seibert, the day, illness.

Reps. Bickford, Harvey, Hoell, Janigian, Mason, Mark Pearson and Tatro, the day, important business.

INTRODUCTION OF GUESTS

Fourth-grade students from Wheelock Elementary School, guests of the Keene Delegation.

COMMUNICATION

May 31, 2023

Mr. Paul Smith
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Paul:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 3

Marc W. Plamondon, d, Nashua (78 Elm Street) 03060

Sincerely,
David M. Scanlan, Secretary of State

CONSENT CALENDAR

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

CACR 9, relative to the New Hampshire presidential primary. Providing that the New Hampshire presidential primary will be the first presidential primary of a presidential election cycle, removed by Reps. Filiault, Steven Smith, Read, Germana, Newell, Aron, Harley, Sellers, Spillane and Doucette.

SB 107, relative to the general administration of regulatory boards and commissions, removed by Reps. Carol McGuire, Grote, Schuett, Simon, Fred Davis, Tony Lekas, Post, Gerhard, Alicia Lekas and Dan McGuire. Consent Calendar was adopted.

SB 21, relative to the due date and delivery of monthly reports and fees to the liquor commission. **OUGHT TO PASS.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill changes the due date for monthly reports by all alcohol manufactures, brew pubs, wineries and distributors licensees to the liquor commission from the tenth day of the month following the sale or distribution to the fifteenth day. Currently, federal tax reports are due the fifteenth of the month so changing the state required date only makes sense. The bill also allows authorized payments and reports to be made electronically. Vote 18-0.

SB 31, relative to technical changes to the laws administered by the insurance department. **OUGHT TO PASS.**

Rep. Karen Calabro for Commerce and Consumer Affairs. At the request of the New Hampshire Insurance Department, various technical changes to insurance-related statutes were added to the statutes governing insurance administration. Firstly, third party administrators would be allowed to post a bond, even if they are unable to meet the requirements for net worth or audited financial statements. Secondly, RSA 412:6 would be modernized while continuing to prohibit an insurer from requiring the payment of a judgement prior to coverage being provided. Thirdly, RSA 415-C:3 would require insurers selling consumer guaranty contracts to register with the Department. Fourth, an inaccurate statutory reference would be removed from RSA 420-J:5. Finally, RSA 420-N would clarify that the Public Health Service Act is under the regulatory authority of the department. Having considered the changes, the Commerce and Consumer Affairs Committee voted unanimously to support the bill. Vote 18-0.

SB 37, establishing a commission to study hospitality and tourism education in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. This bill calls for a fairly large commission to study the creation of more extensive education opportunities in the field of hospitality and tourism within the community college, university and Career and Technical Education Center (CTE) systems in New Hampshire. At the hearing we heard from several members of the hospitality and tourism industry. They told of the challenges they face and some of the creative solutions they have implemented. The committee found no reason that industry representatives and educational institutions needed the state legislature to be involved in helping them work together to develop needed curricula. Other industries and educational institutions perform these types of collaborative efforts all the time, e.g., military aerospace and engineering schools, software companies and computer science schools. Examples were found in almost all industries. Vote 18-0.

SB 66, relative to financial transactions involving the liquidation or rehabilitation of an insurer in which the Federal Home Loan Bank is a party. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill would modify insurance insolvency regulations pertaining to stays and voidable transfers. Currently, the Federal Home Loan Bank (FHLB) may have secured credit that is subjected to a stay, injunction, or voidable transfer that can cause a delay in the liquidation of their collateral. This bill will enable the FHLB to work with insurance companies in the extremely rare scenario of an imminent or anticipated failure of a New Hampshire insurance member. The bill seeks to allow insurers to be treated like depository institutions, allowing them better access to funding and more favorable credit terms in these circumstances, which ultimately benefits their policyholders. Similar legislation has become law in 24 other states and has been supported by the American Council of Life Insurers. Vote 18-0.

SB 67, relative to changes to certain weights and measures statutes. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill makes changes to certain weights and measures statutes. As introduced, section 1 corrects a rule reference number. Section 2 clarifies the definition of a registered service technician. Section 3 addresses investigations and provides that: "Under the direction of the commissioner, the director shall investigate complaints." Section 4 allows enforcement to include inspection of any commercial premises or commercial vehicles. Section 5 states that applicable field standards shall follow the National Conference on Weights and Measures Handbook 105 series or the standards of National Institute of Standards and Technology (NIST) recognized or accredited laboratories. As amended, original sections 2 (regarding registered service technicians) and 4 (regarding inspections) were removed. Vote 18-0.

SB 85-FN-A, relative to emergency behavioral health services and behavioral health crisis programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill defines behavioral health crisis programs within the mental health treatment laws. It also creates a commission to study behavioral health crisis programs. Finally, it limits pre-authorization requirements for emergency behavioral health services to be in compliance with the mental health parity law. The amendment adds psychologists to the commission. Vote 19-0.

Amendment (2025h)

Amend the bill by replacing section 3 with the following:

3 New Subdivision; Study Commission on Sustainable Funding of Behavioral Health Crisis Programs. Amend RSA 135-C by inserting after section 67 the following new subdivision:

Study Commission on Sustainable Funding of Behavioral Health Crisis Programs

135-C:68 Commission on Behavioral Health Crisis Services Established.

I. There is established a study commission on sustainable funding of behavioral health crisis programs. The commission shall be administratively attached to the department of health and human services.

(a) The study commission's duties shall include, but not be limited to:

(1) Studying the models used in other regions and states for sustainable financing for delivery of behavioral health crisis programs.

(2) Discussing the feasibility of implementing different models for sustainable financing for delivery of behavioral health crisis programs.

(3) Identifying and recommending means to establish sustainable financing for delivery of behavioral health crisis programs, both legislative and non-legislative.

(4) Creating a report on the available sustainable funding sources available for financing delivery of behavioral health crisis programs.

(b) Notwithstanding RSA 14:49, the members of the commission shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

(4) The director of the department of safety, division of emergency services and communications (E 911), or designee.

(5) The commissioner of the insurance department, or designee.

(6) One representative from the National Alliance on Mental Illness of New Hampshire, appointed by that organization.

(7) One representative of the New Hampshire Community Behavioral Health Association, appointed by the association.

(8) One representative of the New Hampshire Hospital Association, appointed by the association.

(9) One representative of New Futures, appointed by the organization.

(10) One representative of the University of New Hampshire Institute on Health Policy and Practice, appointed by that organization.

(11) One representative from each of New Hampshire's 2 centers participating in the National Suicide Prevention Lifeline network.

(12) One representative of America's Health Insurance Plans (AHIP), appointed by the association.

(13) One representative of community mental health centers appointed by the Bi-State Primary Care Association.

(14) One representative from the New Hampshire Psychological Association, appointed by that organization.

(c) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II. The commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

III. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024. The chairperson of the study commission shall electronically file the final report with the clerk of the house of representatives or clerk of the senate, and the clerks of the respective bodies shall post the report on the general court website. The clerks of the respective bodies shall then send a copy of the report to the standing committee of each body with jurisdiction over the subject matter of the report.

SB 98-FN, relative to delinquent payment of accounts by on premises and off premises licensees. **OUGHT TO PASS.**

Rep. Jane Beaulieu for Commerce and Consumer Affairs. This bill simply makes minor changes to reporting requirements regarding on premises and off premises licensees. RSA 179:13 requires reporting of delinquent payments of \$100 or more to the New Hampshire Liquor Commission and this bill increases that to \$250 or more. This bill has no fiscal impact on state, county and local expenditures or revenue. The changes shall take effect on July 1, 2023. Vote 19-0.

SB 99, relative to the responsibilities of insurers in conducting reviews of the operations of administrators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. As introduced, this bill removes the requirement that the insurer conduct semi-annual on-site audits of the operations of a third-party administrator that administers health insurance benefits for more than 100 certificate holders. The committee amendment will keep the on-site option and adds a virtual option, as well. Vote 18-0.

Amendment (1456h)

Amend the bill by replacing section 1 with the following:

1 Third Party Administrators; Responsibilities of the Insurer. Amend RSA 402-H:6, III to read as follows:

III. In cases in which an administrator administers benefits for more than 100 certificate holders on behalf of an insurer, the insurer shall, at least semi-annually, conduct ~~[a review]~~ **an on-site or virtual audit** of the operations of the administrator. ~~[At least one such review shall be an on-site audit of the operations of the administrator.]~~

AMENDED ANALYSIS

This bill requires an insurer to conduct, at least semi-annually, an on-site or virtual audit of the operations of the benefit administrator.

SB 102, relative to the Jones Act's effect on New Hampshire's heating and energy fuel market. **INEXPEDIENT TO LEGISLATE.**

Rep. Shaun Filaault for Commerce and Consumer Affairs. This bill would create a study committee to study the effect of the federal Jones Act on New Hampshire's energy and fuel market. The state Department of Energy testified that such a study would cost \$250,000. Ultimately, the impact and future of the act is an issue better addressed by the state's federal delegation since it is federal law. Thus, the committee believes the \$250,000 spent on the proposed study committee would be better used for other purposes over which the state has actual control. Vote 18-0.

SB 142, relative to the regulation of forms and rates for property and casualty insurance. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the New Hampshire Insurance Department. It makes certain technical corrections to RSA 412, relative to the regulation of forms and rates for property and casualty insurance. The bill changes an archaic reference to the "rating bureau" to the generally accepted term "advisory organization." Vote 18-0.

SB 197-FN, relative to the operation and regulation of certain business entities within the state. **OUGHT TO PASS.**

Rep. Brian Cole for Commerce and Consumer Affairs. This bill was requested by the office of the Secretary of State. It covered five different issues, one being to create a new designation for "B" corporations called Public Benefit Corporations (PBC) and allowing them to use "PBC" in their name when qualifying to do business in the state. Vote 18-0.

SB 243, establishing a committee to study implementing a state-based health insurance exchange. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. The only information provided at the hearing for this bill indicated that money could be saved with respect to the operating costs of the exchange as compared to the federal exchange and that benefits could be gained by subscribers because of local control over policy decisions. The Commerce Committee investigated the implementation strategies, struggles, goals, and successes of all 18 states that currently have state-based exchanges. In all cases the overall goal was set by the executive branch. And in all cases except one, extensive research was done to understand the issues and develop solutions by knowledgeable individuals in the various fields related to data gathering, health care and others. Detailed specification of requirements had to be established so that the software development team put under contract could implement an exchange and collect data that would help meet the goals set forth and provide the solutions specified. Laws had to be defined as to how the exchange would be developed and run as well as those needed as requirements for insurance companies. For those nine states that did not perform these tasks well, the committee found that the whole effort could take as long as five years to be successful and cost as much as \$85 million. Four states did make the full effort at the beginning and their exchanges launched much more quickly (around two years). The remaining four states began around 2019 and leveraged off the

others and are in various states of implementation and completion. Because of the commitment required for a successful exchange, the Commerce and Consumer Affairs Committee feels that if there is any desire for such an effort, it should be initiated by the executive branch and not the committee. None of the prime bill sponsors presented at the hearing nor did any constituents, hospitals, or insurance companies. Vote 18-0.

SB 14-FN, relative to the use of game cameras. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. This bill would make placing a game camera on the property of another illegal without first obtaining permission from the landowner. The committee heard testimony from many landowners who felt the proliferation of this technology has become so widespread, that they felt their privacy was being violated. Technically, as the law now stands, a private citizen can place a game camera anywhere on someone's property, in a manner that would, if done by law enforcement, require a search warrant. Indeed, if such a person observed what they thought to be a crime, they could turn the video or photographic evidence over to law enforcement, and it would be admissible in a criminal proceeding against the landowner. Furthermore, the committee heard testimony of landowners who felt that they could no longer enjoy their property, for fear of always being under potential surveillance. This included everything from sunbathing to children playing in a pool, to a couple trying to share an intimate moment while walking through the woods of their own property. While New Hampshire has a long and celebrated history of shared land use, the expanded use of these cameras has begun to threaten it. All of the testimony and emails the committee received, indicated that should the bill fail, landowners will post their property as "no hunting." Having just passed a constitutional amendment expressing their will that their privacy should be respected by the government; they expect no less from their neighbors. There was some concern expressed that the bill, as written, would ensnare people coming into someone's driveway with a dash camera or some other innocent camera use. The committee looked at this and felt the use and definition of the specific term "game camera" is sufficient to ensure both the legislative intent, and the actual language construction. The bill would also require that any such camera be labeled with the contact information of the owner. Clearly this cannot apply to a dash cam. This bill was amended to add HB 473 which would reduce the penalty for a first-time offender, on a simple personal use amount, drug possession charge from a felony to a misdemeanor. This bill passed the House and was voted inexpedient to legislate by the Senate. The committee felt that this issue was important enough, that during these times of severe labor shortages, and drug overdose deaths, a conversation between the two chambers should be had. Clearly the current policy of a felony for first time possession is not working to deter use. What it is doing, is creating an entire class of people who are forever unable to fully engage in society and who are left with little hope for the future and little motivation to correct their behavior. Allowing a first offense to be a misdemeanor, gives people a chance to seek help, amend their behavior, and get a full understanding of what another conviction would mean for them. Just a partial list of things a convicted felon cannot do are: vote while serving a sentence and permanently not be able to vote depending on what state they choose to live in; enlist in the military; hold a job of any importance, including some occupational licenses; be eligible for federal housing; own or possess a firearm; work in law enforcement; visit Canada; hold certain public offices; serve on a jury; legally become a US citizen; and many more depending on where one later resides. Vote 17-1.

Amendment (2074h)

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

AN ACT relative to the use of game cameras and relative to penalties for controlled drug violations.

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

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

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

AMENDED ANALYSIS

This bill adds a definition of "game camera" and permits the use of a game camera to take or attempt to take a game animal or fur-bearing animal.

This bill changes the penalty for certain schedule I, II, III, and IV drug offenses.

SB 15-FN, relative to the use of tree stands and observation blinds. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. This bill would make the placement of a tree stand or hunting blind on the property of another illegal without first obtaining written landowner permission. It further requires that all such stands and blinds be labeled with the owners contact information. The committee heard testimony that often times hunters place stands in places where the landowner would rather not have

them or damage valuable timber by allowing the stand to remain for years, causing the tree to grow around the stand attaching material. With this bill, the committee again heard testimony that if the bill failed, many landowners would post their property against all hunting. The committee agreed that it should be a common courtesy to seek permission from the owner of a property before installing equipment on their land. Vote 20-0.

SB 136, prohibiting the employment or volunteering of a revoked or suspended educator. **OUGHT TO PASS.** Rep. Glenn Cordelli for Education. This bill addresses a child safety issue. Educators can have their certifications suspended or revoked for serious violations of their code of conduct or code of ethics. This includes inappropriate relations with students. This bill states that an educator whose credential has been suspended or revoked cannot be employed or even volunteer at a public school or a non-public school. There are exceptions provided such as employment to begin after the suspension. Vote 19-1.

SB 53-FN, permitting the use of certain refrigerants that are in compliance with the Clean Air Act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Simon for Executive Departments and Administration. In its original form, this bill sought to restrict the State of New Hampshire from prohibiting the use of new refrigerants that were deemed acceptable by the Federal Clean Air Act through the use of its state or local building codes. The current state building codes do not address the proper protocols for the production and use of these new refrigerants. As amended, the bill adopts updated building codes from the building code review board that address these new refrigerants. Vote 19-1.

Amendment (1951h)

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

AN ACT relative to the definition of the state building code.

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

1 Definition of State Building Code; Inclusion of Amendments as of Date Specified. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2018, the International Existing Building Code 2018, the International Plumbing Code 2018, the International Mechanical Code 2018, the International Energy Conservation Code 2018, the International Swimming Pool and Spa Code 2018, and the International Residential Code 2018, as published by the International Code Council Inc., and the National Electrical Code 2020, as published by the National Fire Protection Association, Inc., as reviewed and recommended by the state building code review board, including all amendments *to these codes* reviewed and approved by the board as of ~~[November 30, 2021]~~ **May 12, 2023**, and ratified by the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

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

AMENDED ANALYSIS

This bill amends the definition of the state building code to include amendments approved by the state building code review board as of May 12, 2023.

SB 105-FN, relative to information collected by the division of vital records administration as part of the live birth worksheet. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill de-identifies personal information submitted on the facility worksheet for a live birth, removes the criminal penalty for information requested on the mother's birth worksheet that is not required for the birth certificate, and requires that these worksheets are retained in hospitals and birthing centers for 7 years rather than permanently. The 7-year retention is related to the age when a child enters school. The hearing resulted in strong opposition to the de-identification from the office of the secretary of state who would not be able to issue birth certificates and the Department of Health and Human services who could not use the data in a meaningful way for research. As amended, the bill addresses the criminal penalty and records retention. Vote 20-0.

Amendment (1728h)

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

2 Record Retention. Amend RSA 5-C:96, II(d) and (e) to read as follows:

(d) Birth worksheet, hospital birth: retained ~~[permanently]~~ **for 7 years.**

(e) Birth worksheet, home birth: retained ~~[permanently]~~ **for 7 years.**

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

AMENDED ANALYSIS

This bill limits the potential criminal penalty for misinformation on a birth worksheet to that required for the birth certificate; and requires the birth worksheet to be retained for 7 years rather than indefinitely.

SB 150-FN, relative to the family mediator certification board. **OUGHT TO PASS WITH AMENDMENT.** Rep. Carol McGuire for Executive Departments and Administration. This bill lowers the number of board members from eleven to six, at the request of the board. It does not affect the authority of the board to regulate the profession. The committee amendment establishes the board quorum at three members, and deletes the fee-setting authority, as that has been superseded by the authority of the Office of Professional Licensure and Certification. Vote 20-0.

Amendment (1636h)

Amend RSA 328-C:4, III(a) as inserted by section 1 of the bill by replacing it with the following:

(c) A quorum shall be 3 members.

Amend section 2, paragraph IV of the bill by replacing it with the following:

IV. The marital master seat shall be eliminated on the effective date of this act.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Family Mediators; Duties of the Board. Amend RSA 328-C:4-a, VIII to read as follows:

VIII. Establish procedures, [fees;] standards, and other requirements for qualified interns.

4 Repeal. RSA 328-C:11, relative to the fees of the board for family mediators, is repealed.

SB 207, establishing a committee to study licensure of mental health professionals and relative to mental health critical incident intervention and management. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. The committee amendment, which replaces the entire bill, deletes the study committee, revises the definitions of peer support groups, and incorporates conditional licenses for mental health workers. The study committee was redundant to the efforts of the House and Senate ED&A committees. The peer support groups in critical incident intervention and management can now be appointed by the union, as well as a unit of government. Conditional licenses are necessary for mental health workers either finishing the requirements for a full license or coming from another area without the supervised practice requirements; they are allowed to work while finalizing the requirements for full licensure, under the supervision of a licensed professional. Vote 20-0.

Amendment (2010h)

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

AN ACT relative to mental health critical incident intervention and management, and relative to mental health practice.

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

1 Legislative Findings. The general court finds that:

I. New Hampshire has a shortage of qualified mental health professionals.

II. New Hampshire competes with neighboring states to attract qualified mental health professionals.

III. Licensure requirements and licensure processes may impact the mental health workforce in New Hampshire.

2 Emergency Medical and Trauma Services; Critical Incident Intervention and Management. Amend RSA 153-A:17-a, I(e) - II(b) to read as follows:

(e) "Critical incident stress management team" or "team" means the group of one or more trained volunteers, including members of peer support groups organized by a unit of state, local, or county government, **or members of a union of emergency responses/public safety workers, as defined by RSA 281-A:2, V-c**, who offer critical incident stress management and crisis intervention services following a critical incident or long term or continued, debilitating stress being experienced by emergency services providers and affecting them or their family situation.

(f)(1) "Critical incident stress management team member" or "team member" means an emergency services provider, including any law enforcement officer, sheriff or deputy sheriff, state police officer, civilian law enforcement employee, firefighter, civilian fire department employee, emergency medical personnel, telecommunicators, and local dispatchers specially trained to provide critical incident stress management and crisis intervention services as a member of an organized and registered team.

(2) In this subparagraph:

(A) "Telecommunicator" means an employee of the department of safety, division of emergency services and communications who is responsible for receiving at the public safety answering point telephone calls made to E911 and transferring or relaying such calls to public or private safety agencies.

(B) "Local dispatcher" means a person who determines the location, status, and assistance required by callers and walk-in customers for public safety services and dispatches the appropriate police, fire, ambulance, or other units to provide needed emergency services at the state, city, town, or private emergency services level.

II.(a) Team members shall undergo and sustain certification standards set forth in guidelines established by the International Critical Incident Stress Foundation (ICISF) approved by the commissioner of the

department of safety, or a similar organization for which the commissioner shall not unreasonably withhold approval. The team shall be registered with ICISF, or a similar organization, and maintain training standards to date as required.

(b) All critical incident stress management team members, sworn or civilian, shall be designated by the police chief, sheriff, director of the division of state police, fire chief, or director of the division of emergency services and communications, **or head of a union of emergency response/public safety workers as defined by RSA 281-A:2, V-c.**

3 Mental Health Practice; Fees. Amend RSA 330-A:12, I to read as follows:

I. The [board] **office of professional licensure and certification** shall establish fees pursuant to RSA 541-A for **applications for conditional licensure and** supervisory agreements; applications for licensed pastoral psychotherapist, independent clinical social worker, school social worker, licensed social worker, licensed social work associate, clinical mental health counselor, marriage and family therapist, and conditional licenses; renewal of license; renewal of dual license; reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations and hearings conducted under this chapter.

4 Social Work; Conditional License. Amend RSA 330-A:18-d, I to read as follows:

I. Applicants for licensure under this section may apply to the board for conditional licensure. To receive a conditional license, applicants shall comply with the following requirements:

(a) Clinical Social Worker:

(1) Hold a master's or doctoral degree in social work or social welfare from a **Council on Social Work Education (CSWE)** approved program.

(2) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a clinical social worker under this chapter.

(3) Meet other criteria as reasonably established by the board.

(4) Upon approval of the supervision agreement, the board shall issue a conditional license.

(5) Conditional licensees are subject to the jurisdiction of the board.

(b) School Social Worker:

(1) Hold a master's or doctoral degree in social work or social welfare from a CSWE approved program.

(2) Obtain a board approved supervisory agreement, with documented intent to pursue licensure as a clinical social worker under this chapter.

(3) Meet other criteria as reasonably established by the board.

(4) Upon approval of the supervision agreement, the board shall issue a conditional license.

(5) Conditional licensees are subject to the jurisdiction of the board.

(c) Licensed Social Worker:

(1) Hold a bachelor's degree in social work or **a** social welfare from a CSWE approved program.

(2) Obtain a board approved supervisory agreement consistent with RSA 330-A:18-b, III, with documented intent to pursue licensure as a licensed social worker under this chapter.

(3) Meet other criteria as reasonably established by the board.

(4) Upon approval of the supervision agreement, the board shall issue a conditional license.

(5) Conditional licensees are subject to the jurisdiction of the board.

(d) Licensed Social Work Associate:

(1) Hold an associate's or bachelor's degree in clinical mental health, social work, psychology, behavioral health counseling, human services discipline, or equivalent program from an accredited college or university.

(2) Complete 300 hours of social work or mental health education within the degree-granting program or separately.

(3) Complete 300 hours of supervised practical training within the degree-granting program, as part of the supervised work experience or separately.

(4) Obtain a board approved supervisory agreement consistent with RSA 330-A:18-c, III, with documented intent to pursue licensure as a licensed social work associate under this chapter.

(5) Meet other criteria as reasonably established by the board.

(6) Upon approval of the supervision agreement, the board shall issue a conditional license.

(7) Conditional licensees are subject to the jurisdiction of the board.

~~[(e) Clinical Mental Health Counselor:~~

~~(1) Hold a master's or doctoral degree in clinical mental health counseling from a CACREP accredited institution or its equivalent which has received regional accreditation from the Association of Secondary Schools and Colleges.~~

~~(2) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a clinical mental health counselor under this chapter.~~

~~(3) Meet other criteria as reasonably established by the board.~~

(f) ~~Marriage and Family Therapist:~~

~~(1) Hold a master's or doctoral degree in family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or has a master's degree or doctorate degree with a concentration in the field of marriage and family therapy from a regionally accredited institution or has a clinical membership in the American Association for Marriage and Family Therapy.~~

~~(2) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a marriage and family therapist under this chapter.~~

~~(3) Meet other criteria as reasonably established by the board.]~~

5 New Paragraphs; Clinical Mental Health Counselors; Conditional License. Amend RSA 330-A:19 by inserting after paragraph III the following new paragraphs:

IV. To receive a conditional license for a clinical mental health counselor, an applicant shall comply with the following requirements:

(a) Hold a master's or doctoral degree in clinical mental health counseling from a CACREP accredited institution or its equivalent which has received regional accreditation from the Association of Secondary Schools and Colleges.

(b) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a clinical mental health counselor under this chapter.

(c) Meet other criteria as reasonably established by the board.

(d) Upon approval of the supervision agreement, the board shall issue a conditional license.

(e) Conditional licensees are subject to the jurisdiction of the board.

V. Conditional licenses issued under this section shall be valid for a period not to exceed 2 years from the date of issuance. Applicants in good standing with the board may apply for a one-time renewal of a conditional license.

6 New Paragraphs; Marriage and Family Therapists; Conditional License. Amend RSA 330-A:21 by inserting after paragraph III the following new paragraphs:

IV. To receive a conditional license for a marriage and family therapist, an applicant shall comply with the following requirements:

(a) Hold a master's or doctoral degree in family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or hold a master's degree or doctorate degree with a concentration in the field of marriage and family therapy from a regionally accredited institution, or hold a clinical membership in the American Association for Marriage and Family Therapy.

(b) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a marriage and family therapist under this chapter.

(c) Meet other criteria as reasonably established by the board.

(d) Upon approval of the supervision agreement, the board shall issue a conditional license.

(e) Conditional licensees are subject to the jurisdiction of the board.

V. Conditional licenses issued under this section shall be valid for a period not to exceed 2 years from the date of issuance. Applicants in good standing with the board may apply for a one-time renewal of a conditional license.

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

AMENDED ANALYSIS

This bill:

I. Revises the definition of critical incident stress management team to include members of a union of emergency response/public safety workers.

II. Allows for conditional licensing of clinical mental health counselors and marriage and family therapists.

SB 240, relative to conditions for genetic testing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The intent on this bill, as amended, is to clarify that a patient may authorize the disclosure of their genetic testing or genetic analysis to entities that participate in the clinical care of the patient. The intent of this bill is that the treating physician shall be responsible to obtain written patient consent via a form that specifically outlines the use of the information. The amendment removes any provision that allows retrospective use of a patient's de-identified genetic information for research purposes, as this would lessen the patient's control over the uses of their genetic information. Vote 20-0.

Amendment (1954h)

Amend the bill by replacing section 1 with the following:

1 Conditions of Genetic Testing. RSA 141-H:2, IV is repealed and reenacted to read as follows:

IV.(a) Nothing in this section shall limit genetic testing or genetic analysis used for diagnosis and treatment of a consenting patient by a clinical laboratory that has received a specimen referral from the individual patient's treating physician, genetic counselor, or another clinical laboratory.

(b) This section allows for the disclosure of genetic testing or genetic analysis to entities participating in the clinical care of the patient.

(c) Nothing in this section shall be construed to waive the requirement that the treating physician obtain specific informed patient consent in accordance with the provisions of this section for clinical research.

AMENDED ANALYSIS

This bill permits disclosure of genetic testing or genetic analysis to clinical entities participating in the clinical care of the patient. The bill clarifies that specific informed consent from the patient is required when such disclosure is made for clinical research purposes.

SB 46, relative to electronic payments to employee debit cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Mike Drago for Labor, Industrial and Rehabilitative Services. This bill would eliminate an employee's ability to receive a paper check if they do not have a checking account and allows the employer to only offer them a payroll card. Having employees get bank cards as a way to receive payroll puts us on the path to central bank digital currencies. Rather than have a bank account where money can be deposited and withdrawn, the money would stay on their payroll card. We have seen across the country credit card companies and processing companies refusing certain transactions and whether intended or not, payroll cards increase the degree of the slippery slope towards digital currencies. The fees to both the employer and employee will benefit a large corporation and require further government oversight to regulate these fees in future legislative sessions. This has been seen in other states already. Employers are required to replace a lost card within 24 hours of being notified even if it is during non-business hours or on a weekend or holiday. This burden and the fees to both the employee and employer were a few of the reasons for the committee's unanimous vote. Vote 20-0.

SB 269, relative to tip pooling and sharing. **OUGHT TO PASS.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. This bill, as presented, is basically clarifying existing law to remove the ambiguity that the Department of Labor was having with a certain segment of the restaurant industry in relation to wages and tip pooling. Vote 20-0.

CACR 10, the general court. Providing that the general court convene on the same day as the governor's inauguration. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Legislative Administration. Our constitution provides for us specific dates for legislative functions that have stood for many, many years. This CACR seeks to change those meeting dates purely for the convenience of a few senators who find difficulty with attending these two scheduled days in January for odd numbered years specifically, Convening Day and Inauguration Day. This CACR asks us to place on the ballot, for the voters of New Hampshire to decide, whether or not to change the constitution to put those two legislative functions on the same day. The committee believes that all the expense and effort needed to actually change the constitution demands that those reasons given for changing the constitution be of singular great significance and importance and this CACR fails that test miserably. The committee sees a simple remedy might be for those few senators, to arrange beforehand, which senators will attend one of the functions and which will attend the other function. The constitution does not require all legislators to attend both days. Vote 9-0.

SB 47, establishing a commission to study barriers to increased density of residential development in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Preece for Municipal and County Government. This bill would establish a commission to study barriers to increased density of residential development in New Hampshire. The work of the SB 43 commission is a continuation of a prior commission that met from September 2019 to November 2020 but was curtailed due to COVID. Since this commission was curtailed, the housing crisis has worsened, with a current shortage of over 20,000 housing units statewide. The commission will study issues related to the density of residential development in New Hampshire by considering minimum standards of residential development density for different housing types by considering the availability of public water and sewer infrastructure or other appropriate alternatives and account for the variability of environmental conditions. The commission will also study the impacts of development, potential model ordinances to support municipalities in their planning work, and the build-out potential of existing residential properties, including single-family homes, duplexes, triplexes, quadplexes, and other existing property types, based on the existence of water/sewer infrastructure or lack thereof. The commission will consider the Department of Environmental Services' requirements for individual sewage disposal systems. The commission will recommend potential legislation resulting from their work. Vote 18-2.

Amendment (1970h)

Amend the bill by replacing section 1 with the following:

1 New Section; Office of Planning and Development; Commission to Study Barriers to Increased Density of Residential Development in New Hampshire. Amend RSA 12-O by inserting after section 58 the following new section:

12-O:58-a Commission to Study Barriers to Increased Density of Residential Development in New Hampshire.

I. There is established a commission to study barriers to increased density of residential development in New Hampshire. The membership of the commission shall be as follows:

(a) Three members of the senate, one of whom shall serve on the election law and municipal affairs committee and one of whom shall serve on the energy and natural resources committee, appointed by the senate president.

(b) Five members of the house of representatives, 2 of whom shall serve on the municipal and county government committee and two of whom shall serve on the environment and agriculture committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of business and economic affairs, or designee.

(d) The commissioner of the department of environmental services, or designee.

(e) The executive director of the New Hampshire housing finance authority, or designee.

(f) One representative of the New Hampshire Association of Realtors, appointed by the association.

(g) One person to represent builder and business interests, chosen jointly by the New Hampshire Home Builders Association and the New Hampshire Business and Industry Association.

(h) One person to represent planning interests, chosen jointly by the New Hampshire Planners Association, the New Hampshire Association of Regional Planning Commissions, and the New Hampshire Municipal Association.

(i) One person to represent conservation interests, chosen jointly by the Society for the Protection of New Hampshire Forests, the Nature Conservancy, and the New Hampshire Association of Conservation Commissions.

II. The commission shall study issues related to the density of residential development in New Hampshire. The commission's duties shall include revisiting the actions of the commission established in 2019, 300:1, and shall specifically include, but not be limited to:

(a) Considering minimum standards of residential development density for different housing types by considering the availability of public water and sewer infrastructure or other appropriate alternatives and account for variability of environmental conditions.

(b) Studying the impacts of development including, but not limited to:

(1) School enrollment and property values;

(2) Traffic, the maintenance of roads, and public works department staffing;

(3) Required increases in municipal services such as police, fire, ambulance, town hall offices hours/staffing;

(4) Trash removal services/transfer station hours and staffing; and

(5) Water resources.

(c) Considering potential model ordinances to support municipalities in their planning work.

(d) Considering build out potential of existing residential properties, including single-family homes, duplexes, triplexes, quadplexes, and other existing property types, based on the existence of water/sewer infrastructure or lack thereof.

(e) Considering department of environmental services requirements for individual sewage disposal systems contained in New Hampshire code of administrative rules chapter Env-Wq 1000 relative to overall load limit requirements, subdivision lot size requirements, flexibility for shared systems and innovative/alternative technologies, and consideration for implementation of septic systems on large tracts of land, which but for department of environmental services regulations do not require subdivision.

(f) Recommending potential legislation resulting from the work of the commission.

III. The members of the commission shall elect a chairperson and clerk from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A majority of the commission shall constitute a quorum. The commission shall be administratively attached to the department of business and economic affairs, office of planning and development.

IV. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The commission shall submit an interim report of 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 July 1, 2024 and shall submit a final report on or before November 1, 2024.

SB 78, relative to subdivision regulations on the completion of improvements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. This bill amends the requirements by a local planning board relative to securities and subdivision regulations for the completion of work by developers prior to the final approval of a project. Specifically, the bill establishes fair requirements pertaining to

street work, utility installations, landscaping, final pavement, and fire protection infrastructure. The bill further sets reasonable time frames required for: municipal inspections; the completion of improvements by a developer, as well as the release of a security by a municipality after final sign-off. Importantly, the provisions of this bill will enable developers to complete projects in a more timely manner without unreasonable restriction of capital while allowing appropriate oversight of a project by a municipality. Vote 19-1.

Amendment (1627h)

Amend the bill by replacing section 1 with the following:

1 Subdivision Regulations; Completion of Work. Amend RSA 674:36, III and IV to read as follows:

III. The subdivision regulations of the planning board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The regulations or practice of the planning board:

(a) May provide for the conditional approval of the plat before such improvements and installations have been constructed, but any such conditional approval shall not be entered upon the plat.

(b) Shall provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the planning board shall accept a performance bond, irrevocable letter of credit, or other type or types of security as shall be specified in the subdivision regulations; provided that in no event shall the exclusive form of security required by the planning board be in the form of cash or a passbook. As phases or portions of the secured improvements or installations are completed and approved by the planning board or its designee, the municipality shall partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations **when substantial improvements are made**. Cost escalation factors that are applied by the planning board to any bond or other security required under this section shall not exceed ~~[10]~~ **15** percent per year. **No cost increases shall be allowed for engineering, administration, or other non-construction reasons.** The planning board shall, within the limitations provided in this subparagraph, have the discretion to prescribe the type and amount of security, and specify a period for completion of the improvements and utilities to be expressed in the bond or other security, in order to secure to the municipality the actual construction and installation of such improvements and utilities. The municipality shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

(c) May provide that in lieu of the completion of street work ~~[and]~~, utility installations, **landscaping, and final pavement** prior to the final approval of the plat, the subdivision regulations may provide for an assessment or other method by which the municipality is put in an assured position to do said work and to make said alterations at the cost of the owners of the property within the subdivision.

IV. The planning board limitations under this section shall not require letter of credit, cash, or passbook as the only method securing the completion of the work. A planning board may allow road and utility construction to start without a bond, however, a bond for the infrastructure, roads, and utilities must be in place prior to the sale of any parcel of land within the subdivision or a request for a building permit for structures for human occupation. The planning board shall not require that forfeiture or automatic call bonds be provided by the developer.

V. Inspections required by the municipality for release of a bond shall be completed within 30 business days of written request delivered by hand or sent by courier or service. Any requirements not recognized by the municipality as complete or non-compliant shall require written notification be sent, delivered by hand or sent by courier or service, within 15 business days of the inspection, to the bonded party. The bonded party shall complete the work within 30 days of receipt of notification. The municipality shall inspect for completion of the work cited as incomplete or non-compliant in the first inspection, within 15 business days of written notification delivered by hand or sent by courier or service. All bonds shall be released within 90 days of final sign off.

~~[IV-] VI. In accordance with RSA 153:5, III,~~ the planning board shall not require, or adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system. ~~[Nothing in this paragraph shall prevent an applicant from offering to install fire suppression sprinkler systems in proposed one- or 2-family residences and, if the planning board accepts such offer, the installation of such systems shall be required and shall be enforceable as a condition of the approval. The applicant or the applicant's successor in interest may substitute another means of fire protection in lieu of the approved fire suppression sprinkler system provided that the planning board approves the substitution which approval shall not be unreasonably upheld or delayed.]~~

SB 88, relative to the annual dues paid by towns and cities to town officers' associations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Len Turcotte for Municipal and County Government. As amended, this bill would raise the allowable amount of the annual membership dues from \$20 to \$50 for the three following organizations: New Hampshire Association of Assessing Officials, New Hampshire City and Town Clerk's Association, and the New Hampshire Tax Collector's Association. Since these dues are mandated by RSA 31:8, the committee amended the bill to include restrictions on how these monies could be spent, subjected to the provisions of RSA 15:5, II. Vote 20-0.

Amendment (1711h)

Amend the bill by replacing section 1 with the following:

1 Powers; Town Officers' Associations. Amend RSA 31:8 to read as follows:

31:8 Town Officers' Associations. For the encouragement of equitable taxation and the education of public officials in tax problems and other matters pertaining to the proper and efficient discharge of the duties of their respective offices, each town and city shall pay annually to the New Hampshire Association of Assessing Officials, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association, such amounts as shall be due for annual membership for its officials therein, providing that *it cannot be used to fund accounts subject to RSA 15:5, II and that* the amount paid for any one annual membership hereunder shall not exceed ~~[\$20]~~ **\$50**. Members of these several organizations in addition to the annual membership fee, shall be entitled to receive their actual expenses incurred in attending the annual convention of their respective associations, the same to be audited by the selectmen of towns and the finance committee of cities and paid out of city and town funds.

AMENDED ANALYSIS

This bill raises the cap on maximum annual membership dues paid by municipalities to town officers' associations and prohibits such funds from being used to fund certain lobbying activities.

SB 111-L, relative to the town council-town manager form of local government. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. Under RSA 49-B, a town may adopt a charter providing for an optional form of legislative body. This bill clarifies that a town council form of legislative body adopted by a town charter under RSA 49-D:3, I has the same powers and authorities granted to a city council of a municipality that has adopted RSA 49-C. Additionally, this bill requires that the position of town clerk be elected pursuant to RSA 41:16 regardless of the form of municipal government established under RSA 49-D. Moreover, this bill aligns RSA 49-D:3 with RSA 49-D:2. In 1991, when RSA 49-D was adopted, there were three optional forms of a legislative body under RSA 49-D:3: (I) Town Council, (II) Budgetary Town Meeting, and (III) Representative Town Meeting. Later, without proper reference in RSA 49-D:2, two additional optional forms of a legislative body were added to RSA 49-D:3, namely (I-a) Official Ballot Town Council and (II-a) Official Ballot Town Meeting. This oversight coupled with matter added to current law by the bill results in faulty statutory language necessitating revision which the bill with amendment provides. Vote 18-1.

Amendment (1631h)

Amend the bill by replacing section 1 with the following:

1 Local Option-Town Charters; Town Charters. Amend RSA 49-D:2, I to read as follows:

I. As distinguished from adopting a city form of government described in RSA 49-C, a town may adopt a charter pursuant to RSA 49-B ~~[which abolishes the open town meeting and vests all legislative authority in a town council as the elected body or, in the alternative, vests authority to make appropriations in a budgetary town meeting]~~ **providing for one of the legislative bodies allowed under RSA 49-D:3. A town charter providing for the form of legislative body pursuant to 49-D:3, I shall have the same powers and authorities as a city council under RSA 49-C, subject to the provisions of RSA 41:16.** A charter establishing ~~[this form]~~ **a budgetary town meeting pursuant to 49-D:3, II** may reserve authority by the voters, at a referendum, over amendments to land use ordinances pursuant to RSA 675 and approval of bond issues consistent with RSA 33.

SB 222, relative to the definition of broadband infrastructure as a revenue-producing facility eligible for municipal revenue bonds. **OUGHT TO PASS.**

Rep. Laurel Stavis for Municipal and County Government. This bill allows municipalities to finance broadband infrastructure by extending bond issuing authority to locations within communications districts formed under RSA 53-G. It also expands and updates the definition of broadband financed under the provisions of the bill to transmission greater than or equal to 100 megabits per second download and 20 megabits per second upload, or at rates of transmission. Notwithstanding substantial improvements to the broadband capabilities added to many locations in New Hampshire, there are still areas that are underserved by this basic utility. Allowing those locations to issue revenue-producing bonds specifically to implement or upgrade their systems ensures access to a vital means of communication throughout the state. Vote 18-2.

SB 228-FN, relative to the Hilton Park boat ramp. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Cloutier for Public Works and Highways. This bill, as amended, requires the Pease Development Authority, the Department of Fish and Game, and the Department of Transportation to study repairs to Dover's Hilton Head boat ramp. The study shall include consulting with the Department of Environmental Services, the City of Dover, the Town of Newington, the Great Bay waterkeeper, and other interested parties and it shall provide opportunities for public input. The study shall consider available funds or grants from federal and other sources, and it shall address issues of the potential uses of the facilities for commercial purposes. Finally, the study shall consider feasible access and use under requirements of the Americans with Disabilities Act. The study shall be completed by June 30, 2024. Vote 18-0.

Amendment (1462h)

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

1 Hilton Park Boat Ramp, Dock Repair, and Construction.

I. The department of transportation, the department of fish and game, and the Pease Development Authority shall study repairs to the Hilton Park boat ramp and the construction of a new dock facility for use by the public. The study shall include, but not be limited to consideration of the purchase of the site from the department of transportation and transfer to a suitable entity to oversee construction and operation of the facility, the cost of construction, the cost of maintenance, management of the completed facility, and any environmental impacts. The study shall include consultation with the department of environmental services, the city of Dover, the town of Newington, the Great Bay waterkeeper, and other interested parties, and it shall provide opportunity for public input. It shall consider available funds or grants from federal and other sources, and it shall address the issues of the potential use of the facility for commercial purposes. The study shall consider feasible access and use under requirements of the Americans with Disabilities Act. The study shall be completed by June 30, 2024.

II. A report of the findings of the study shall be provided to the governor, the president of the senate, the speaker of the house of representatives, the department of transportation, the fish and game department, the Pease Development Authority, the chairs of the senate transportation committee, the senate energy and natural resources committee, the house fish and game and marine resources committee, and the house public works and highway committee.

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

AMENDED ANALYSIS

This bill directs the Pease Development Authority, the department of fish and game and the department of transportation to study repairs to the Hilton Park boat ramp in Dover and the construction of a new dock facility for use by the public.

SB 11, relative to African American burial grounds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tim McGough for Resources, Recreation and Development. This bill requires consultation with the descendants or descendant community prior to excavation or exploration of historical or unmarked and newly discovered graves. As amended, the bill moves the language to the proper area of the RSAs and adds to the current statute covering Native American graves additional categories of historical remains to ensure proper treatment and require consultation with the appropriate descendant communities and the state archaeologist prior to relocation. The language also requires return of artifacts to their original sites or the descendant community. No new restrictions or practices are enacted beyond current statute for private or unmarked burial grounds. No testimony against the bill was heard in the House public hearings or during Senate committee hearings. The New Hampshire Historical Society, the Department of Natural and Cultural Resources, along with the State Archaeologist support the language and concur it is consistent with current practices for handling of historical grave remains, and this bill merely places them in statute. Vote 20-0.

Amendment (1597h)

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

1 Discovery of Remains and Notification of Authorities; African American Burial Grounds. Amend RSA 227-C:8-a, III to read as follows:

III.(a) If the unmarked human burials or human remains are encountered by a professional archaeologist, as a result of survey or test excavations, the remains may be excavated and other activities may resume after notification, by telephone or certified letter, is provided to the state archaeologist, and immediate notification is given to living descendants or specific groups known to have affinity with the remains. The treatment, analysis, and disposition of the remains shall be as provided in RSA 227-C:8-c and 8-g.

(b) If a professional archaeologist directing long-term systematic archaeological research, that is, research designed to continue for one or more field seasons of 4 or more weeks' duration, sponsored by any accredited institution, accredited college or university with research interests in New Hampshire, as a part of his *or her* research, recovers Native American remains *or remains from a suspected African American burial ground*, he *or she* may be exempted from the provisions of RSA 227-C:8-b through 8-f and 8-g, III so long as he *or she*:

- (1) Notifies the state archaeologist within 5 working days of the initial discovery of *either the* Native American remains ***or the remains from a suspected African American burial ground***;
- (2) Reports to the state archaeologist, at agreed upon intervals, the status of the project;
- (3) Curates the remains prior to ultimate disposition; and
- (4) Conducts no destructive skeletal analysis without the express permission of the state archaeologist.

Upon completion of the project fieldwork, the professional archaeologist, in consultation with the skeletal analyst and the state archaeologist, shall determine the schedule for the completion of the skeletal analysis. In the event of a disagreement, the time for completion of the skeletal analysis shall not exceed 4 years. The director or [his] *their* designee, after consultation with the state archaeologist, shall have authority concerning the ultimate disposition of the Native American remains after analysis is completed in accordance with RSA 227-C:8-g, I and 8-h, II and III. ***The ultimate disposition of remains and other archaeological materials such as markers, gates, mortuary materials or other archaeological materials found in an African American burial ground shall be in consultation with the descendants or descendant community.***

(c) The state archaeologist shall notify the county medical examiner of any reported human skeletal remains discovered by a professional archaeologist.

2 Consultation with Native American and African American Communities; African American Burial Grounds. Amend RSA 227-C:8-d to read as follows:

227-C:8-d Consultation with Native American Community ***and African American Community.***

I.(a) If the professional archaeologist determines that the human remains are Native American and the remains are known to have affinity to federally recognized Indian tribes or specific living ethnic groups or other nonfederally recognized Indian groups, the state archaeologist shall immediately notify the leaders, officials, or spokespersons for these tribes or groups wherever the appropriate tribes or groups are located, whether in or outside the state of New Hampshire. The state archaeologist shall consult with such persons who respond in a timely fashion in the determination of the most appropriate treatment for the interments.

(b) If the professional archaeologist determines that the human remains are from an African American burial ground the state archaeologist shall immediately notify the descendants or descendant community, whether in or outside the state of New Hampshire. The state archaeologist shall consult with such persons who respond in a timely fashion in the determination of the most appropriate treatment for the interments.

II. Within 4 weeks of the notification, the appropriate Indian tribe or group ***or African American community*** shall communicate in writing to the state archaeologist its concerns with regard to the treatment of interment and ultimate disposition of the Native American remains ***or remains from an African American burial ground, whichever applies.***

III. Within 90 days of the receipt of the concerns, the state archaeologist, with the approval of the principal official or officials of the Indian group or tribe, ***or the descendants or descendant community associated with the African American burial ground, whichever is applicable,*** shall prepare a written agreement concerning the treatment and ultimate disposition of the [Native American] remains. The written agreement shall include the following:

- (a) Designation of a qualified skeletal analyst to work on the skeletal remains;
- (b) The type of analysis and the specific period of time to be provided for analysis of the skeletal remains;
- (c) The timetable for written progress reports and the final report concerning the analysis to be provided to the state archaeologist by the skeletal analyst and the professional archaeologist; and
- (d) A plan for ultimate disposition of Native American remains ***or remains from an African American burial ground, whichever is applicable,*** subsequent to the completion of adequate analysis.

IV. If no agreement is reached within 90 days, the state historic preservation officer and commissioner shall determine the terms of the agreement.

3 Disposition of Human Remains; African American Burial Grounds. Amend RSA 227-C:8-g to read as follows:

227-C:8-g Disposition of Human Remains.

I.(a) If the human remains are Native American, the director or [his] *their* designee, after consultation with an appropriate federally recognized Indian tribe or specific living ethnic group or other nonfederally recognized Indian group, shall determine the ultimate disposition of the remains after the analysis.

(b) If the human remains are from a newly discovered African American burial ground, the director or their designee, after consultation with the descendants or descendant community associated with the African American burial ground, shall determine the ultimate disposition of the remains after the analysis.

II. If the skeletal remains are other than Native American ***or from an African American burial ground,*** and the next of kin have been identified, the next of kin shall have authority concerning the ultimate disposition of the remains after the analysis.

III. If the state archaeologist has received no information or communication concerning the identity or next of kin of the deceased, the remains shall be transferred to the state archaeologist who shall arrange for either permanent curation according to standard museum procedures or for reburial in a public cemetery after adequate analysis.

IV. In the case of remains encountered during the course of long-term research of a professional archaeologist is provided in RSA 227-C:8-a, III(b), the director or [his] *their* designee, on recommendation of the state archaeologist, may grant permission to a sponsoring institution, which shall include accredited colleges, universities, museums, or professional archaeological organizations, to permanently curate the remains according to standard museum procedures after appropriate analysis is completed.

V.(a) *If a determination is made by the director or [his] their designee and the commissioner, in consultation with an appropriate federally recognized Indian tribe or specific living ethnic group or other nonfederally recognized Indian group, that Native American remains shall be reinterred following the completion of analysis, an appropriate tribe or group may provide a suitable reburial location and reburial ceremony. If it elects not to do so, it shall be the responsibility of the department to provide a suitable reburial location.*

(b) If a determination is made by the director or their designee and the commissioner, in consultation with the descendants or descendant community associated with the African American burial ground, that the African American remains shall be reinterred following the completion of analysis, the community may provide a suitable reburial location and reburial ceremony. If it elects not to do so, it shall be the responsibility of the department to provide a suitable reburial location.

VI. The expense of transportation of Native American remains *or remains from an African American burial ground* to the reburial location shall be borne by the party conducting the excavation and removal of the remains. The reburial ceremony may be provided by an appropriate federally recognized Indian tribe or specific living ethnic group or other nonfederally recognized Indian group. If such tribe or group elects not to do so, the reburial ceremony shall be the responsibility of the director or [his] *their* designee and the commissioner.

4 Consultation with Other Individuals; African American Burial Grounds. Amend RSA 227-C:8-e, I to read as follows:

I. If the professional archaeologist determines that the human skeletal remains are other than Native American *or from an African American burial ground*, the state archaeologist shall publish notice that excavation of the remains has occurred, at least once per week for 4 successive weeks in a newspaper of general circulation in the county where the burials or skeletal remains were situated, in an effort to determine the identity or next of kin, or both, of the deceased.

5 New Paragraphs; Cemetery Trustees; Maintenance, Repair, and Preservation of Burial Grounds; Addition of African American Graves. Amend RSA 289:14-a by inserting after paragraph V the following new paragraphs:

VI. Any activities undertaken under this section involving an African American grave shall be conducted in consultation with the descendant community.

VII. Any African American remains, marker, gate, or associated mortuary or archaeological materials that have been removed from a site shall be returned for reburial or placement at the grave site, or if removed under the provisions of paragraph V, in consultation with the descendant community.

VIII. Any African American remains, marker, gate, or associated mortuary or archaeological materials that have been removed from a cemetery or burial ground shall be returned for reburial or placement at the grave site, in consultation with the descendants or descendant community. If such return is deemed to be not feasible or appropriate by the descendants or descendant community, they shall be deposited in another suitable location, under paragraph V, in consultation with the descendants or descendant community, by June 30, 2028.

IX. The New Hampshire division of historical resources, department of natural and cultural resources, shall serve in an advisory capacity to municipalities and the descendants and descendant community in complying with paragraphs VI-VIII of this section, RSA 289:3, V, and RSA 289:24.

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

SB 170-FN, relative to small group child day care centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ross Berry for Special Committee on Childcare. This bill creates a new type of residential childcare license for up to 12 children and has a provision for before and after school care as well as for holidays. This will increase the supply of childcare in the state, most notably in rural areas which do not have the population to support a full childcare center. The committee views this bill as an integral first step to solving the childcare supply shortage in the state. Vote 9-0.

Amendment (1899h)

Amend the bill by replacing section 3 with the following:

3 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(a) and (b) to read as follows:

(a) "Family day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, ***provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.***

(b) "Family group day care home" means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, ***provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.***

SB 187-FN, relative to driver's licenses for certain visa holders. **OUGHT TO PASS WITH AMENDMENT.** Rep. Steven Smith for Transportation. This bill addresses licensing for migrant agricultural workers. Currently, after being here for 60 days, these workers are required to get a New Hampshire license by RSA 263:35. The picking season can be longer than that. These workers do not intend to stay here. They are not establishing residency. They want to work hard, earn money, and then go home to their families. This bill extends the ability to drive on a foreign jurisdiction license for 300 days. The license must be in English. Those with licenses printed in another language would need an international permit, or still apply for a New Hampshire license after 60 days. Vote 20-0.

Amendment (1823h)

Amend RSA 263:35-a as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Nonresidents who satisfy the requirements under this section shall have a maximum of 300 days from the date their residency was established to obtain a driver's license issued by the state of New Hampshire. Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Nonresident Who Establishes a Residency in the State. Amend RSA 263:35 to read as follows:

263:35 Nonresident Who Establishes a Residency in the State. Notwithstanding the provisions of RSA 261:44 or any other law to the contrary, any nonresident driver of a motor vehicle who holds a valid driver's license in another jurisdiction, upon the establishment of a bona fide residency in this state, shall have a maximum of 60 days from the date his ***or her*** residency was established to obtain a driver's license issued by the state of New Hampshire; ***provided that H-2A temporary agricultural workers satisfying the requirements under RSA 263:35-a shall have a maximum of 300 days.***

SB 188-FN, relative to catalytic converters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sellers for Transportation. This bill requires everyone scrapping a catalytic converter to show identification. The reason for the identification is due to the uptick in thefts where thieves are stealing these from vehicles leaving the owners with hundreds of dollars in costs to replace them. It also requires the scrap yards to retain those IDs for a period of time. Currently, New Hampshire is the only New England state that allows the scrapping of these converters without any ID. This bill will reduce, if not stop, thieves from stealing the converters because they would have to travel a greater distance to cash them in. Vote 20-0.

Amendment (1839h)

Amend RSA 322:16 as inserted by section 1 of the bill by deleting RSA 322:16, XIII and renumbering the original paragraph XIV to read as XIII.

Amend the bill by replacing section 2 with the following:

2 Drivers' Licenses; Prohibitions. Amend RSA 263:12, X to read as follows:

X. Knowingly scan, record, retain, or store, in any electronic form or format, personal information, as defined in RSA 260:14, obtained from any license, unless authorized by the department. Nothing in this paragraph shall prohibit a person from transferring, in non-electronic form or format, personal information contained on the face of a license to another person, provided that the consent of the license holder is obtained if the transfer is not to a law enforcement agency. Notwithstanding any other provision of law, any person selling alcohol or tobacco who uses due diligence in checking identification to prevent unauthorized sales and purchases of alcohol and tobacco shall not be held responsible for the acceptance of fraudulent identification. Where due diligence is exercised on the part of the seller, the unauthorized purchaser shall be liable for any penalty or fine resulting from the unauthorized sale. This paragraph shall not prohibit the scanning, recording, retaining, or storing of such information in electronic form collected with the license holder's consent as part of a sale of merchandise to a pawnbroker, ***scrap metal dealer***, or other secondhand dealer, and submission

of such information to law enforcement databases for the sole purpose of identifying sellers of stolen merchandise. The pawnbroker, **scrap metal dealer**, or secondhand dealer shall not retain the scanned information in electronic form transmitted to a law enforcement database, unless required by local regulation, and shall not furnish the information to anyone except a law enforcement officer. The pawnbroker, **scrap metal dealer**, or secondhand dealer may maintain in a log or other document the name and address of the person whose license was scanned along with a description of the items the individual sold, pawned, or purchased, and shall allow such log or document to be examined by a law enforcement official upon request.

Amend the bill by replacing section 3 with the following:

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

SB 32-FN, relative to the opioid abatement trust fund. **OUGHT TO PASS.**

Rep. Walter Spilsbury for Ways and Means. This bill would make changes to the Opioid Abatement Trust Fund, originally created in 2020 to manage the settlement funds from opioid litigation, under the direction of the Opioid Abatement Advisory Commission. Its purpose is three-fold: it requires at least one round of grants per year, as long as there is at least \$5 million in the fund; it makes additions to the eligibility for grant recipients, at the request of the subject matter experts on the commission; and it updates the statutory language to reflect best practices in the field. Following review by the Health, Human Services and Elderly Affairs Committee and a House voice vote of ought to pass on May 18th, this bill came before the Ways and Means Committee as a second committee referral. As such, our review focused on the grant funding provision, which requires the Department of Health and Human Services to issue requests for grant (RFG) applications at least once in any calendar year in which the balance in the trust fund at any time exceeds \$5 million. It is anticipated that approximately \$300 million will be received unevenly from the various settlement arrangements over a span of about 18 years and it is also likely that more than \$5 million will be received in most of those years. After discussion with the prime sponsor and deputy attorney general, the committee wishes to make the legislative intent clear that this provision does not preclude more than one round of RFGs in a given year (“at least”), that this does not preclude a round of RFGs even in a year in which the balance may stay under \$5 million, and that this sets neither a maximum nor a minimum on the amount of grants that can be made in a given year. It merely requires at least one round in any year in which the balance is in excess of this threshold. Vote 20-0.

REGULAR CALENDAR

SB 58, relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Meuse for Criminal Justice and Public Safety. As amended by the unanimous agreement of the committee, this bill will help New Hampshire hospitals and healthcare facilities address a growing workforce violence problem that is driving healthcare workers out of the industry at a time of workforce shortages. Currently, patients committing misdemeanor level assaults on healthcare personnel in hospitals and residential facilities cannot be arrested without a warrant unless a police officer personally witnesses the offense. Obtaining a warrant is often a time-consuming process that can expose medical personnel to additional risk. During the public hearing, stakeholders supported the need to expand the warrantless arrest powers of police in situations where a patient is interfering with the delivery of medical services. But they also expressed objections about the wording of the bill as it came to us from the Senate, including the violation of due process, the likelihood that more people with mental illness would be jailed instead of treated, and unintended negative consequences over language that effectively deputizes health care providers to physically detain patients until police arrive, a provision at odds with federal rules around the use of restraint by medical providers that could not only put healthcare workers at additional risk, but also jeopardize Medicaid and Medicare funding. As amended, this bill addresses these concerns and creates a narrow addition to our warrantless arrest statute that would allow police to arrest a person who interferes with medically necessary services through threats or actual violence and poses a risk to continue to interfere unless they are arrested. NAMI-NH, the New Hampshire Disability Rights Center, and the New Hampshire Hospital Association all supported the changes. Vote 20-0.

Amendment (1490h)

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

1 Arrests in Criminal Cases; Arrest Without a Warrant. Amend RSA 594:10, I to read as follows:

I. An arrest by a peace officer without a warrant on a charge of a misdemeanor or a violation is lawful whenever:

(a) [He] **The peace officer** has probable cause to believe that the person to be arrested has committed a misdemeanor or violation in [his] **the peace officer's** presence; or

(b) [He] **The peace officer** has probable cause to believe that the person to be arrested has within the past 12 hours committed abuse as defined in RSA 173-B:1, I against a person eligible for protection from domestic violence as defined in RSA 173-B:1, has within the past 12 hours violated a temporary or

permanent protective order issued under RSA 173-B or RSA 458:16 by committing assault, criminal trespass, criminal mischief or another criminal act, or has within the last 12 hours violated stalking provisions under RSA 633:3-a.

(c) [He] ***The peace officer*** has probable cause to believe that the person to be arrested has committed a misdemeanor or violation, and, if not immediately arrested, such person will not be apprehended, will destroy or conceal evidence of the offense, [or] will cause further personal injury or damage to property, ***or, while in the care of a medical professional on the premises of a residential care or health care facility as defined in RSA 151:2, through actual or threatened violence, interfere in the provision of health care services that a licensed medical professional has determined to be medically necessary.***

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

AMENDED ANALYSIS

This bill authorizes a law enforcement officer to arrest a person without a warrant for interfering with the provision of medically-necessary health care services.

The question being adoption of the committee amendment.

Committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Hynes offered floor amendment (1834h).

Floor Amendment (1834h)

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

AN ACT relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility; relative to the declaration of a state of emergency.

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

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

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

- (a) Nature of the emergency;
- (b) Political subdivisions or geographic areas subject to the declaration;
- (c) Conditions that have brought about the emergency; and
- (d) Duration of the state of emergency, if ***declared by the governor and*** less than 21 days, ***or if declared by the general court and less than 90 days.***

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

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

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

[~~(d) Ninety days from the date of declaration of a state of emergency, and every 90 days thereafter, the governor shall call, pursuant to Part II, Article 50 of the New Hampshire constitution, and address a joint session of the general court, and shall provide a written copy of the address to all members of both chambers within 5 business days. At such joint session, the legislature shall vote on whether to terminate the state of~~

emergency by concurrent resolution adopted by a simple majority of both chambers acting separately on the following question: "Shall the current state of emergency be terminated?" For purposes of this section, "simple majority" means a majority of members present and voting "yea" in both chambers.]

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

AMENDED ANALYSIS

This bill:

I. Authorizes a law enforcement officer to arrest a person without a warrant for interfering with the provision of medically-necessary health care services.

II. Revises the authority of the governor and general court to declare, renew, or terminate a state of emergency.

The question being adoption of floor amendment (1834h).

Rep. Hynes spoke in favor.

Rep. Roy spoke against.

On a division vote, with 43 members having voted in the affirmative, and 323 in the negative, floor amendment (1834h) failed.

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

Rep. Tom Mannion offered floor amendment (1835h).

Floor Amendment (1835h)

Amend the bill by replacing section 1 with the following:

1 Arrests in Criminal Cases; Arrest Without a Warrant. Amend RSA 594:10, I to read as follows:

I. An arrest by a peace officer without a warrant on a charge of a misdemeanor or a violation is lawful whenever:

(a) [He] ***The peace officer*** has probable cause to believe that the person to be arrested has committed a misdemeanor or violation in [his] ***the peace officer's*** presence; or

(b) [He] ***The peace officer*** has probable cause to believe that the person to be arrested has within the past 12 hours committed abuse as defined in RSA 173-B:1, I against a person eligible for protection from domestic violence as defined in RSA 173-B:1, has within the past 12 hours violated a temporary or permanent protective order issued under RSA 173-B or RSA 458:16 by committing assault, criminal trespass, criminal mischief or another criminal act, or has within the last 12 hours violated stalking provisions under RSA 633:3-a; ***or***

(c) [He] ***The peace officer*** has probable cause to believe that the person to be arrested has committed a misdemeanor or violation, and, if not immediately arrested, such person will not be apprehended, will destroy or conceal evidence of the offense, [or] will cause further personal injury or damage to property; ***or***

(d) ***A peace officer is justified in arresting any person in the care of an emergency medical care provider, as defined in RSA 153-A:3, that he or she has probable cause to believe has committed an assault offense, as defined in RSA 631:1, 631:2, 631:2-a, domestic violence as defined in RSA 631:2-b, or criminal threatening as defined in RSA 631:4.***

AMENDED ANALYSIS

This bill allows for a peace officer to arrest without a warrant any person believed to have committed certain offenses against emergency medical care providers.

The question being adoption of floor amendment (1835h).

Rep. Tom Mannion spoke in favor.

Rep. Roy spoke against.

Floor amendment (1835h) failed.

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 213, relative to educational institution policies on social media. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the Majority of Education. As amended, this bill addresses the issue regarding career and technical education (CTE) teachers and students finding it difficult to access industry-recognized credential assessments and industry-standard tools necessary for program completion and the attainment of nationally recognized trade credentials. The minority expressed concern with the use of certain social platforms impacting student data and privacy; however, as amended, this legislation places into statute consortium-approved guardrails protecting privacy and data for those students participating in career and technical education who access online platforms as part of career development and credentialing. Current language in RSA 189:66,V states that, "[e]ach local education agency shall develop a data and privacy governance plan which shall be presented to the school board for review and approval by June 30, 2019. The plan shall be updated annually

and presented to the school board...” The statute calls for the plan to include, among other things: policies and procedures for access to data and protection of privacy for staff and students including an acceptable use policy for applications, digital tools, and extensions. The non-profit consortium involving local education agencies (districts) approves various platforms and web-based tools that meet data and privacy standards for use in schools. The guardrails within this bill, as amended, conform and meet consortium standards for protection of student data, privacy, and safety. The bill, as amended, specifically states that students participating in career exploration or career technical education may: 1) with written parental consent (opt-in), register for technology platforms and services, and 2) technology platforms and services used must be used as part of the student’s “approved” program of study. These platforms are necessary for CTE students who are submitting completed, approved coursework when applying for industry recognized credentials. Without this mechanism and online tools, students will not be able to access and obtain industry required credentials necessary for and to be ready to enter workforce careers following graduation. As amended, this bill respects local control and guidelines established by the consortium and enables CTE teachers and students with parental consent to access online platforms that are part of the school approved program of study. This bill is supported by the CTE Advisory Council, CTE directors and staff, House and Senate Education Committees, and participating young adults in New Hampshire’s regional career and technical education centers. The necessary guardrails for student data, privacy and safety are in place. Vote 12-8.

Rep. Valerie McDonnell for the Minority of Education. The minority believes the bill is insufficient to address safety concerns. As a result, the passing of the bill would create opportunities for predators to harm vulnerable children. Students would be unable to get an adequate education while they are victimized online. Expert testimony revealed that school districts are unable to negotiate contracts with third-party platforms such as LinkedIn. Subjecting students to unregulated third parties prevent school districts from intervening, even when student safety is jeopardized. The minority also raises data privacy concerns. LinkedIn allows other users to place digital badges on student accounts. Testimony revealed that digital badging can take place without student and teacher consent. Neither the student nor teacher can protect data from unwanted badging or breaching. Finally, the minority believes the bill oversteps the realms of education because local school districts are unable to regulate the scope of the internet. Instead, platforms are governed by third-party terms of service. Consequently, the minority does not want to subject students to the whims of technology manufacturers, who can drastically change terms of service at any time. Updates could limit speech by penalizing students for ideological beliefs. Victims of cancel culture can lose job prospects and suffer long-term consequences. Adolescents, who are still determining personal ideologies, should not fear unemployment for violation of speech codes in future terms of service. Therefore, the bill counters the successful career and technical education (CTE) model by inhibiting students from obtaining industry-recognized credentials.

Majority Amendment (2061h)

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

1 Social Media Account; Educational Institution Policies on Social Media; Definitions. Amend RSA 189:70, IV(b) to read as follows:

(b) “Social media account” means an account, service, or profile on a social networking website that is used by a current or prospective student primarily for personal communications. This definition shall not apply to an account opened or provided by an educational institution and intended to be used solely on behalf of the educational institution. ***This definition shall not apply to platforms used for demonstrating evidence in student career development.***

2 New Paragraph; Student and Teacher Information Protection and Privacy; Data Inventory and Policies Publication. Amend RSA 189:66, V by inserting after paragraph (e) the following new paragraph:

(f) A provision that students participating in career exploration or career technical education may, with written parental consent, register for technology platforms and services to be used as part of the student’s approved program of study, which require the provision of personally identifiable information. Copies of written parental consent shall be retained as part of a student’s educational record.

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

AMENDED ANALYSIS

This bill allows use of technology platforms in career exploration or career technical education, and excludes them from the definition of “social media account”.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Reps. Belcher and McDonnell spoke against.

Rep. Ladd spoke in favor.

Rep. Belcher requested a roll call; sufficiently seconded.

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Coker, Matthew

Huot, David

Nagel, David

O'Hara, Travis

CARROLLBuco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIREAbbott, Michael
Faulkner, Barry
Monteil, Renee
Toll, AmandaAmes, Richard
Filiault, Shaun
Newell, Jodi
Weber, LucyFox, Dru
Germana, Nicholas
Parshall, LuciusEaton, Daniel
Jones, Philip
Schapiro, Joe**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

Tierney, James

GRAFTONAlmy, Susan
Fellows, Sallie
Sullivan, Jared
Morse, Corinne
Stringham, JerryBaldwin, Heather
Hakken-Phillips, Mary
Ladd, Rick
Muirhead, Russell
Sykes, GeorgeBolton, Bill
Hoyt, Tommy
Lovett, Peter
Nordgren, SharonCormen, Thomas
Murphy, James
Massimilla, Linda
Stavis, Laurel**HILLSBOROUGH**Murray, Aissandra
Beaulieu, Jane
Calabro, Karen
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Judy, Jean
Lanza, Judi
Lloyd, Christal
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Sofikitis, Catherine
Tellez, Trinidad
Thomas, WendyNutting-Wong, Allison
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Smith, Juliet
Leapley, Nicole
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Preece, David
Rung, Rosemarie
Spier, Carry
Vail, Suzanne
Wheeler, JonahBoyd, Bill
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Hynes, Dan
Juris, Louis
LeClerc, Daniel
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Newman, Ray
Ryan, Linda
Staub, Kathy
Veilleux, Daniel
Wilhelm, MatthewBaroody, Benjamin
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Jack, Martin
Foxy, Loren
Leishman, Peter
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Tellerski, Laura
Dolan, William**MERRIMACK**Turcotte, Alan
Ebel, Karen
Hall, Muriel
MacKay, James
Richards, Beth
Schuett, Dianne
Wallner, Mary JaneBrennan, Angela
Ellison, Arthur
Hicks, Matthew
McWilliams, Rebecca
Roesener, James
Schultz, KristinaCaplan, Tony
Gallager, Eric
Lane, Connie
Myler, Mel
Gould, Sherry
Shurtleff, SteveCarey, Lorrie
Gibbs, Merry
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Soucy, Timothy**ROCKINGHAM**Balboni, Peggy
Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Ford, Oliver
Simpson, Alexis
Vogt, RobinDiLorenzo, Charlotte
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Prudhomme-O'Brien, Katherine
Sytek, John
Ward, GeraldDonnelly, Tanya
Grote, Jaci
Knab, Allison
Malloy, Dennis
Milz, David
Raynolds, Ned
Turer, Eric
Weyler, KennethEdgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
Muns, Chris
Read, Ellen
Vallone, Mark**STRAFFORD**Bay, Luz
Conlin, Bill
Howard, Heath
LaMontagne, Jessica
Schmidt, Peter
Treleaven, SusanBixby, Peter
Fitzpatrick, Daniel
Horrigan, Timothy
Levesque, Cassandra
Pare, Gail
Vincent, KennethRich, Cecilia
Smith, Geoffrey
Howland, Allan
Smith, Marjorie
Selig, Loren
Wall, JanetCannon, Gerri
Grassie, Chuck
Kenney, Cam
Menear, Hoy
Southworth, Thomas

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

SULLIVAN

Damon, Hope

Merchant, Gary

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Bean, Harry
McCarter, Nikki
Terry, Paul

Comtois, Barbara
Ploszaj, Tom
Trottier, Douglas

Dumais, Russell
Beaudoin, Richard
Varney, Peter

Harvey-Bolia, Juliet
Smart, Lisa

CARROLL

Avellani, Lino
Crawford, Karel
Peternel, Katy

Belcher, Mike
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold

Merner, Troy

Ouellet, Mike

King, Seth

GRAFTON

Berezhny, Lex
Rocheport, David

Brown, Carroll
Sellers, John

Coulon, Matthew
Simon, Matthew

Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Sanborn, Laurie
McGough, Tim
Notter, Jeanine
Post, Lisa
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Panek, Sandra
Proulx, Mark
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Prout, Andrew
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
Mazur, Lisa
Noble, Kristin
Plett, Fred
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

Andrus, Louise
Cambrils, Jose
Leavitt, John
Seaworth, Brian
Wolf, Dan

Aures, Cyril
McGuire, Dan
Moffett, Michael
See, Alvin
Wood, Clayton

Aylward, Deborah
Gerhard, Jason
Polozov, Yury
Walsh, Thomas

McGuire, Carol
Hill, Gregory
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Love, David
Melvin, Charles
Popovici-Muller, Daniel
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Yokela, Josh

Bernardy, JD
DeSimone, Debra
Edwards, Jess
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lynn, Bob
Osborne, Jason
Porcelli, Susan
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin

Brouillard, Jacob
Doucette, Fred
Emerick, Tracy
Harley, Tina
Perez, Kristine
Walsh, Lilli
McDonnell, Valerie
Phillips, Emily
Potucek, John
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael

Mannion, Dennis
Drago, Mike
Foote, Charles
Hobson, Deb
Katsakiores, Phyllis
Layon, Erica
McMahon, Charles
Piemonte, Tony
Pratt, Kevin
Soti, Julius
Cahill, Tim
Tudor, Paul
Wallace, Scott

STRAFFORD

Bailey, Glenn
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

Granger, Michael
Turcotte, Len

Harrington, Michael
Newton, Clifford

SULLIVAN

Aron, Judy
Spilsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

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

SB 70-FN, relative to the establishment of an election information portal. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the Majority of Election Law. This bill, as amended, takes Help America Vote Act (HAVA) monies and puts them towards the purchase of new voting machines and the building of an online voter information portal. The portal will allow people to register to vote and to request an absentee ballot, thus making those processes easier. Vote 13-5.

Rep. Claudine Burnham for the Minority of Election Law. Although this bill is meant to modernize the application process for new voters by updating voter information or by requesting absentee ballots or party affiliation, it does not explain what election information the Secretary of State will deem suitable when providing the election information to the municipal official. When a voter is using this portal, local officials are bypassed from properly verifying the voter information during in-person contact, which can raise more verification and processing issues at the local level. This election portal cost estimate is \$477,000 just to build, while maintaining the system and hiring a full-time manager and part-time assistant for Fiscal Year 2024, in addition to continuing costs, is projected to be over \$268,000 with subsequent increases during consecutive years.

Majority Amendment (1280h)

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

AN ACT relative to the establishment of an election information portal and relative to the purchase of election equipment.

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

3 Election Fund; Grants for Cities and Towns. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of equipment that complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V, reimbursing the department of safety for the actual cost of voter identification cards, election law enforcement, enhancing election technology, making election security improvements, and improvements to related information technology, including acquisition and operation of an automated election management system. ~~[With the exception of federal and state portions of funds associated with the 2018 Election Reform Program, the secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.]~~ ***The secretary of state shall establish a grant system for cities and towns to access monies from Help America Vote Act of 2002, Public Law 107-252 grants for the use of improving election security and technology. The grants shall be used for technology including ballot counting devices, electronic poll books, and secure laptops to be used to access ElectionNet.***

4 Help America Vote Act Funding. Any expenditures made for the purpose of establishing the election portal in section 2 of this act or the establishment of the grant system required by section 3 of this act shall be paid for with funding from the Help America Vote Act of 2002, Public Law 107-252.

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

AMENDED ANALYSIS

This bill directs the secretary of state to establish an election information portal.

This bill also allows grants to be given to cities and towns for the purchase of election equipment.

The question being adoption of the majority committee amendment.

Majority committee amendment 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 61, relative to surface water setbacks for landfills. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for the Majority of Environment and Agriculture. This bill directs the Department of Environmental Services to reexamine its rules governing setbacks of newly sited landfills from surface water bodies to impose site-specific requirements sufficient to prevent groundwater contaminated by a spill or release of leachate from reaching such a water body before remedial action can be implemented, to provide the department with representative factors that it must consider in adopting new setback rules, and to require the department to take into account certain additional environmental protective measures proposed by an applicant for a landfill permit. The bill also directs the department to hire one or more consultants to examine current laws and rules and recommend updates to those rules that take into consideration a set of factors, including: soil stratigraphy and permeability; volume, gradients, and travel time of groundwater supplying the surface water body; bedrock lithology and structure; hydraulic conductivity; and other factors the department deems necessary. The bill establishes a timeline for producing an RFP with specific requirements, receiving the report

back from the consultant, and promulgating rules based on the consultant's recommendations. During this process, new landfill permit applications will be held in abeyance, and if the rules are completed within 24 months, the permit application must be modified to comply with the new rules. If the rulemaking deadline is not met, the permit application can be considered under existing rules. The committee amendment clarifies some language, adds an explicit conflict of interest statement in the RFP and disclosure of such conflicts in the proposal, requires reporting to relevant house and senate committees and provides a mechanism for the department to request an extension if the rulemaking is delayed by extraordinary circumstances. Such an extension would also extend the abeyance for up to 90 days. The bipartisan majority in our committee agrees with this bill, as amended. Vote 12-8.

Rep. Linda Haskins for the Minority of Environment and Agriculture. The minority felt that although this bill attempted to address certain issues in landfill siting, as written it does not consider all scientific or safety concerns which are necessary to provide ample protection of the public. It also outsources site-specific setback analysis to a currently unknown consultant instead of performing it in-house. A stronger bill would at least encourage the consultant to include consideration of the variability across the totality of any given site, and to consider if there are conditions that would make a site unsuitable for development. Landfills can cause damage to surrounding wells, bodies of water, and the health of Granite Staters. A better bill will allow more legislative oversight to protect public health without fear or favor, and to ensure that landfills are not improperly sited.

Majority Amendment (1979h)

Amend the bill by replacing sections 4-7 with the following:

4 New Paragraph; Site-Specific Setback to Perennial Surface Water. Amend RSA 149-M:9 by inserting after paragraph XIV the following new paragraph:

XV.(a) In formulating a site-specific setback to perennial surface water under rules adopted pursuant to RSA 149-M:7, III-a, the department shall take into account any measures proposed in the application for a permit that would provide greater or more redundant protection of perennial surface water than the department would otherwise require under its rules. Such measures may include, without limitation:

(1) Installation of a tertiary soil or geomembrane liner system below the secondary liner system, providing a third layer of protection between waste materials and groundwater.

(2) Installation of a second monitoring zone beneath the secondary liner system providing redundant verification of the effectiveness of the liner systems.

(3) Conversion of the primary and/or secondary liner systems from the minimum single-liner design to an enhanced composite liner design in accordance with the department's landfill design rules.

(4) Improvements to the engineered low permeability subgrade such as increases in thickness and reductions in permeability of the soil zones beneath the liner systems.

(5) Increasing the thickness of the liner by at least 20 mil for geomembrane liners and at least one foot for soil liners.

(6) Increasing the vertical separation distance of the secondary liner from groundwater to greater than the minimum set by the department's rules.

(7) Installation of groundwater monitoring well networks that are capable of being utilized as groundwater extraction points or that provide points for sampling, groundwater characterization, or groundwater extraction in excess of what the department requires under its rules.

(8) Implementation of enhanced environmental monitoring programs, including increasing the frequency of sampling and analytical testing, incorporation of real-time monitoring systems, and use of automated collection with telemetry.

(b) If a permit application includes any measure pursuant to RSA 149-M:9, XV(a) and the department relies on such measure in the department's formulation of the site-specific setback required by RSA 149-M:7, III-a, the department shall include such measure as a condition to the permit.

5 Department of Environmental Services; Solid Waste Landfill Setback Requirements Assessment and Recommendations.

I. The department of environmental services shall contract with one or more qualified consulting firms or individuals to perform an assessment of the current perennial surface water protection and setback requirements that are applicable to the permitting of newly sited solid waste landfills in order to meet the requirements of sections 3 and 4 of this act. Within 30 days of the effective date of this act, the department shall post on its website a draft request for proposals from such consulting firms and individuals to conduct the assessment. The department shall include in the request for proposals provisions designed to prevent a situation, circumstance, or financial interest which has the reasonable potential to cause a prospective contractor's interest to interfere with the contractor's duties under the request for proposals and require disclosure in the response to the request for proposal submission by the consulting firm or individual. The department shall accept public comment on the draft request for proposals for 30 days after such posting. The department shall issue the final request for proposals by October 1, 2023, with a submission deadline for proposals no later than 45 days after such issuance. The scope of the proposals shall include the following:

(a) An assessment of the environmental, safety, and technical aspects of perennial surface water setback requirements and related protections in current state law and administrative rules that are applicable to the permitting of newly-sited solid waste landfills;

(b) Recommendations for using the criteria enumerated in section 3 of this act to establish site-specific setbacks;

(c) Recommendations for any other factors the consultant determines to be necessary to provide adequate protection of perennial surface water in section 3 of this act. For each such recommendation, the consultant shall identify each state that has adopted the recommended factor and describe how such state has applied the recommended factor, including a summary of the outcome of each permit application to which the state has applied the recommended factor;

(d) Recommendations on a methodology for consideration of the measures set forth in section 4 of this act, and any similar additional recommended measures to provide greater or more redundant protection of perennial surface water in formulating a site-specific setback that differs from what the department would otherwise require under its rules; and

(e) Disclosure of any potential conflicts of interest.

II. The selected contractor shall complete the assessment and submit a final report to the department within 150 days after contract approval. The department shall provide the senate energy and natural resources committee and the house environment and agriculture committee with electronic copies of the report and shall make the report available on its website and shall review and consider the report's recommendations when drafting the rules required under section 3 of this act.

6 Department of Environmental Services; Target for Completion of Rulemaking; Applicability.

I. If the rules required by sections 3 and 4 of this act are adopted by the department of environmental services within 24 months of this act's effective date:

(a) Any newly-sited landfill in the state that receives a standard permit, as defined by the department's rules, shall meet the newly adopted setback rules; and

(b) The department may not issue any such standard permit without imposing a site-specific setback on the landfill's design and construction in accordance with the newly adopted setback rules. Any standard permit application pending before the department on, or filed with the department after, the effective date of this act shall be fully processed in accordance with RSA 149-M:9, VIII and a decision on the application timely provided to the applicant, provided, however, that any approval of such an application shall be held in abeyance until the department adopts rules in accordance with sections 3 and 4 of this act or 24 months elapses after the effective date of this act, whichever occurs first.

II. Upon the department's adoption of the rules in accordance with sections 3 and 4 of this act within 24 months of the effective date, the applicant whose approval has been held in abeyance under this section shall submit a modification of its application proposing and substantiating with all requisite information contemplated by the newly adopted setback rules a site-specific setback for the proposed facility, and the department shall within 120 days of submission of the modification approve, deny, or modify the proposed site-specific setback and if the department approves or modifies the proposed setback it shall approve the standard permit conditioned on implementation of that setback.

III. Notwithstanding paragraph IV, if the department does not adopt rules in accordance with sections 3 and 4 of this act within 24 months of the effective date of this act, the department shall apply its current rules applicable to surface water protection in determining the required setback to any application for such a standard permit that is being held in abeyance when such 24-month period expires and approve it if it complies with the current rules.

IV. If the department is unable to complete the adoption of rules as required under this section as a result of a natural disaster, civil emergency, epidemic or pandemic, or other extraordinary circumstance substantially interfering with the customary operation of the department or state government, the commissioner may file for a waiver to extend the deadline under RSA 541-A:40, IV. During such time, the abeyance of approval of applications as outlined in subparagraph I(b) of this section shall continue in effect for no more than 90 days.

7 Appropriation; Department of Environmental Services. The sum of \$200,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of environmental services to fund a contract for assessment of the requirements for solid waste landfill setbacks from perennial surface water as provided in this act. Such appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

The question being adoption of the majority committee amendment.

On a division vote, with 312 members having voted in the affirmative, and 61 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. Potenza offered floor amendment (2167h).

Floor Amendment (2167h)

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

1 Statement of Purpose. The protection of perennial rivers, lakes, and coastal waters from contamination is in the public interest of the state of New Hampshire. The general court recognizes that the state's current statutes and rules provide for redundant protection of groundwater and surface water from releases or spills of leachate generated by disposal of waste in the state's landfills. As environmental protection technology advances, however, the general court intends that the department of environmental services reexamine its rules periodically to determine whether the protections already provided by the rules can be enhanced for newly sited facilities. The purpose of this act is to direct the department to reexamine its rules governing setbacks of newly sited landfills from surface water bodies to impose site-specific requirements sufficient to prevent groundwater contaminated by a spill or release of leachate from reaching such a water body before remedial action can be implemented, to provide the department with representative factors that it must consider in adopting new setback rules, and to require the department to take into account certain additional environmental protective measures proposed by an applicant for a landfill permit. The act also sets a timeframe for the department's adoption of new setback rules and requires that any newly-sited landfill permitted after the effective date comply with the new rules if they are timely adopted as provided in this act.

2 Findings. The general court finds that:

I. The current rules of the department of environmental services require a "thorough hydrogeological investigation" of any proposed landfill site so that "[t]he potential release of contaminants to surface waters can be prevented, attenuated or otherwise remediated." Env-Sw 804.03(c)(3). The rules also contain multiple provisions for the design, construction, and operation of landfills that require redundant protections against groundwater and surface water contamination. These provisions include a minimum 200-foot setback between the proposed landfill footprint and any perennial surface water body. Env-Sw 804.03(d).

II. The department of environmental services' rules have proven effective in preventing releases of contaminants from the state's lined landfills to groundwater and surface water, and the department's requirement of a network of release detection wells at landfill sites enables the department to be notified of even low levels of contaminants in groundwater so that contamination is detected and remediated before the contaminants can migrate to surface water or sensitive receptors like drinking water wells.

III. The 200-foot minimum setback between landfills and perennial surface water in the department's rules falls within one of 3 broad categories of methods used by other states to determine setbacks. The 3 categories are distance-based setbacks, site-specific setbacks, and distance-based setbacks that can be reduced by the landfill owner through implementation of design features that provide additional redundancy to the landfill's environmental protection systems.

IV. The general court finds that the most protective of these methods is the use of site-specific setbacks. This approach avoids the possible limitations of the current one-size-fits-all distance-based method, ensures that the setback is based on the conditions at the specific site, and concentrates protections on groundwater and surface water where it belongs.

V. The state should encourage permit applicants to propose design features providing further redundancy to the landfill's environmental protection systems and such features should be taken into account in the department's determination of a site-specific setback.

VI. This approach reflects the balance New Hampshire seeks to strike in its environmental regulation between ensuring that all reasonably practicable and economically sound measures are used to protect our environment while providing permit applicants with incentives to improve environmental protection beyond the rigorous baseline standards.

3 New Paragraph; Rulemaking; Perennial Surface Water Setback. Amend RSA 149-M:7 by inserting after paragraph III the following new paragraph:

III-a. Criteria for determining the site-specific setback of a landfill footprint from perennial surface water bodies to prevent, attenuate, or otherwise remediate the potential release of contaminants to each such surface water body from the landfill footprint. Any rules adopted by the department under this paragraph shall, in addition to any other factors the department deems necessary for the rules to protect perennial surface water with an ample margin of safety, take into account the following with respect to the subsurface conditions between the proposed landfill footprint and the surface water body:

- (a) The soil stratigraphy and permeability;
- (b) The volume, gradients, and travel time of groundwater supplying the surface water body, including the means by which to measure or model travel time and its variability across the site;
- (c) Bedrock lithology and structure, including the nature, degree and continuity of fracturing; and
- (d) Hydraulic conductivity and such processes as advection, dispersion, and diffusion in groundwater.

4 New Paragraph; Site-Specific Setback to Perennial Surface Water. Amend RSA 149-M:9 by inserting after paragraph XIV the following new paragraph:

XV.(a) In formulating a site-specific setback to perennial surface water under rules adopted pursuant to RSA 149-M:7, III-a, the department may take into account any measures proposed in the application for a permit that would provide greater or more redundant protection of perennial surface water than the department would otherwise require under its rules. Such measures may include, without limitation:

(1) Installation of a tertiary soil or geomembrane liner system below the secondary liner system, providing a third layer of protection between waste materials and groundwater.

(2) Installation of a second monitoring zone beneath the secondary liner system providing redundant verification of the effectiveness of the liner systems.

(3) Conversion of the primary and/or secondary liner systems from the minimum single-liner design to an enhanced composite liner design in accordance with the department's landfill design rules.

(4) Improvements to the engineered low permeability subgrade such as increases in thickness and reductions in permeability of the soil zones beneath the liner systems.

(5) Increasing the thickness of the liner by at least 20 mil for geomembrane liners and at least one foot for soil liners.

(6) Increasing the vertical separation distance of the secondary liner from groundwater to greater than the minimum set by the department's rules.

(7) Installation of groundwater monitoring well networks that are capable of being utilized as groundwater extraction points or that provide points for sampling, groundwater characterization, or groundwater extraction in excess of what the department requires under its rules.

(8) Implementation of enhanced environmental monitoring programs, including increasing the frequency of sampling and analytical testing, incorporation of real-time monitoring systems, and use of automated collection with telemetry.

(b) If a permit proposes any measure pursuant to RSA 149-M:9, XV(a) and the department relies on such measures in the department's formulation of the site-specific setback required by RSA 149-M:7, III-a, the department shall require implementation of such measures as a condition to any permit.

5 Department of Environmental Services; Solid Waste Landfill Setback Requirements Assessment and Recommendations.

I. The department of environmental services shall contract with one or more qualified consulting firms or individuals to perform an assessment of the current perennial surface water protection and setback requirements that are applicable to the permitting of newly sited solid waste landfills in order to meet the requirements of sections 3 and 4 of this act. Within 30 days of the effective date of this act, the department shall post on its website a draft request for proposals from such consulting firms and individuals to conduct the assessment. The draft request shall require each proposal to provide a statement of any potential conflicts of interest with any entity that may benefit from any change in setback requirements, indicating that preference may be given to firms or individuals without such conflicts of interest or to firms or individuals with the fewest conflicts of interest. The draft request will also indicate that preference will be given to proposals which demonstrate the qualified consulting firms or individuals have credentials and experience in evaluating the health and safety risks associated with environmental protection as well as the engineering and hydrogeological aspects of landfill design and siting. The department shall accept public comment on the draft request for proposals for 30 days after such posting. The department shall issue the final request for proposals by October 1, 2023, with a submission deadline for proposals no later than 45 days after such issuance. The scope of the proposals shall include the following:

(a) An assessment of the environmental, safety, and technical aspects of perennial surface water setback requirements and related protections in current state law and administrative rules that are applicable to the permitting of newly-sited solid waste landfills;

(b) Recommendations for using the criteria enumerated in section 3 of this act to establish site-specific setbacks;

(c) Recommendations for any other factors the consultant determines to be necessary to protect perennial surface water with an ample margin of safety in section 3 of this act. For each such recommendation, the consultant shall identify each state that has adopted the recommended factor and describe how such state has applied the recommended factor, including a summary of the outcome of each permit application to which the state has applied the recommended factor; and

(d) Recommendations on a methodology for consideration of the measures set forth in section 4 of this act, and any similar additional recommended measures to provide greater or more redundant protection of perennial surface water in formulating a site-specific setback that differs from what the department would otherwise require under its rules.

(e) Recommendations for any prohibitive conditions of soil, bedrock, stratigraphy, proximity, demographics, or other factors that would render a particular proposed new landfill site absolutely unsuitable for development.

II. The selected contractor shall complete the assessment and submit a final report to the senate energy and natural resources committee and the house environment and agriculture committee, making any recommen-

dations for legislation or rulemaking to these committees within 150 days after contract approval. The department shall make the report available for the public on its website. The department shall review and consider the report's recommendations when drafting the rules required under section 3 of this act. The department shall allow public comment on the draft rulemaking and provide written, reasoned explanations for adopting or rejecting each significant issue raised via public comment.

6 Department of Environmental Services; Target for Completion of Rulemaking; Applicability.

I. If the rules required by sections 3 and 4 of this act are adopted by the department of environmental services within 24 months of this act's effective date:

(a) Any newly-sited landfill in the state that receives a standard permit, as defined by the department's rules, shall meet the newly adopted setback rules; and

(b) The department may not issue any such standard permit without imposing a site-specific setback on the landfill's design and construction in accordance with the newly adopted setback rules. Any standard permit application pending before the department on, or filed with the department after, the effective date of this act shall be fully processed in accordance with RSA 149-M:9, VIII and a decision on the application timely provided to the applicant, provided, however, that any approval of such an application shall be held in abeyance until the department adopts rules in accordance with sections 3 and 4 of this act.

II. Upon the department's adoption of the rules in accordance with sections 3 and 4 of this act within 24 months of the effective date, the applicant whose approval has been held in abeyance under this section shall submit a modification of its application proposing and substantiating with all requisite information contemplated by the newly adopted setback rules a site-specific setback for the proposed facility, and the department shall within 120 days of submission of the modification approve, deny, or modify the proposed site-specific setback and if the department approves or modifies the proposed setback it shall approve the standard permit conditioned on implementation of that setback.

III. If the department does not adopt rules in accordance with sections 3 and 4 of this act within 24 months of the effective date of this act, the department shall hold any application for such a standard permit in abeyance until such rules are adopted.

7 Appropriation; Department of Environmental Services. The sum of \$150,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of environmental services to fund a contract for assessment of the requirements for solid waste landfill setbacks from perennial surface water as provided in this act. Such appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date.

I. Section 7 of this act shall take effect June 30, 2023.

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

The question being adoption of floor amendment (2167h).

Reps. Potenza, Wendy Thomas and Germana spoke in favor.

Rep. Aron spoke against.

Rep. Wheeler requested a roll call; sufficiently seconded.

YEAS 152 - NAYS 226

YEAS - 152

BELKNAP

Comtois, Barbara
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Beaudoin, Richard

McCarter, Nikki
Smart, Lisa

O'Hara, Travis
Terry, Paul

CARROLL

Avellani, Lino
Paige, David
Woodcock, Stephen

Belcher, Mike
Smith, Jonathan

Cordelli, Glenn
Peternel, Katy

Costable, Michael
Brown, Richard

CHESHIRE

Abbott, Michael
Newell, Jodi
Nutting, Zachary

Eaton, Daniel
Rhodes, Jennifer

Germana, Nicholas
Santonastaso, Matthew

Monteil, Renee
Toll, Amanda

COOS

Cascadden, Corinne

Merner, Troy

King, Seth

Tierney, James

GRAFTON

Bolton, Bill
Ladd, Rick

Coulon, Matthew
Rocheport, David

Greeson, Jeffrey
Simon, Matthew

Sullivan, Jared

HILLSBOROUGH

Murray, Aissandra
Chretien, Jacqueline
Kelley, Diane
Fedolfi, Jim
Kofalt, Jim
Leapley, Nicole
Mooney, Maureen
Notter, Jeanine
Proulx, Mark
Rung, Rosemarie
Staub, Kathy
Dolan, William

Alexander, Joe
Corcoran, Travis
Darby, Will
Healey, Robert
Foxy, Loren
Lewicke, John
Morton, Jennifer
Panek, Sandra
Prout, Andrew
Seidel, Sheila
Mannion, Tom
Thomas, Wendy

Ammon, Keith
Cushman, Leah
Devine, Shelley
Hynes, Dan
Sanborn, Laurie
Mazur, Lisa
Murphy, Nancy
Pauer, Diane
Reid, Karen
Sirois, Shane
Tenczar, Jeffrey
Wheeler, Jonah

Berry, Ross
Ford, Damond
Erf, Keith
Kennedy, Stephen
Lascelles, Richard
McGough, Tim
Noble, Kristin
Post, Lisa
Renzullo, Andrew
Sofikitis, Catherine
Ulery, Jordan
Wherry, Robert

MERRIMACK

Andrus, Louise
Gerhard, Jason
Luneau, David
Boyd, Stephen
Wood, Clayton

McGuire, Carol
Hall, Muriel
Moffett, Michael
Schamberg, Thomas

Cambrils, Jose
Hill, Gregory
Polozov, Yury
Schultz, Kristina

Gallager, Eric
Leavitt, John
Roesener, James
See, Alvin

ROCKINGHAM

Balboni, Peggy
Donnelly, Tanya
Guthrie, Joseph
Khan, Aboul
Phillips, Emily
Quaratiello, Arlene
Spillane, James
Wallace, Scott

Ball, Lorie
Drago, Mike
Haskins, Linda
Layon, Erica
Porcelli, Susan
Read, Ellen
Summers, James
Yokela, Josh

Brouillard, Jacob
Edwards, Jess
Hobson, Deb
Love, David
Pratt, Kevin
Roy, Terry
Verville, Kevin

DeSimone, Debra
Emerick, Tracy
Perez, Kristine
Ford, Oliver
Prudhomme-O'Brien, Katherine
Soti, Julius
Vogt, Robin

STRAFFORD

Ankarberg, Aidan
Grassie, Chuck
Kenney, Cam
Pitre, Joseph

Bailey, Glenn
Howard, Heath
Turcotte, Len
Potenza, Kelley

Burnham, Claudine
Horgan, James
Levesque, Cassandra
Selig, Loren

Granger, Michael
Kaczynski, Thomas
Newton, Clifford

SULLIVAN

Damon, Hope

Spilsbury, Walter

Stone, Jonathan

Tanner, Linda

NAYS - 226**BELKNAP**

Bean, Harry
Nagel, David

Coker, Matthew
Varney, Peter

Dumais, Russell

Huot, David

CARROLL

Buco, Thomas
McAleer, Chris

Burroughs, Anita
McConkey, Mark

Crawford, Karel

MacDonald, John

CHESHIRE

Ames, Richard
Hunt, John
Schapiro, Joe

Fox, Dru
Jones, Philip
Thackston, Dick

Faulkner, Barry
Parshall, Lucius
Weber, Lucy

Filialt, Shaun
Qualey, James

COOS

Davis, Arnold

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Cormen, Thomas
Murphy, James
Muirhead, Russell
Stringham, Jerry

Baldwin, Heather
Fellows, Sallie
Lovett, Peter
Nordgren, Sharon
Sykes, George

Berezhny, Lex
Hakken-Phillips, Mary
Massimilla, Linda
Sellers, John

Brown, Carroll
Hoyt, Tommy
Morse, Corinne
Stavis, Laurel

HILLSBOROUGH

Lekas, Alicia
King, Bill
Booras, Efstathia
Calabro, Karen
Creighton, Jim

Nutting-Wong, Allison
Baroody, Benjamin
Bouchard, Donald
Colcombe, Riché
DiSilvestro, Linda

Abare, Kimberly
Beaulieu, Jane
Bouldin, Amanda
Cole, Brian
Dutzy, Sherry

Boyd, Bill
Boehm, Ralph
Bradley, Amy
Cornell, Patricia
Elberger, Susan

Davis, Fred
Goley, Jeffrey
Hamer, Heidi
Infantine, William
Juris, Louis
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Nutter-Upham, Frances
Plamondon, Marc
Raymond, Heather
Sheehan, Vanessa
Tellez, Trinidad

Freitas, Mary
Gorski, Ted
Harriott-Gathright, Linda
Jack, Martin
Kenny, Catherine
Leishman, Peter
Murray, Megan
McLean, Mark
O'Brien, Michael
Plett, Fred
Rombeau, Catherine
Spier, Carry
Vail, Suzanne

Griffin, Gerald
Gregg, Alicia
Heath, Mary
Jeudy, Jean
Gould, Linda
Lloyd, Christal
MacKenzie, Mark
Ming, Ben
Pedersen, Michael
Preece, David
Ryan, Linda
Lekas, Tony
Veilleux, Daniel

Gagne, Larry
Grill, Jessica
Herbert, Christopher
Smith, Juliet
Lanza, Judi
Long, Patrick
Mangipudi, Latha
Moulton, Candace
Petrigno, Peter
Newman, Ray
Newman, Sue
Telerski, Laura
Wilhelm, Matthew

MERRIMACK

Turcotte, Alan
Caplan, Tony
Ellison, Arthur
MacKay, James
Richards, Beth
Shurtleff, Steve
Wallner, Mary Jane

Aures, Cyril
Carey, Lorrie
Gibbs, Merryl
McWilliams, Rebecca
Gould, Sherry
Soucy, Timothy
Wolf, Dan

Aylward, Deborah
McGuire, Dan
Hicks, Matthew
Myler, Mel
Schuett, Dianne
Walsh, Thomas

Brennan, Angela
Ebel, Karen
Lane, Connie
Payeur, Stephanie
Seaworth, Brian
Testerman, Dave

ROCKINGHAM

Bernardy, JD
Doucette, Fred
Gilman, Julie
Harb, Robert
Murray, Kate
Walsh, Lilli
Paige, Mark
McBeath, Rebecca
Meuse, David
Osborne, Jason
Raynolds, Ned
Sytek, John
True, Chris
Vandecasteele, Susan

Mannion, Dennis
Dunn, Ron
Grossman, Gaby
Harley, Tina
Katsakiores, Phyllis
Lundgren, David
Maggiore, Jim
McDonnell, Valerie
Milz, David
Piemonte, Tony
Pearson, Stephen
Cahill, Tim
Tudor, Paul
Vose, Michael

Thomas, Douglas
Edgar, Michael
Grote, Jaci
Nelson, Jodi
Knab, Allison
Lynn, Bob
Malloy, Dennis
McMahon, Charles
Muns, Chris
Popovici-Muller, Daniel
Simpson, Alexis
Dolan, Tom
Turer, Eric
Ward, Gerald

DiLorenzo, Charlotte
Foote, Charles
Hamblet, Joan
Janvrin, Jason
Kuttab, Katelyn
Cahill, Michael
Manos, Zoe
Melvin, Charles
O'Neil, Candice
Potucek, John
Sweeney, Joe
Tripp, Richard
Vallone, Mark
Weyler, Kenneth

STRAFFORD

Bay, Luz
Conlin, Bill
Horrigan, Timothy
Menear, Hoy
Treleaven, Susan

Bixby, Peter
Fitzpatrick, Daniel
Howland, Allan
Schmidt, Peter
Vincent, Kenneth

Rich, Cecilia
Smith, Geoffrey
LaMontagne, Jessica
Pare, Gail
Wall, Janet

Cannon, Gerri
Harrington, Michael
Smith, Marjorie
Southworth, Thomas

SULLIVAN

Aron, Judy
Merchant, Gary
Stapleton, Walter

Sullivan, Brian
Palmer, William

Cloutier, John
Rollins, Skip

Drye, Margaret
Smith, Steven

and floor amendment (2167h) failed.

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

Rep. Verville spoke against.

Rep. Bixby spoke in favor.

On a division vote, with 236 members having voted in the affirmative, and 132 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Rep. Weber moved that **SB 149-FN**, relative to nurse agencies, be removed from the table.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 188

YEAS - 190

BELKNAP

Coker, Matthew

Huot, David

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Newell, Jodi
Toll, Amanda

Ames, Richard
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Fox, Dru
Jones, Philip
Schapiro, Joe

Eaton, Daniel
Monteil, Renee
Thackston, Dick

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Sullivan, Jared
Muirhead, Russell
Sykes, George

Baldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Nordgren, Sharon

Bolton, Bill
Hoyt, Tommy
Massimilla, Linda
Stavis, Laurel

Cormen, Thomas
Murphy, James
Morse, Corinne
Stringham, Jerry

HILLSBOROUGH

Murray, Aissandra
Beaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Lanza, Judi
Lloyd, Christal
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Nutting-Wong, Allison
Booras, Efstathia
Calabro, Karen
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Smith, Juliet
Leapley, Nicole
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Preece, David
Rung, Rosemarie
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Boyd, Bill
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Juris, Louis
LeClerc, Daniel
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Newman, Ray
Ryan, Linda
Telerski, Laura
Dolan, William

Baroody, Benjamin
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Foxy, Loren
Leishman, Peter
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Tellez, Trinidad
Thomas, Wendy

MERRIMACK

Turcotte, Alan
Ebel, Karen
Hall, Muriel
MacKay, James
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

Brennan, Angela
Ellison, Arthur
Hicks, Matthew
McWilliams, Rebecca
Roesener, James
Schultz, Kristina

Caplan, Tony
Gallager, Eric
Lane, Connie
Myler, Mel
Gould, Sherry
Shurtleff, Steve

Carey, Lorrie
Gibbs, Merrill
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Read, Ellen
Vogt, Robin

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Simpson, Alexis
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Turer, Eric

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Raynolds, Ned
Vallone, Mark

STRAFFORD

Bay, Luz
Conlin, Bill
Howard, Heath
LaMontagne, Jessica
Schmidt, Peter
Treleaven, Susan

Bixby, Peter
Fitzpatrick, Daniel
Horrigan, Timothy
Levesque, Cassandra
Pare, Gail
Vincent, Kenneth

Rich, Cecilia
Smith, Geoffrey
Howland, Allan
Smith, Marjorie
Selig, Loren
Wall, Janet

Cannon, Gerri
Grassie, Chuck
Kenney, Cam
Menear, Hoy
Southworth, Thomas

SULLIVAN

Sullivan, Brian
Tanner, Linda

Cloutier, John

Damon, Hope

Palmer, William

NAYS - 188**BELKNAP**

Bean, Harry
McCarter, Nikki
Smart, Lisa

Comtois, Barbara
Nagel, David
Terry, Paul

Dumais, Russell
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Beaudoin, Richard
Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel
Pernel, Katy

Belcher, Mike
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

CHESHIRE

Filiault, Shaun
Santonastaso, Matthew

Hunt, John
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

COOS

Davis, Arnold

Merner, Troy

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rochefort, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda
Mazur, Lisa
Noble, Kristin
Plett, Fred
Reid, Karen
Sirois, Shane
Tenczar, Jeffrey

Abare, Kimberly
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Sanborn, Laurie
McGough, Tim
Notter, Jeanine
Post, Lisa
Renzullo, Andrew
Sofikitis, Catherine
Ulery, Jordan

Alexander, Joe
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Pank, Sandra
Proulx, Mark
Seidel, Sheila
Lekas, Tony
Wherry, Robert

Ammon, Keith
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Hynes, Dan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Prout, Andrew
Sheehan, Vanessa
Mannion, Tom

MERRIMACK

Andrus, Louise
Cambrils, Jose
Leavitt, John
Seaworth, Brian
Wolf, Dan

Aures, Cyril
McGuire, Dan
Moffett, Michael
See, Alvin
Wood, Clayton

Aylward, Deborah
Gerhard, Jason
Polozov, Yury
Walsh, Thomas

McGuire, Carol
Hill, Gregory
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Hobson, Deb
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
True, Chris
Vose, Michael

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Love, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
Wallace, Scott

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janvrin, Jason
Kuttat, Katelyn
Lundgren, David
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Weyler, Kenneth

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Harley, Tina
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Newton, Clifford

Bailey, Glenn
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

Granger, Michael
Turcotte, Len

SULLIVAN

Aron, Judy
Smith, Steven

Drye, Margaret
Spilsbury, Walter

Merchant, Gary
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

and the motion was adopted.

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

Rep. Grassie spoke in favor.

Rep. Cushman requested a roll call; sufficiently seconded.

YEAS 191 - NAYS 187**YEAS - 191
BELKNAP**

Coker, Matthew

Huot, David

CARROLLBuco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIREAbbott, Michael
Faulkner, Barry
Newell, Jodi
Toll, AmandaAmes, Richard
Germana, Nicholas
Parshall, Lucius
Weber, LucyFox, Dru
Jones, Philip
Schapiro, JoeEaton, Daniel
Monteil, Renee
Thackston, Dick**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTONAlmy, Susan
Fellows, Sallie
Sullivan, Jared
Muirhead, Russell
Sykes, GeorgeBaldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Nordgren, SharonBolton, Bill
Hoyt, Tommy
Massimilla, Linda
Stavis, LaurelCormen, Thomas
Murphy, James
Morse, Corinne
Stringham, Jerry**HILLSBOROUGH**Murray, Aissandra
Booras, Efstathia
Calabro, Karen
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Smith, Juliet
Leapley, Nicole
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Preece, David
Rung, Rosemarie
Spier, Carry
Vail, Suzanne
Wheeler, JonahNutting-Wong, Allison
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Juris, Louis
LeClerc, Daniel
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Newman, Ray
Ryan, Linda
Staub, Kathy
Veilleux, Daniel
Wilhelm, MatthewBaroody, Benjamin
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Foxy, Loren
Leishman, Peter
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Telerski, Laura
Dolan, WilliamBeaulieu, Jane
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Lanza, Judi
Lloyd, Christal
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy**MERRIMACK**Turcotte, Alan
Ebel, Karen
Hall, Muriel
MacKay, James
Richards, Beth
Schuett, Dianne
Wallner, Mary JaneBrennan, Angela
Ellison, Arthur
Hicks, Matthew
McWilliams, Rebecca
Roesener, James
Schultz, KristinaCaplan, Tony
Gallager, Eric
Lane, Connie
Myler, Mel
Gould, Sherry
Shurtleff, SteveCarey, Lorrie
Gibbs, Merrill
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Soucy, Timothy**ROCKINGHAM**Balboni, Peggy
Grossman, Gaby
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Raynolds, Ned
Vallone, MarkDiLorenzo, Charlotte
Grote, Jaci
Murray, Kate
Maggiore, Jim
Meuse, David
Read, Ellen
Vogt, RobinEdgar, Michael
Guthrie, Joseph
Knab, Allison
Malloy, Dennis
Muns, Chris
Simpson, Alexis
Ward, GeraldGilman, Julie
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Turer, Eric**STRAFFORD**Bay, Luz
Conlin, Bill
Howard, Heath
LaMontagne, Jessica
Schmidt, Peter
Treleaven, SusanBixby, Peter
Fitzpatrick, Daniel
Horrigan, Timothy
Levesque, Cassandra
Pare, Gail
Vincent, KennethRich, Cecilia
Smith, Geoffrey
Howland, Allan
Smith, Marjorie
Selig, Loren
Wall, JanetCannon, Gerri
Grassie, Chuck
Kenney, Cam
Menear, Hoy
Southworth, Thomas

SULLIVAN

Sullivan, Brian
Tanner, Linda

Cloutier, John

Damon, Hope

Palmer, William

NAYS - 187**BELKNAP**

Bean, Harry
McCarter, Nikki
Smart, Lisa

Comtois, Barbara
Nagel, David
Terry, Paul

Dumais, Russell
Ploszaj, Tom
Trottier, Douglas

Harvey-Bolia, Juliet
Beaudoin, Richard
Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel
Peternel, Katy

Belcher, Mike
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

CHESHIRE

Filiault, Shaun
Santonastaso, Matthew

Hunt, John
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

COOS

Davis, Arnold

Merner, Troy

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheport, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Hynes, Dan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Prout, Andrew
Sheehan, Vanessa
Tenczar, Jeffrey

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda
Mazur, Lisa
Noble, Kristin
Plett, Fred
Reid, Karen
Sirois, Shane
Ulery, Jordan

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Sanborn, Laurie
McGough, Tim
Notter, Jeanine
Post, Lisa
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Panek, Sandra
Proulx, Mark
Seidel, Sheila
Mannion, Tom

MERRIMACK

Andrus, Louise
Cambriis, Jose
Leavitt, John
Seaworth, Brian
Wolf, Dan

Aures, Cyril
McGuire, Dan
Moffett, Michael
See, Alvin
Wood, Clayton

Aylward, Deborah
Gerhard, Jason
Polozov, Yuri
Walsh, Thomas

McGuire, Carol
Hill, Gregory
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Foote, Charles
Nelson, Jodi
Khan, Aboul
Love, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
Tudor, Paul
Wallace, Scott

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Dolan, Tom
Vandecasteele, Susan
Weyler, Kenneth

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harley, Tina
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
Tripp, Richard
Verville, Kevin
Yokela, Josh

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Hobson, Deb
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
True, Chris
Vose, Michael

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Newton, Clifford

Bailey, Glenn
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

Granger, Michael
Turcotte, Len

SULLIVAN

Aron, Judy
Smith, Steven

Drye, Margaret
Spillsbury, Walter

Merchant, Gary
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

and the motion was adopted, and the bill was ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Sofikitis moved that the debate on **SB 61**, relative to surface water setbacks for landfills, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON SB 61

Speaker Packard: This is going to be a division vote on the amendment. Members take your seats. The motion before us is amendment (1979h). This is a division vote. The Chair recognizes Rep. Verville for a parliamentary inquiry.

Representative Verville: Thank you, Mister Speaker. If I know this amendment makes minimal changes to SB 61 but increases the costs to the taxpayer from \$150,000 to \$200,000. And, Mister Speaker, if I know the increase in the amendment is for a third-party contractor consultancy to advise the Department of Environmental Services, our highly trained professionals that are adept at doing this, to help them do their work, to advise them on how to do their job. And, finally, Mister Speaker, if I know there is another amendment, a better amendment coming after this, would I now press the red button to defeat this amendment? Thank you, Mister Speaker.

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

Representative Aron: Thank you, Mister Speaker. Mister Speaker, if I know this committee amendment passed with bipartisan support in the Environment and Agriculture Committee. And, Mister Speaker, if I further know that this amendment makes SB 61 a much better bill by adding in RFP conflict of interest language and an extension period for new DES rules to be adopted, instead of reverting back to current rules for citing landfills. And, Mister Speaker, if I also know that we worked hard on language that would be acceptable to DES, the folks on the other side of the wall and other parties involved in crafting this legislation so that it can advance in the legislative process, would I now press the green button and vote to adopt this committee amendment? Thank you, Mister Speaker.

Speaker Packard: The motion before us is committee amendment (1979h). This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 312 voting Yea, 61 voting Nay, the committee amendment was adopted. The bill is on second reading and open to further amendment. Rep. Potenza offers floor amendment (2167h) and is recognized to speak.

Representative Potenza: Thank you, Mister Speaker. Being a new legislator, the process of getting to this point was quite disappointing. I know the Environment and Agriculture Committee has been down this setback for landfill road with several bills over the last few years. The most recent was HB 56 that was overwhelmingly passed by this body, 224-155 but was subsequently ITL'd by the other side of the wall. The pressure coming in to do something now feels like a fire burning that needs to be put out, not to be confused with the 3 solid wastes facilities that were on fire over the past few weeks in New England. Let's be clear, that we were told by the experts at DES that a new landfill in New Hampshire will not be needed for at least 20 years, maybe 30 or more with the food waste and composting initiatives and solutions that are finally coming to fruition in New Hampshire. Why is there such an urgency to push through a bill that is inherently flawed? That is the million-dollar question for which I believe we can all conclude the answer. My amendment fixes many of the critical red flags in SB 61. Our committee witnessed incredible disrespect from un-elected, unaccountable bureaucrats threatening vetoes if there were any changes made to SB 61 and one gentleman from the agency saying his stakeholder was the Governor. The time, money and energy to run for state representative and to subsequently be elected and serve, to then watch a bill get pushed through which removes legislative oversight and authority was what brought me here. I haven't slept. I've worked on this for weeks. Our stakeholders are the citizens of New Hampshire that put their trust in us to make sure that unelected bureaucrats and industry gatekeepers aren't making laws that we were elected to do for the real stakeholders, that's the citizens of New Hampshire. Would we outsource the determination of a state speed limit to a private consultant? We all know the answer to that question. There's also some constitutional questions that come into play with SB 61 because the General Court is not allowed to delegate their authority to another body as well as there is some taxation without representation implications as well. SB 61 is based on the false premise that there is more science to study here. There is plenty of controversy but all of the science on this specific topic is actually settled. SB 61 outsources a fully legislative policy and that responsibility to a private consultant. My amendment changes so that this study gets reported back to the legislature. During our committee meeting, this amendment was introduced and received a bipartisan vote of 10-10. There were 4 absences on the committee that day so one can assume that this amendment would have received

more support as the previous amendment did. I rise in strong support of the minor but critical changes my amendment makes to SB 61. Our constituents only want clean water and nontoxic living environments for themselves and their families. Many of these constituents have diligently and respectfully contacted our committee, been in attendance at committee meetings and have considerable and diverse expertise on this subject. Why did SB 61 exclude people in the study that had other expertise than a thicker piece of plastic wrap will do the trick? Maybe ones that might show greater forethought than the new Titanic is better than the old because we wrapped the new one in plastic. This amendment puts environmental science back in the room with the industry related engineers to execute a study which will help direct DES in the rulemaking for new site-specific setback rules, all while keeping a smart balance of respecting industry needs and the health and wellbeing of New Hampshire citizens. My amendment also helps to rule out undue technocratic bias. The language previously favored contracts that design and construct landfills. It is well known that such firms invariably tilt towards the conclusion that landfills are so well engineered that it doesn't matter where they are located. To counteract this bias, my amendment requires that contractors have experiences not only in landfill engineering and hydrogeology, but in also identifying and evaluating environmental and health risks. This is critical because some contractors put so much faith in the power of technology, they fail to adequately recognize the consequences of technology failure. The best contractor will be the one that gives due consideration to the limits of landfill technology and the benefits of equitably managing environmental risks. Lastly, and most importantly, the number two reason for my amendment, the language in SB 61, which was not changed in the previous amendment. If the department does not adopt rules in accordance with section 3 and 4 of this act within 24 months of the effective date of this act, the department shall apply its current rules applicable to surface water protection and determining the required setback to any application for such a standard permit that is being held in abeyance when such 24 month period expires and approve it if it complies with current rules. We were told that if we change this specific language in the bill, it would be vetoed or killed by the other body. Why would we ever pass a bill that says we are commanding a study that taxpayers are going to pay for that study, whether it's a \$150,000 or \$200,000 and we, the legislature, have no oversight once that said study is completed? But, if after the study, that we the people paid for, to help determine new rules if DES doesn't adopt new rules in 24 months, we can go back to the old non-site-specific rules. This is a circular firing squad statement and completely rendered the bill useless. My change was simple. If the department does not adopt rules in accordance with sections 3 and 4 of this act within 24 months of the effective date of this act, the department shall hold any application for such a standard permit in abeyance until such rules are adopted. Isn't it time to put commonsense back into an issue that will affect New Hampshire citizens for decades, centuries to come? Wasn't this what we were elected to do? It is time to be brave and make doing the right thing popular again. Thank you.

Speaker Packard: The Chair recognizes Wendy Thomas.

Representative Wendy Thomas: Hi there. I am Representative Wendy Thomas and I ask for your support on this very important floor amendment. Sometimes it's not easy being a legislator. We have to balance so many needs, the needs of our constituents, the businesses in the state, the welfare of others and sometimes we even have to balance with those in the other branches of government. Sometimes it can be difficult but sometimes it's very easy as it is in the case of this amendment. When we know we are making a bill stronger, when we know that people's health and welfare will benefit and when we know that our environment will be protected, it's easy to do. In fact, it's the reason why we are up here, to make good law and to help protect others. This amendment to SB 61 simply clarifies some terms and conditions that have been left so intentionally vague that if one wanted to, one could drive a truck, maybe even a garbage truck, through them. When a bill as important as where to place a landfill that will create toxic leachate, which could lead to environmental contamination does not consider all scientific or safety concerns which are needed to provide safety for the people who live near there and the environment, including wildlife, then it is wrong. When the bill outsources site specific setback analysis to a currently unknown consultant instead of performing it in-house, then Houston we have a problem. This bipartisan amendment recognizes those holes and defines vague terminology and sets guardrails in others. So, what does this amendment do that the previous amendment does not? Federal environmental laws generally seek to protect public health with "an ample margin of safety," but SB 61 only seeks to protect New Hampshire's waters "adequately." This amendment fixes that discrepancy on page 2, line 27 and puts this bill in line with federal standards. On page 2, line 32, it defines the term "representative" with travel time and its variable across the site. This has been added because the previous phrase "representative" in terms of groundwater speed without more definition of the actual conditions is something that can completely be determined by the developer. On page 3, line 4, the amendment changes a "shall" to a "may." One of our favorite changes to make. As in the department may take into account any measures proposed in the application for a permit that would provide greater or more redundant protection of perennial surface water than the department would otherwise require for under its rules. This change gives DES the option to consider or to not consider a proposal or part of a proposal. Page 3, lines 28-31 have been changed to further define the permit application proposal and if the department realizes those

measures, then the department shall require implementation of those measures as a condition to any permit. This change simply ensures that DES relies on measures and that those measures are implemented in the process. We are asking the Department of Environmental Services to walk their walk. On page 4, lines 6-9 there is language that proposes a statement of any potential conflicts of interest with any entity that may benefit from any change in setback requirements and that any preference be given to proposals that demonstrate the qualified consulting firm or individuals have credentials and experience in evaluating the health and safety risks associated with environmental protections, as well as the engineering and hydrogeological aspect of landfill design and siting. This change has been added to make sure that the health and safety risks are fully considered in all aspects. It also allows DES to consider whether the consultant has expertise in environmental protection, not only in landfill science. It makes sure that the right people are the ones who are doing the job. Page 4, lines 19-20 the term "adequate" is again defined as to protect perennial surface water with an ample margin of safety. Again, this change brings the bill to federal standards. Page 4, lines 28-30 the recommendation that soil, bedrock, proximity, demographics or other factors that would render a particular proposal new landfill site absolutely unsuitable for development. Other United States' states have thriving landfill industries despite regulations that absolutely forbid new landfills in super porous sandy soil. This amendment asks the consultant to at least consider whether similar protections might make sense for New Hampshire. All geological conditions must be considered. Page 4, lines 31-36 continuing to page 5, lines 1 and 2 the selected contractor shall complete the assessment and submit a final report to the Senate Energy and Natural Resources Committee and the House Environmental and Agricultural Committee making any recommendations for legislation or rulemaking to those committees within 150 days after contract approval. This is perhaps the biggest change. The final report would not go to DES, but instead it would go to the Senate and the legislature so we can use it to make recommendations for legislation or for rulemaking. This amendment also allows for public comment. Don't you think our constituents have a thing or two to say about landfills being located near large bodies of water or near them in their communities? We know that landfills leak. We know that people can get sick from exposure to these leachates. My town is living proof of this. Without proper protections water gets contaminated and people get sick. On page 5, line 14 there is removal of the 24-month restriction after the effective date of this act and on page 5, lines 24-25 there is a stipulation that the department shall hold any application for such a standard permit in abeyance until such rules are adopted. These changes were added because it just makes sense. Why proceed before you have definite rules? Okay, so why are these seemingly nit-picky changes being made? It's because we can't mess around with this, folks. This bill is about where landfills, which are piles and piles of potentially toxic garbage are going to be located and we have to make sure that the people who are making the decision receive fair, unbiased and scientific information on any proposed locations. We also need to make sure that the people, environment and wildlife are fully considered in this very important decision. Look, garbage is a way of life and until we change that, we will need landfills. However, these landfills must be placed where they can do the least harm to communities and our environment. The House already passed a perfectly good bill that would have solved this landfill siting problem. However, in the branch across the wall, they turned this into a study. Fine, if you want a study, let's have a study. However, toxic runoff and leachate from landfills is, quite frankly, a danger and a threat to public and environmental safety. We must put in the proper guardrails to ensure that every possible point is considered. Let's make sure that that study is well defined and well thought out and that the process is fair and complete. Let's give the Senate and the Governor the study they want, but let's make sure it directs the consultants to report to us the legislature for our consent or modification. This amendment does that. It lets us do our job. I urge you to support this well thought out and bipartisan amendment, which puts the guardrails in place that are needed when considering where to place potentially toxic and health and environmental altering landfills in our beautiful State of New Hampshire. Thank you.

Speaker Packard: The Chair recognizes Rep. Germana.

Representative Germana: Thank you, Mister Speaker. I rise today admittedly reluctant in my support, and I will explain why my support is somewhat reluctant. We have heard a lot. We know a lot already about how we got to this point. We had a perfectly good bill that had specific setback rules that we passed in this House with broad bipartisan support. It was killed on the other side of the wall. We received SB 61. One of the greatest virtues, I think one of the things that made me want to work as hard as we could to get this bill through is the importance of the abeyance, a two-year abeyance while the rule writing process took place. I tried really hard. I know everyone on our committee did. I have great admiration and respect for our leadership on both sides of the aisle in our committee for all of the efforts that were made with all of the various stakeholders to make a bill that wasn't very good quite frankly, a bad bill for the people of the State of New Hampshire better. Unfortunately, at the last hearing that we had, there were a couple of straws that broke that camel's back, and, in the end, I concluded that I could not support the bill, as written. I want to share with you just 2 reasons among many why, in the end, I cannot support the bill, as written, and I rise today in support of this amendment. They both have been referred to before, so I won't go into detail but the first is an important change of language, that the bill, as written, contains reference to adequate protections for

bodies of water. We wanted to have, based on expert testimony, we wanted that language changed to language that reflects the Clean Water Act that calls for ample margin of safety. We were told that was a no-go. That change of language, ample margin of safety, by the industry that this bill is supposed to regulate, we were told was a no-go. Likewise, the language that my colleague just referred to about representative travel time of groundwater. We wanted that. It's a pretty vague word, representative. I could drill 10 times or 50 times in a 50 square foot plot where I know I'm going to get the readings I want, and I can submit that as being representative of the site. We asked the wording be changed that would refer to variation across the site so that you would have to drill in lots of different places across that site and get scientific data that was genuinely representative of the site and not cherry-picked data. Again, we were told by the industry, that is supposed to be regulated by this legislation, that was a no-go. That was the straw that broke the camel's back for me. We have a rule writing process that is going forward, and I sincerely hope that my colleagues, whom I admire, whom I respect and whose hard work I am grateful for, I sincerely hope that they are right. That the oversight that this committee has the authority to do, the oversight that it is our responsibility to do during the rule writing process, I hope that we can use that oversight in order to make sure that the industry does not have the same power to influence the rule writing process that they clearly have had in the writing of legislation. Unfortunately, based on what I have seen, I have absolutely no confidence that would happen. The hiring of a consultant to produce a report, we all understand how that can work. If any of you have been attending some of the public sessions about the current 306 rule writing process, that's a process which is clearly driven toward a predetermined outcome and the result in the end will not be reflective of the needs and the interest of the people that we were elected to represent. So, I understand that if we adopt this amendment, the reality is in all likelihood that it's going to be killed on the other side of the wall or it's going to be killed in the corner office. That's why I am really reluctant to support this, but I can no longer accept the idea that some bill, any bill, even this bill is better than no bill. So, I rise today to ask all of you to support this amendment to make this bill reflective of the interest and the needs of the people of the State of New Hampshire. Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Rep. Aron.

Representative Aron: Thank you, Mister Speaker. This floor amendment that is before us, while well intentioned, will ultimately kill this much needed bill. The amendment contains many impediments to SB 61's passage. It was not constructed with an eye to get coordinated support from the folks on the other side of the wall, or DES or any other interest parties. You and I know that when we do these bills, we do work together with a lot of people. That's the way it works. It comes before us today placed in your seat pockets without really being fully viewed or vetted. Furthermore, this amendment contains language which is too restrictive to the process of establishing new DES landfill siting rules. The amendment before you seeks to make finding a suitable third party to perform a study more restrictive and will surely limit the pool of applicants. This bill amendment will also draw out this process of rulemaking for landfill siting out in a manner which is unending. This amendment has no real timetable because if the rulemaking process is not completed in 2 years, then any permits held in abeyance can wait indefinitely until rules are established. This is an open-ended process that can essentially go on forever, and forever is not a good plan. The minority feels SB 61, as written and amended by the committee, doesn't go far enough to ensure public safety regarding landfill siting. This is simply not true because the original bill and its committee amendment will definitely help create improvements in our current 30-year-old rules. Additionally, DES has told us that they need assistance in performing the kind of analysis required to do the technical groundwork and research to create better and more technically robust landfill siting rules. The original bill and the committee amendment already accomplishes that. This amendment before you, if passed, will certainly not be acceptable moving on to the next step and if this bill dies, then it is guaranteed that nothing will get done this year with regard to meaningful legislation for landfill siting rule adoption. SB 61, as written and amended by the committee, is a good bill on its own and will provide DES with the much-needed expertise and assistance to update DES landfill siting rules. Finally, the rules for siting landfills in New Hampshire are set to expire next year. SB 61, with the amendment passed by our committee, will assist DES to reexamine its rules regarding landfill setbacks in an efficient and expedient manner. We must not let this chance get slipping away by adding in amending language that will ensure the death of this bill. I implore you to reject this floor amendment and pass the underlying bill and committee amendment, which is much needed and has already been vetted by many parties. Thank you so much for listening.

Speaker Packard: The motion before us is the majority committee report of Ought to Pass as Amended on SB 61. The question is on the Potenza floor amendment (2167h). Who requested a division? Rep. Potenza requested a division. This will be a division vote. Rep. Wheeler 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 floor amendment (2167h). This is a roll call vote. The Chair recognizes Rep. Haskins for a parliamentary inquiry.

Representative Haskins: Thank you, Mister Speaker. Mister Speaker, if I know that environmental laws generally seek to protect public health with an ample margin of safety, but SB 61 only seeks to protect New Hampshire's waters adequately. Further, if I know that SB 61 does not require the Department of Environ-

mental Services to even consider whether a consultant hired to do this study has expertise in environmental protection, not just landfill design. And if I know that SB 61 does not at least ask the consultant to consider adverse conditions for siting landfills such as super porous soils, which other states have done. And finally, if I know that the legislature, which writes the laws to protect Granite Staters should exercise oversight over the study, including the right to review, question and comment on report, then would I press the green button and vote for the floor amendment that provides these assurances and protections? Thank you, Mister Speaker.

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

Representative Megan Murray: Thank you, Mister Speaker. If I know that this floor amendment is well intentioned and highly protective, but also creates an open-ended rule writing process. And if I also know that many aspects of this floor amendment were similarly rejected on the other side of the wall. And if I also know that in order to prevent permits being issued under the unacceptable 200-foot setback, we need the abeyance in SB 61, as written by the committee, to be passed and signed into law, would I vote no or red on this floor amendment? Thank you.

Speaker Packard: The motion before us is floor amendment (2167h). 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. 152 voting Yea, 226 voting Nay, the floor amendment fails. We are now onto Ought to Pass as Amended. The Chair recognizes Rep. Verville.

Representative Verville: Thank you, Mister Speaker. Sorry for being a little tardy. Colleagues, I'm going to strongly encourage you to vote no on this bill. So, this bill is calling for a third-party consultancy to advise the Department of Environmental Services on rulemaking for landfill siting. DES is our highly trained professionals that we hire and trust to do this work. They are doing this work. So, what's the problem with getting a little help from a consultancy, other than blowing \$200,000? The pro industry side is afraid that the consultancy is going to be the greenies and that we are going to wreak havoc and just put landfills wherever we want willy-nilly in New Hampshire. The greenies, and I don't mean that in a bad way because I have a green streak through me for sure, but if the greenies control it, the rules are going to be written so that it will be virtually impossible to site a landfill anywhere in New Hampshire. We hear people bemoan that we are importing trash from out of state and it's a travesty against New Hampshire. So, let me ask you a question. Sorry, let me ask you a question Mister Speaker. Where does our hazmat go? Where does our hazardous material go? It doesn't go into landfills. It doesn't go into hazmat mitigation facilities in New Hampshire. Do you know why? Because we don't have one. To the best of my knowledge, it goes to Ohio where they have a high temperature incinerator to dispose of such material. Imagine if Ohio decided they are not going to take New Hampshire's hazmat anymore? That would be a problem, a serious problem, not to mention it's interstate commerce which is beyond the purview of our control. If we can't site landfills, then we export all of our rubbish to some poor other state and that's not fair either. It's my opinion that our current siting rules are adequate and sufficient. This is all carryover from the Dalton landfill, Casella landfill hangover of a couple of years ago. That project has been recalled, right? That is no longer on the table. This bill is going to bite somebody where they don't want to be bitten and the best part of it is it's like rolling the dice. We don't know who it's going to bite until after we pass it and somebody else beyond our control hires the consultancy that's going to drive that bus. Is there a stopgap? Sure, there is a stopgap. JLCAR. Those rules, I assume, go to JLCAR. So, is that where we want to have this fight again? Or do we take a more rational, reasonable metered approach and entrust the Department of Environmental Services to do that which they have been tasked with. It's interesting and as far as I know somebody can bring testimony to the contrary, but the Department of Environmental Services is not asking for this. They are not asking for \$200,000 to hire a consultant. They are quite confident they can do their job without interference from the outside world. I say God Bless them. Let's let them do their job that we have hired them to do. Let us trust our highly trained professional administrative staff to do their job. So, if you vote green, you are rolling the dice or flipping a coin I guess and so good luck to you. Me, I'm voting red. This bill has opposition from every angle, right? When everybody at the table has a problem with a bill, that's not the bill to pass, right? So, I encourage you to listen to the rest of the debate. Please consider what I've told you and when the times comes, vote red, vote red and kill this bill. Thank you.

Speaker Packard: The Chair recognizes Rep. Bixby.

Representative Bixby: Thank you, Mister Speaker. SB 61 deals with the rules for setbacks between new landfills and surface water bodies. We tried to provide highly protective guidance for the Department of Environmental Services with HB 56, which was ITL'd on the other side of the wall. SB 61 is the other body's approach to setback rules and our committee has amended it with a few improvements. As it came to us, SB 61 gave DES 2 years to make specific setback rules based on site hydrology and technical measures that increase protection. And at the request of DES, who said they would not be able to do this in the one year that the other body was originally thinking of but required 2 years and that they would not be able to do this without additional manpower in the form of a consultant which is a short-term fix rather than hiring new personnel forever. DES requested money for the consultant in order to make sure that they would be able to finish these rules in a timely manner. So, another very important aspect of SB 61, as it came to us, is

that all permits are held in abeyance until the rules are in place, as long as it happens within 2 years. Our amendment adds explicit language that requires disclosure of conflict of interest, provides a small increase in funding to make sure that the RFP attracts a good selection of well qualified consultants and allows for a 90-day extension of the abeyance in case of extraordinary circumstances that might prevent the department from completing the rules within 2 years. If SB 61 does not pass, new landfill permit applications can be filed almost immediately and will be assessed under the current, completely unacceptable 200-foot setback. The committee amendment was negotiated to strengthen the bill as much as possible without inviting a vote of nonconcurrency on the other side of the wall. We wanted to make the bill more protective, but we were assured that more stringent language would in fact cause the bill to fail. SB 61, as amended, creates a clear process for better rules and most critically it stops all permit approvals within the next 2 years. Please vote yes on OTP to protect our New Hampshire waters. Thank you.

Speaker Packard: The motion before us is the majority committee report of Ought to Pass as Amended on SB 61. Are you ready for the question? All those in favor, say Aye; those opposed, Nay. Division has been requested. Nobody in that wasn't here. The motion before us is the majority committee report of Ought to pass as Amended on SB 61. This is a division vote. The Chair was unsure of the yelling. If you are in favor, you will press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members had the opportunity to vote? The House will attend to the state of the vote. 236 voting Yea; 132 voting Nay, the committee report is adopted.

REGULAR CALENDAR CONT'D

SB 172-FN, allowing court-appointed guardians to receive Temporary Assistance to Needy Families benefits. **OUGHT TO PASS.**

Rep. Jess Edwards for Finance. This is a simple addition of "court-appointed guardians" to a long list of those eligible for federal Temporary Assistance to Needy Families while providing support to a broad category of children under 19 years of age. Vote 25-0.

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

Rep. Lynn offered floor amendment (2116h).

Floor Amendment (2116h)

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

AN ACT allowing court-appointed guardians to receive Temporary Assistance to Needy Families benefits and relative to the termination of tenancy at the expiration of the tenancy or lease term.

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

3 New Subparagraph; Termination of Tenancy; Expiration of Term. Amend RSA 540:2, II by inserting after subparagraph (g) the following new subparagraph:

(h) For a lease or tenancy the original term of which is 6 months or longer, or for a lease or tenancy the term of which is less than 6 months but which has been renewed for a total period of 6 months or longer, the expiration of the term of the lease or tenancy, provided that the landlord has provided the tenant with written notice at least 30 days in advance of the termination date of the lease term that the lease will not be renewed and that the tenant must vacate the rental property at the end of the lease term.

4 Effective Date.

I. Section 1 and 2 of this act shall take effect January 1, 2024.

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

AMENDED ANALYSIS

This bill:

1. Permits court-appointed guardians to receive Temporary Assistance to Needy Families benefits.
2. Adds the expiration of the term of the lease or tenancy if over 6 months as grounds for an eviction.

The question being adoption of floor amendment (2116h).

Rep. Lynn spoke in favor.

Rep. Cam Kenney spoke against.

On a division vote, with 185 members having voted in the affirmative, and 188 in the negative, floor amendment (2116h) failed.

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

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

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

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker Packard in the Chair)**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2024 and June 30, 2025. (Amendment printed SJ 6/7/23)

Rep. Weyler moved that the House concur.

Rep. Sweeney spoke in favor.

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

On a division vote, with 351 members having voted in the affirmative, and 25 in the negative, the motion was adopted.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Amendment printed SJ 6/7/23)

Rep. Weyler moved that the House concur.

Rep. Stephen Pearson spoke against.

MOTION TO LAY ON THE TABLE

Rep. Harrington moved that **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures, be laid on the table.

On a division vote, with 44 members having voted in the affirmative, and 334 in the negative, the motion failed.

The question now being adoption of the motion to concur.

Rep. Prout spoke against.

Reps. Dan McGuire, Wallner and Sanborn spoke in favor.

Rep. Hynes requested a roll call; sufficiently seconded.

YEAS 326 - NAYS 53**YEAS - 326****BELKNAP**

Bean, Harry
Huot, David
Beaudoin, Richard

Bogert, Steven
Harvey-Bolia, Juliet
Smart, Lisa

Bordes, Mike
Nagel, David
St. Clair, Charlie

Dumais, Russell
O'Hara, Travis
Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel
McAleer, Chris
Woodcock, Stephen

Buco, Thomas
Paige, David
McConkey, Mark

Burroughs, Anita
MacDonald, John
Peternel, Katy

Cordelli, Glenn
Smith, Jonathan
Brown, Richard

CHESHIRE

Abbott, Michael
Faulkner, Barry
Monteil, Renee
Rhodes, Jennifer
Weber, Lucy

Ames, Richard
Germana, Nicholas
Newell, Jodi
Santonastaso, Matthew
Nutting, Zachary

Fox, Dru
Hunt, John
Parshall, Lucius
Schapiro, Joe

Eaton, Daniel
Jones, Philip
Qualey, James
Thackston, Dick

COOS

Cascadden, Corinne
Tierney, James

Kelley, Eamon

Merner, Troy

Noël, Henry

GRAFTON

Almy, Susan
Cormen, Thomas
Hoyt, Tommy
Lovett, Peter
Nordgren, Sharon
Stavis, Laurel

Baldwin, Heather
Fellows, Sallie
Murphy, James
Massimilla, Linda
Rocheffort, David
Stringham, Jerry

Bolton, Bill
Greeson, Jeffrey
Sullivan, Jared
Morse, Corinne
Sellers, John
Sykes, George

Brown, Carroll
Hakken-Phillips, Mary
Ladd, Rick
Muirhead, Russell
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Ammon, Keith
Beaulieu, Jane
Bouchard, Donald
Colcombe, Riché
Creighton, Jim
DiSilvestro, Linda
Davis, Fred
Gagne, Larry

Nutting-Wong, Allison
Boyd, Bill
Berry, Ross
Bradley, Amy
Cole, Brian
Cushman, Leah
Dutzy, Sherry
Fedolfi, Jim
Gorski, Ted

Abare, Kimberly
King, Bill
Boehm, Ralph
Calabro, Karen
Corcoran, Travis
Darby, Will
Elberger, Susan
Freitas, Mary
Gregg, Alicia

Alexander, Joe
Baroody, Benjamin
Booras, Efsthathia
Chretien, Jacqueline
Cornell, Patricia
Devine, Shelley
Erf, Keith
Griffin, Gerald
Grill, Jessica

Hamer, Heidi
Herbert, Christopher
Juris, Louis
Foxx, Loren
Lascelles, Richard
Lloyd, Christal
Mangipudi, Latha
McLean, Mark
Moulton, Candace
Nutter-Upham, Frances
Petrigno, Peter
Preece, David
Renzullo, Andrew
Newman, Sue
Spier, Carry
Tellez, Trinidad
Veilleux, Daniel
Wilhelm, Matthew

Harriott-Gathright, Linda
Infantine, William
Kennedy, Stephen
Gould, Linda
Leapley, Nicole
Howard, Molly
Mazur, Lisa
Ming, Ben
Murphy, Nancy
Panek, Sandra
Plamondon, Marc
Newman, Ray
Rombeau, Catherine
Sheehan, Vanessa
Staub, Kathy
Tenczar, Jeffrey
Dolan, William

Healey, Robert
Jack, Martin
Kenny, Catherine
Sanborn, Laurie
LeClerc, Daniel
Murray, Megan
McGhee, Kat
Mooney, Maureen
Noble, Kristin
Pauer, Diane
Plett, Fred
Raymond, Heather
Rung, Rosemarie
Sirois, Shane
Mannion, Tom
Ulery, Jordan
Thomas, Wendy

Heath, Mary
Jeudy, Jean
Kofalt, Jim
Lanza, Judi
Lewicke, John
MacKenzie, Mark
McGough, Tim
Morton, Jennifer
Notter, Jeanine
Pedersen, Michael
Post, Lisa
Reid, Karen
Ryan, Linda
Sofikitis, Catherine
Telerski, Laura
Vail, Suzanne
Wherry, Robert

MERRIMACK

Turcotte, Alan
McGuire, Carol
McGuire, Dan
Gibbs, Merry
Leavitt, John
Moffett, Michael
Richards, Beth
Schultz, Kristina
Soucy, Timothy
Wolf, Dan

Aures, Cyril
Cambrils, Jose
Ebel, Karen
Hall, Muriel
Luneau, David
Myler, Mel
Boyd, Stephen
Seaworth, Brian
Walsh, Thomas
Wood, Clayton

Aylward, Deborah
Caplan, Tony
Ellison, Arthur
Hill, Gregory
MacKay, James
Payeur, Stephanie
Gould, Sherry
See, Alvin
Testerman, Dave

Brennan, Angela
Carey, Lorrie
Gallager, Eric
Lane, Connie
McWilliams, Rebecca
Polozov, Yury
Schamberg, Thomas
Shurtleff, Steve
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Thomas, Douglas
Doucette, Fred
Edwards, Jess
Grossman, Gaby
Harley, Tina
Murray, Kate
Layon, Erica
Cahill, Michael
Manos, Zoe
Melvin, Charles
O'Neil, Candice
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Vandecasteele, Susan
Weyler, Kenneth

Ball, Lorie
DeSimone, Debra
Drago, Mike
Emerick, Tracy
Guthrie, Joseph
Haskins, Linda
Perez, Kristine
Love, David
Paige, Mark
McBeath, Rebecca
Meuse, David
Ford, Oliver
Piemonte, Tony
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Sweeney, Joe
Tudor, Paul
Vose, Michael
Yokela, Josh

Bernardy, JD
DiLorenzo, Charlotte
Dunn, Ron
Foote, Charles
Hamblet, Joan
Hobson, Deb
Katsakiores, Phyllis
Lundgren, David
Maggiore, Jim
McDonnell, Valerie
Milz, David
Osborne, Jason
Popovici-Muller, Daniel
Quaratiello, Arlene
Soti, Julius
Sytek, John
Turer, Eric
Wallace, Scott

Mannion, Dennis
Donnelly, Tanya
Edgar, Michael
Gilman, Julie
Harb, Robert
Nelson, Jodi
Knab, Allison
Lynn, Bob
Malloy, Dennis
McMahon, Charles
Muns, Chris
Packard, Sherman
Porcelli, Susan
Raynolds, Ned
Spillane, James
Dolan, Tom
Vallone, Mark
Ward, Gerald

STRAFFORD

Ankarberg, Aidan
Cannon, Gerri
Horgan, James
Turcotte, Len
Menear, Hoy
Pitre, Joseph
Vincent, Kenneth

Bay, Luz
Conlin, Bill
Horriggan, Timothy
LaMontagne, Jessica
Newton, Clifford
Potenza, Kelley
Wall, Janet

Bixby, Peter
Fitzpatrick, Daniel
Howland, Allan
Levesque, Cassandra
Schmidt, Peter
Southworth, Thomas

Rich, Cecilia
Grassie, Chuck
Kaczynski, Thomas
Smith, Marjorie
Pare, Gail
Treleaven, Susan

SULLIVAN

Aron, Judy
Drye, Margaret
Smith, Steven

Sullivan, Brian
Merchant, Gary
Stapleton, Walter

Cloutier, John
Palmer, William
Stone, Jonathan

Damon, Hope
Rollins, Skip
Tanner, Linda

NAYS - 53

BELKNAP

Coker, Matthew
Terry, Paul

Comtois, Barbara
Trottier, Douglas

McCarter, Nikki

Ploszaj, Tom

CARROLL

Belcher, Mike Costable, Michael

CHESHIRE

Filiault, Shaun Toll, Amanda

COOS

Davis, Arnold King, Seth

GRAFTON

Berezhny, Lex Coulon, Matthew

HILLSBOROUGH

Murray, Alissandra	Bouldin, Amanda	Kelley, Diane	Goley, Jeffrey
Hynes, Dan	Smith, Juliet	Leishman, Peter	Long, Patrick
Perez, Maria	O'Brien, Michael	Proulx, Mark	Prout, Andrew
Seidel, Sheila	Lekas, Tony	Wheeler, Jonah	

MERRIMACK

Andrus, Louise	Gerhard, Jason	Roesener, James	Schuett, Dianne
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ROCKINGHAM

Brouillard, Jacob	Grote, Jaci	Janvrin, Jason	Khan, Aboul
Kuttab, Katelyn	Walsh, Lilli	Pratt, Kevin	Read, Ellen
Pearson, Stephen	True, Chris	Verville, Kevin	Vogt, Robin

STRAFFORD

Bailey, Glenn	Burnham, Claudine	Granger, Michael	Howard, Heath
Harrington, Michael	Kenney, Cam	Selig, Loren	

SULLIVAN

Spilsbury, Walter

and the motion was adopted.

MOTION TO PRINT REMARKS

Rep. Verville moved that the remarks made by the Speaker be printed in the Permanent Journal. Without objection, the Speaker ordered.

REMARKS BY THE SPEAKER

Speaker Packard: I believe we just made history when we passed a budget on a voice vote, and we just passed a bipartisan budget with probably the highest numbers we have ever seen. This Chamber deserves congratulations.

REGULAR CALENDAR CONT'D

SB 204-FN, requiring trauma kits to be available in state-owned buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dan McGuire for Finance. This bill requires that state-owned buildings have trauma kits. These are specialized first-aid kits with tools to stop severe bleeding. The committee's amendment makes a number of improvements. It changes the scope to include selected state-occupied buildings such as liquor stores. It tasks the department of administrative services with the work in consultation with emergency services. Most importantly, it allocates \$50,000 to purchase and distribute the kits. Vote 24-1.

Amendment (2080h)

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

1 New Subdivision; Emergency Medical and Trauma Services; Trauma Kit. Amend RSA 153-A by inserting after paragraph 33 the following new subdivision:

Trauma Kit

153-A:33-a Trauma Kit.

I. A trauma kit shall be installed and readily available in selected state-owned and state-occupied buildings. In this section, "trauma kit" means a first aid response kit that contains at least the following items:

- (a) One tourniquet.
- (b) One bleeding control bandage.
- (c) One pair of nonlatex protective gloves and a pen type marker.
- (d) One pair of blunt-ended scissors.

(e) Instructional documents developed by the Stop the Bleed national awareness campaign of the United States Department of Homeland Security or the American College of Surgeons Committee on Trauma, the American Red Cross, the Committee for Tactical Emergency Casualty Care, or any other partner of the United States Department of Defense.

II. Medical materials and equipment similar to those described in subparagraphs I(a) to (d), and any additional items that are approved by the local EMS medical control, as defined in RSA 153-A:2, XV(a), may be included as supplements in addition to the items described in subparagraphs I(a) to (d), if they adequately treat a traumatic injury and can be stored in a readily available kit.

III. The department of administrative services, in consultation with the department of safety's bureau of emergency medical services and the emergency medical services medical control board established in RSA 153-A:5, shall identify buildings in which the placement of a trauma kit is appropriate and should be prioritized, as well as criteria for the order of placement and a schedule for future placements.

IV. Nothing in this section shall require a property manager or person employed by a property managing entity on behalf of the state to respond to an emergency with the use of trauma kits.

V. This section shall not apply to a state-owned building that is vacant or under construction or renovation.

153-A:33-b Liability Limited. Any person who, in good faith and without compensation, renders emergency care by the use of a trauma kit shall not be liable for civil damages for any acts or omissions unless the acts or omissions were grossly negligent or purposeful.

2 Appropriation; Department of Administrative Services; Trauma Kits. The sum of \$50,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of administrative services for the purchase and placement of trauma kits in state-owned buildings as provided in section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

AMENDED ANALYSIS

This bill requires that trauma kits be available in state-owned buildings and makes an appropriation to the department of administrative services for this purpose.

The question being adoption of the committee amendment.

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 42-FN, relative to overpayment of unemployment compensation. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill addresses a very specific situation regarding unemployment payouts. Any individual who by omission, misrepresentation, or falsification obtains unemployment benefits for which they are not eligible is required to repay that money to the trust fund. Unless this overpayment is determined to be fraud, no additional penalties are pursued. If this repayment is not made within 60 days of being due, current law begins accruing interest at 1% per month. Although this interest will be waived if the debtor has followed a payment plan, the interest rate is fixed by law. As amended, this bill would have the Department of Employment Security develop rules by which the interest rate on late payments would be reduced or waived as circumstances warrant, in a similar manner as the department currently forgives interest. By allowing consideration of the individual circumstances surrounding an overpayment, the system will better serve the workers of New Hampshire when they need it.

Rep. Brian Seaworth

Statement in support of Ought to Pass: This bill, as it was passed by the senate, eliminates the collection of interest on most overpayment of unemployment benefits. Interest would still be charged in instances where the recipient willfully made a false statement or representation or knowingly failed to disclose a material fact to obtain or increase the unemployment compensation. Committee members in support of Ought to Pass unamended believe interest should only be charged in instances of fraud, not when an honest mistake by the recipient leads to overpayment. It is understood that the overpayment itself should be repaid to the trust fund, but charging interest in a punitive manner is unwarranted. This bill received unanimous support in the senate committee and passed the full senate on a voice vote.

Rep. Brian Sullivan

Rep. Seaworth moved Ought to Pass and offered amendment (1799h).

Amendment (1799h)

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

1 Unemployment Compensation; Overpayment Penalties. Amend RSA 282-A:165, IV to read as follows:

IV. The commissioner shall collect any overpayment created under this chapter by civil action in any manner provided for the collection of contributions in RSA 282-A:141-156, **and as provided in paragraphs V, VI, and VII**, and shall withhold, in whole or in part as determined by the commissioner, any future benefits payable to the individual and shall credit such amount withheld against the overpayment until it is repaid in full.

2 New Paragraphs; Unemployment Compensation; Overpayment Penalties. Amend RSA 282-A:165 by inserting after paragraph IV the following new paragraphs:

V. The commissioner shall charge interest on fraud overpayments under RSA 282-A:161 or RSA 281-A:164 at a rate of one percent per month or part thereof until payment plus accrued interest is received by the commissioner.

VI. The commissioner may charge interest on overpayments determined not to be fraud if the overpayment is determined to be the fault of the claimant, not to exceed a rate of one percent per month or part thereof, in accordance with rules the commissioner shall adopt pursuant to RSA 541-A.

VII. Interest collected pursuant to this section shall be paid into the contingent fund established in RSA 282-A:140.

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

AMENDED ANALYSIS

This bill authorizes the department of employment security to charge interest on overpayments of unemployment compensation for fraudulent claims.

The question being adoption of amendment (1799h).

Reps. Seaworth and Infantine spoke in favor.

Rep. Brian Sullivan spoke against.

On a division vote, with 186 members having voted in the affirmative, and 187 in the negative, the amendment failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Infantine spoke against.

Rep. Brian Sullivan spoke in favor.

Rep. Sweeney requested a roll call; sufficiently seconded.

YEAS 196 - NAYS 178

YEAS - 196 BELKNAP

Coker, Matthew	Huot, David	St. Clair, Charlie
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CARROLL

Buco, Thomas	Burroughs, Anita	Paige, David	McAleer, Chris
Woodcock, Stephen			

CHESHIRE

Abbott, Michael	Ames, Richard	Fox, Dru	Eaton, Daniel
Faulkner, Barry	Filiault, Shaun	Germana, Nicholas	Jones, Philip
Monteil, Renee	Newell, Jodi	Parshall, Lucius	Santonastaso, Matthew
Schapiro, Joe	Thackston, Dick	Toll, Amanda	Weber, Lucy

COOS

Cascadden, Corinne	Kelley, Eamon	Noël, Henry
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GRAFTON

Almy, Susan	Baldwin, Heather	Bolton, Bill	Cormen, Thomas
Fellows, Sallie	Hakken-Phillips, Mary	Hoyt, Tommy	Murphy, James
Sullivan, Jared	Lovett, Peter	Massimilla, Linda	Morse, Corinne
Muirhead, Russell	Nordgren, Sharon	Stavis, Laurel	Stringham, Jerry
Sykes, George			

HILLSBOROUGH

Murray, Aissandra	Nutting-Wong, Allison	Baroody, Benjamin	Beaulieu, Jane
Booras, Efstathia	Bouchard, Donald	Bradley, Amy	Calabro, Karen
Chretien, Jacqueline	Cornell, Patricia	Darby, Will	Devine, Shelley
DiSilvestro, Linda	Dutzy, Sherry	Elberger, Susan	Davis, Fred
Freitas, Mary	Griffin, Gerald	Goley, Jeffrey	Gregg, Alicia
Grill, Jessica	Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary
Herbert, Christopher	Hynes, Dan	Jack, Martin	Jeudy, Jean
Smith, Juliet	Juris, Louis	Fox, Loren	Lanza, Judi
Leapley, Nicole	LeClerc, Daniel	Leishman, Peter	Lloyd, Christal
Long, Patrick	Howard, Molly	Murray, Megan	Perez, Maria
MacKenzie, Mark	Mangipudi, Latha	McGhee, Kat	Ming, Ben
Morton, Jennifer	Moulton, Candace	Murphy, Nancy	Nutter-Upham, Frances
O'Brien, Michael	Pedersen, Michael	Petrigno, Peter	Plamondon, Marc
Preece, David	Newman, Ray	Raymond, Heather	Rombeau, Catherine

Rung, Rosemarie
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Ryan, Linda
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

Newman, Sue
Telerski, Laura
Dolan, William

Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

MERRIMACK

Turcotte, Alan
Ebel, Karen
Hall, Muriel
McWilliams, Rebecca
Roesener, James
Schultz, Kristina
Wolf, Dan

Brennan, Angela
Ellison, Arthur
Lane, Connie
Myler, Mel
Gould, Sherry
Shurtleff, Steve

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Soucy, Timothy

Carey, Lorrie
Gibbs, Merryl
MacKay, James
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Harley, Tina
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Turer, Eric

DiLorenzo, Charlotte
Grote, Jaci
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Raynolds, Ned
Vallone, Mark

Edgar, Michael
Hamblet, Joan
Murray, Kate
Maggiore, Jim
Meuse, David
Read, Ellen
Vogt, Robin

Gilman, Julie
Harb, Robert
Knab, Allison
Malloy, Dennis
Muns, Chris
Simpson, Alexis
Ward, Gerald

STRAFFORD

Bay, Luz
Conlin, Bill
Horrigan, Timothy
Levesque, Cassandra
Pare, Gail
Vincent, Kenneth

Bixby, Peter
Fitzpatrick, Daniel
Howland, Allan
Smith, Marjorie
Selig, Loren
Wall, Janet

Rich, Cecilia
Grassie, Chuck
Kenney, Cam
Menear, Hoy
Southworth, Thomas

Cannon, Gerri
Howard, Heath
LaMontagne, Jessica
Schmidt, Peter
Treleaven, Susan

SULLIVAN

Sullivan, Brian
Merchant, Gary

Cloutier, John
Palmer, William

Damon, Hope
Tanner, Linda

Drye, Margaret

NAYS - 178

BELKNAP

Bean, Harry
Dumais, Russell
O'Hara, Travis
Terry, Paul

Bogert, Steven
Harvey-Bolia, Juliet
Ploszaj, Tom
Trottier, Douglas

Bordes, Mike
McCarter, Nikki
Beaudoin, Richard
Varney, Peter

Comtois, Barbara
Nagel, David
Smart, Lisa

CARROLL

Avellani, Lino
Crawford, Karel
Peternel, Katy

Belcher, Mike
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

CHESHIRE

Hunt, John

Qualey, James

Rhodes, Jennifer

Nutting, Zachary

COOS

Davis, Arnold

Merner, Troy

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheport, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Gagne, Larry
Kennedy, Stephen
Sanborn, Laurie
McGough, Tim
Notter, Jeanine
Post, Lisa
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gorski, Ted
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Pank, Sandra
Proulx, Mark
Seidel, Sheila
Mannion, Tom

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Healey, Robert
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Prout, Andrew
Sheehan, Vanessa
Tenczar, Jeffrey

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Infantine, William
Gould, Linda
Mazur, Lisa
Noble, Kristin
Plett, Fred
Reid, Karen
Sirois, Shane
Ulery, Jordan

MERRIMACK

Andrus, Louise
Cambrils, Jose
Leavitt, John
Seaworth, Brian
Wood, Clayton

Aures, Cyril
McGuire, Dan
Moffett, Michael
See, Alvin

Aylward, Deborah
Gerhard, Jason
Polozov, Yuri
Walsh, Thomas

McGuire, Carol
Hill, Gregory
Boyd, Stephen
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Milz, David
Piemonte, Tony
Pratt, Kevin
Soti, Julius
Sytek, John
Vandecasteele, Susan
Weyler, Kenneth

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Hobson, Deb
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Quaratiello, Arlene
Spillane, James
Tripp, Richard
Verville, Kevin
Yokela, Josh

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Nelson, Jodi
Khan, Aboul
Love, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Roy, Terry
Summers, James
True, Chris
Vose, Michael

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
Melvin, Charles
Phillips, Emily
Potucek, John
Pearson, Stephen
Sweeney, Joe
Tudor, Paul
Wallace, Scott

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Newton, Clifford

Bailey, Glenn
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

Granger, Michael
Turcotte, Len

SULLIVAN

Aron, Judy
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

Spilsbury, Walter

and the motion of Ought to Pass was adopted and the bill was ordered to third reading.

(Rep. Steven Smith in the Chair)

REGULAR CALENDAR CONT'D

SB 193, relative to the obligation of collective bargaining units to negotiate in good faith. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for the Majority of Labor, Industrial and Rehabilitative Services. This bill makes a minor change to the definition of “good faith” negotiation. Currently, negotiation in good faith requires that meetings be held within reasonable time frames. If one side deliberately delays or avoids scheduling negotiating sessions, that would be considered an unfair labor practice. What constitutes an unreasonable delay is left to the discretion of the New Hampshire Public Employee Labor Relations Board (PELRB), who also determines associated remedies and penalties. This bill would add the presumption that a failure to meet within a two-week time frame constitutes bad faith negotiations. The amendment clarifies that the 10-day limit as set by the original language means 10 business days. Vote 12-8.

Rep. Lino Avellani for the Minority of Labor, Industrial and Rehabilitative Services. RSA 273-A:3, Obligation to Bargain, currently states that “[i]t is the obligation of the public employer and the employee organization certified by the board as the exclusive representative of the bargaining unit to negotiate in good faith.” This bill attempts to add to the definition of “good faith” that a party “meet within 10 days after receipt of a written request from the other party to meet to bargain. This 10-day requirement may be extended by mutual agreement, but it shall not be considered negotiating in bad faith to refuse to extend the timeline.” The Labor, Industrial and Rehabilitative Services Committee receives a number of bills each year that would try to define or inject legislative direction into the bargaining process. The committee has been consistent that it is up to the two negotiating parties to determine the rules and process of the negotiations and should not be at the discretion of the legislature. This bill would do the opposite of what the majority of both parties have agreed to do with bargaining bills in the past.

Majority Amendment (1800h)

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

1 Obligation to Bargain; Good Faith. Amend RSA 273-A:3, I to read as follows:

I. It is the obligation of the public employer and the employee organization certified by the board as the exclusive representative of the bargaining unit to negotiate in good faith. “Good faith” negotiation involves meeting at reasonable times and places in an effort to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession. ***“Good faith” shall also mean***

to meet within 10 business days after receipt of a written request from the other party to meet to bargain. This 10-day requirement may be extended by mutual agreement but it shall not be considered negotiating in bad faith to refuse to extend the timeline.

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

AMENDED ANALYSIS

This bill further defines “good faith” for the purposes of collective bargaining negotiations.

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Rep. Avellani spoke against.

Rep. Brian Sullivan spoke in favor.

On a division vote, with 200 members having voted in the affirmative, and 171 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

SB 110-FN-L, relative to residency status. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill creates common-ground, fair and equitable agreement between municipalities by better defining residency, for municipal local welfare purposes, for hospitals, correctional facilities, treatment program centers, and emergency sheltering services, including motels paid for by service providers. The additions to RSA 165:1 are supported by the New Hampshire Municipal Association, New Hampshire Legal Aid, and the New Hampshire Local Welfare Administrators Association. The bill requires that municipalities, including smaller municipalities with minimal services, shall communicate and coordinate assistance options with each other, including reimbursements for assistance provided by service host municipalities from municipalities of origin, pursuant to RSA 165:2-a. Currently, there is no legal expectation of communication and coordination. The bill makes clarifications to existing law as well as targeted and narrow improvements to the current law’s unintended consequences. The bill clarifies that hospitals, correctional facilities, treatment program centers and emergency temporary housing services (shelters), including motels/hotels paid for by agencies/providers for sheltering purposes, do not constitute residency for local welfare purposes. People seeking assistance will be the local welfare financial responsibility of their municipality of origin. People seeking assistance remain a resident of their municipality of origin, for local welfare purposes only, for the entirety of their supportive stay, until they leave the facility and choose to remain within that municipality for thirty (30) days. Current law requires only one (1) day. Those in support of the bill believe support for humanitarian obligations, better collaboration between municipalities on those obligations, increased provider services, and decreased financial pressure on host municipalities are all reasons to support Ought to Pass.

Rep. Jim Maggiore

Statement in support of Inexpedient to Legislate: Half of the committee believes that this bill is completely unnecessary. The analysis of the bill states that its intent is to clarify residency status of transient individuals for purposes of determining responsibility for local assistance. However, the majority of testimony centered on reimbursement of costs related to homeless people (Aid to Assisted Persons RSA 165:1) for municipalities providing services from municipalities of residence. The RSA states that any person unable to support themselves is entitled to temporary assistance. Also, RSA 165:2-a already specifies that the costs are to be paid by the town of residence of the individual. This bill would restrict a person’s rights by placing a thirty-day time period on a homeless person in which they must support themselves without municipal or other provider assistance in order to transition residency to a new municipality and restricts an individual’s ability to choose their place of residence based on a homeless or transient condition. We should be able to determine the reason we wish to reside in a location and decide that at a time of our own choosing regardless of whether we are homeless or transient.

Rep. Richard Brown

Rep. Maggiore moved Ought to Pass.

Rep. Richard Brown spoke against.

Rep. Preece spoke in favor.

Rep. Len Turcotte requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 180

YEAS - 190

BELKNAP

Coker, Matthew

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Monteil, Renee
Toll, Amanda

Ames, Richard
Filiault, Shaun
Newell, Jodi
Weber, Lucy

Fox, Dru
Germana, Nicholas
Parshall, Lucius

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Sullivan, Jared
Muirhead, Russell
Sykes, George

Baldwin, Heather
Hakken-Phillips, Mary
Lovett, Peter
Nordgren, Sharon

Bolton, Bill
Hoyt, Tommy
Massimilla, Linda
Stavis, Laurel

Cormen, Thomas
Murphy, James
Morse, Corinne
Stringham, Jerry

HILLSBOROUGH

Murray, Aissandra
Booras, Efstathia
Calabro, Karen
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Juris, Louis
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Newman, Sue
Telerski, Laura
Dolan, William

Nutting-Wong, Allison
Bouchard, Donald
Chretien, Jacqueline
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Foxy, Loren
Leishman, Peter
Murray, Megan
Ming, Ben
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Sofikitis, Catherine
Tellez, Trinidad
Thomas, Wendy

Baroody, Benjamin
Bouldin, Amanda
Cornell, Patricia
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Lanza, Judi
Lloyd, Christal
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Preece, David
Rung, Rosemarie
Spier, Carry
Vail, Suzanne
Wheeler, Jonah

Beaulieu, Jane
Bradley, Amy
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Smith, Juliet
Leapley, Nicole
Long, Patrick
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Newman, Ray
Ryan, Linda
Staub, Kathy
Veilleux, Daniel
Wilhelm, Matthew

MERRIMACK

Turcotte, Alan
Ebel, Karen
Hall, Muriel
McWilliams, Rebecca
Roesener, James
Schultz, Kristina
Wolf, Dan

Brennan, Angela
Ellison, Arthur
Lane, Connie
Myler, Mel
Gould, Sherry
Shurtleff, Steve

Caplan, Tony
Gallager, Eric
Luneau, David
Payeur, Stephanie
Schamberg, Thomas
Soucy, Timothy

Carey, Lorrie
Gibbs, Merry
MacKay, James
Richards, Beth
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Meuse, David
Raynolds, Ned
Vallone, Mark

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Malloy, Dennis
Muns, Chris
Read, Ellen
Vogt, Robin

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Manos, Zoe
O'Neil, Candice
Simpson, Alexis
Ward, Gerald

Gilman, Julie
Haskins, Linda
Paige, Mark
McBeath, Rebecca
Porcelli, Susan
Turer, Eric

STRAFFORD

Bay, Luz
Conlin, Bill
Horrigan, Timothy
Levesque, Cassandra
Pare, Gail
Vincent, Kenneth

Bixby, Peter
Fitzpatrick, Daniel
Howland, Allan
Smith, Marjorie
Selig, Loren
Wall, Janet

Rich, Cecilia
Grassie, Chuck
Kenney, Cam
Menear, Hoy
Southworth, Thomas

Cannon, Gerri
Howard, Heath
LaMontagne, Jessica
Schmidt, Peter
Treleaven, Susan

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 180**BELKNAP**

Bean, Harry
Harvey-Bolia, Juliet
Beaudoin, Richard

Bogert, Steven
McCarter, Nikki
Smart, Lisa

Comtois, Barbara
Nagel, David
Terry, Paul

Dumais, Russell
Ploszaj, Tom
Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel
Peternel, Katy

Belcher, Mike
MacDonald, John
Brown, Richard

Cordelli, Glenn
Smith, Jonathan

Costable, Michael
McConkey, Mark

CHESHIRE

Hunt, John
Thackston, Dick

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold

Merner, Troy

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheport, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Hynes, Dan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Prout, Andrew
Sheehan, Vanessa
Tenczar, Jeffrey

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda
Mazur, Lisa
Noble, Kristin
Plett, Fred
Reid, Karen
Sirois, Shane
Ulery, Jordan

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Sanborn, Laurie
McGough, Tim
Notter, Jeanine
Post, Lisa
Renzullo, Andrew
Lekas, Tony
Wherry, Robert

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Panek, Sandra
Proulx, Mark
Seidel, Sheila
Mannion, Tom

MERRIMACK

Andrus, Louise
Cambriels, Jose
Leavitt, John
Seaworth, Brian

Aures, Cyril
McGuire, Dan
Moffett, Michael
See, Alvin

Aylward, Deborah
Gerhard, Jason
Polozov, Yury
Walsh, Thomas

McGuire, Carol
Hill, Gregory
Boyd, Stephen
Wood, Clayton

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Love, David
McMahon, Charles
Osborne, Jason
Potucek, John
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
Melvin, Charles
Phillips, Emily
Pratt, Kevin
Soti, Julius
Sytek, John
Tudor, Paul
Wallace, Scott

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harley, Tina
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Milz, David
Piemonte, Tony
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Weyler, Kenneth

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Hobson, Deb
Katsakiores, Phyllis
Layon, Erica
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Newton, Clifford

Bailey, Glenn
Horgan, James
Pitre, Joseph

Burnham, Claudine
Kaczynski, Thomas
Potenza, Kelley

Granger, Michael
Turcotte, Len

SULLIVAN

Aron, Judy
Stapleton, Walter

Drye, Margaret
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

and the motion of Ought to Pass was adopted and the bill was ordered to third reading.

SB 132-FN, prohibiting cities and towns from adopting sanctuary policies. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: This bill was born out of necessity as some cities, towns, and criminal justice agencies create and implement ordinances, policies, or standards that prevent communication or cooperation with immigration officials in an attempt to portray themselves as welcoming communities. These policies may appear neutral on their face; however, they impede the ability to enforce, or outright conflict with federal immigration law. This bill mirrors federal law by prohibiting the creation of policies, ordinances, etc., that restrict, limit, or prohibit state or local law enforcement from protecting and serving their communities. Contrary to the

wealth of testimony provided to the committee, the bill does not coerce, mandate, or enable arbitrarily conducted investigations, apprehensions, detentions, or arrests, nor authorizes raids, roundups, or checkpoints for the sole purpose of checking documentation. Notably, the bill reinforces law enforcement's ability to communicate with immigration officials and act in accordance with "Immigration Notices of Action," also known as "immigration detainees" as defined in the bill and in which it is made clear that a person must have been "...[d]etained by, or is already in the lawful custody of state, county or local law enforcement for a suspected violation of state law..." before relevant provisions of federal laws apply. This bill also preserves law enforcement's ability to exercise discretion regarding detainees. The bill simply affords municipalities and law enforcement agencies the opportunity to create so-called welcoming policies and standard operating procedures -- as long as the ability to apply applicable federal law is not obstructed or impeded. The bill is a fair, reasonable, and common-sense measure that prevents cities and towns from providing a safe haven for non-citizen criminals, some of them highly dangerous, and prevents their release back into the community before ICE can take custody, thus potentially putting officers and law-abiding inhabitants at risk. An opinion issued by the United States Court of Appeals for the Fifth Circuit in *El Cenizo v. Texas* held that Texas' SB 4 which addresses these immigration matters is constitutional, while other states have recently enacted similar measures. The members in support of Ought to Pass believe US citizens and lawfully present non-citizens will be less safe without this bill.

Rep. Deborah Aylward

Statement in support of Inexpedient to Legislate: This bill seeks to prohibit towns and cities from creating what it terms sanctuary policies, by requiring law enforcement personnel to cooperate with federal immigration detainees as defined under USC1373 and setting out legal consequences for any state political subdivision, including individuals within those subdivisions, that in any way promulgate or "endorse" policies that are welcoming to immigrants. Those who introduced the bill to the committee stated that it did not constitute a mandate but that is in question since the penalties for not abiding by its prohibitions are so severe. Further, by banning policies as well as practices, municipalities are given little guidance on what would constitute such a policy, or whether even a discussion about the subject would be a violation for which an individual or a town could be investigated and sued. The bill violates the First Amendment of the US Constitution in its prohibition of even a casual mention of the sanctuary policies it targets. It could violate the Fourth Amendment of the US Constitution in its adherence to federal immigration detainees with no mention of how those detainer requests originate and that they must demonstrate probable cause that the person to be detained has committed a felony, and it is potentially confusing to municipalities on this point since police in New Hampshire towns and cities already comply with immigration detainees when appropriate. Members in support of Inexpedient to Legislate believe it also creates an unfunded mandate since towns and cities would have to divert law enforcement resources or increase staffing in order to meet the bill's requirements. Further, because individual officials are held personally liable to investigation and responsible for attorney and court fees no matter what their status or where they serve or volunteer, towns and cities can offer no assurance to those officials that they will not find themselves in court and paying legal fees to an anonymous complainant. Municipalities themselves that run afoul of this bill could be sued and the cost will ultimately be borne by taxpayers. This bill is flawed, inconsistent with federal and state law and, as such, will result in immediate lawsuits by individuals and organizations, imposing costs on towns and cities. Finally, the bill's prime sponsor never appeared before the committee to answer questions or speak to the reason why New Hampshire requires such a sweeping, statewide statute when municipal law enforcement personnel routinely coordinate with federal immigration officials when needed.

Rep. Laurel Stavis

MOTION TO LAY ON THE TABLE

Rep. Stavis moved that **SB 132-FN**, prohibiting cities and towns from adopting sanctuary policies, be laid on the table.

Rep. Len Turcotte requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 168

YEAS - 203

BELKNAP

Coker, Matthew

Huot, David

Beaudoin, Richard

St. Clair, Charlie

CARROLL

Buco, Thomas

Burroughs, Anita

Paige, David

McAleer, Chris

Woodcock, Stephen

CHESHIRE

Abbott, Michael

Ames, Richard

Fox, Dru

Eaton, Daniel

Faulkner, Barry

Filiault, Shaun

Germana, Nicholas

Jones, Philip

Monteil, Renee

Newell, Jodi

Parshall, Lucius

Schapiro, Joe

Thackston, Dick

Toll, Amanda

Weber, Lucy

COOS

Cascadden, Corinne

Kelley, Eamon

Merner, Troy

Noël, Henry

GRAFTON

Almy, Susan
 Fellows, Sallie
 Sullivan, Jared
 Muirhead, Russell
 Sykes, George

Baldwin, Heather
 Hakken-Phillips, Mary
 Lovett, Peter
 Nordgren, Sharon

Bolton, Bill
 Hoyt, Tommy
 Massimilla, Linda
 Stavis, Laurel

Cormen, Thomas
 Murphy, James
 Morse, Corinne
 Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
 Beaulieu, Jane
 Bradley, Amy
 Cornell, Patricia
 DiSilvestro, Linda
 Freitas, Mary
 Hamer, Heidi
 Jack, Martin
 Foxx, Loren
 Leishman, Peter
 Murray, Megan
 McGhee, Kat
 Murphy, Nancy
 Petrigno, Peter
 Prout, Andrew
 Rung, Rosemarie
 Spier, Carry
 Telerski, Laura
 Dolan, William

Murray, Alissandra
 Booras, Efstathia
 Calabro, Karen
 Cushman, Leah
 Dutzy, Sherry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Jeudy, Jean
 Lanza, Judi
 Lloyd, Christal
 Perez, Maria
 Ming, Ben
 Nutter-Upham, Frances
 Plamondon, Marc
 Newman, Ray
 Ryan, Linda
 Staub, Kathy
 Tellez, Trinidad
 Thomas, Wendy

Nutting-Wong, Allison
 Bouchard, Donald
 Chretien, Jacqueline
 Darby, Will
 Elberger, Susan
 Gregg, Alicia
 Heath, Mary
 Smith, Juliet
 Leapley, Nicole
 Long, Patrick
 MacKenzie, Mark
 Morton, Jennifer
 O'Brien, Michael
 Plett, Fred
 Raymond, Heather
 Newman, Sue
 Lekas, Tony
 Vail, Suzanne
 Wheeler, Jonah

Baroody, Benjamin
 Bouldin, Amanda
 Cole, Brian
 Devine, Shelley
 Davis, Fred
 Grill, Jessica
 Herbert, Christopher
 Juris, Louis
 LeClerc, Daniel
 Howard, Molly
 Mangipudi, Latha
 Moulton, Candace
 Pedersen, Michael
 Preece, David
 Rombeau, Catherine
 Sofikitis, Catherine
 Mannion, Tom
 Veilleux, Daniel
 Wilhelm, Matthew

MERRIMACK

Turcotte, Alan
 Ebel, Karen
 Hall, Muriel
 McWilliams, Rebecca
 Roesener, James
 Schultz, Kristina
 Wolf, Dan

Brennan, Angela
 Ellison, Arthur
 Lane, Connie
 Myler, Mel
 Gould, Sherry
 Shurtleff, Steve

Caplan, Tony
 Gallagher, Eric
 Luneau, David
 Payeur, Stephanie
 Schamberg, Thomas
 Soucy, Timothy

Carey, Lorrie
 Gibbs, Merry
 MacKay, James
 Richards, Beth
 Schuett, Dianne
 Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
 Grossman, Gaby
 Murray, Kate
 Paige, Mark
 McBeath, Rebecca
 Reynolds, Ned
 Vogt, Robin

DiLorenzo, Charlotte
 Grote, Jaci
 Knab, Allison
 Maggiore, Jim
 Meuse, David
 Read, Ellen
 Ward, Gerald

Edgar, Michael
 Hamblet, Joan
 Walsh, Lilli
 Malloy, Dennis
 Muns, Chris
 Simpson, Alexis

Gilman, Julie
 Haskins, Linda
 Cahill, Michael
 Manos, Zoe
 O'Neil, Candice
 Turer, Eric

STRAFFORD

Ankarberg, Aidan
 Cannon, Gerri
 Grassie, Chuck
 Kenney, Cam
 Menear, Hoy
 Selig, Loren
 Wall, Janet

Bay, Luz
 Conlin, Bill
 Howard, Heath
 LaMontagne, Jessica
 Schmidt, Peter
 Southworth, Thomas

Bixby, Peter
 Fitzpatrick, Daniel
 Horrigan, Timothy
 Levesque, Cassandra
 Pare, Gail
 Treleaven, Susan

Rich, Cecilia
 Granger, Michael
 Howland, Allan
 Smith, Marjorie
 Pitre, Joseph
 Vincent, Kenneth

SULLIVAN

Sullivan, Brian
 Palmer, William

Cloutier, John
 Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 168**BELKNAP**

Bean, Harry
 Dumais, Russell
 Ploszaj, Tom

Bogert, Steven
 Harvey-Bolia, Juliet
 Smart, Lisa

Bordes, Mike
 McCarter, Nikki
 Terry, Paul

Comtois, Barbara
 Nagel, David
 Varney, Peter

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Avellani, Lino
 Crawford, Karel
 Peternel, Katy

Belcher, Mike
 MacDonald, John
 Brown, Richard

Cordelli, Glenn
 Smith, Jonathan

Costable, Michael
 McConkey, Mark

CHESHIREHunt, John
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold

King, Seth

Tierney, James

GRAFTONBerezhny, Lex
Ladd, RickBrown, Carroll
Rocheport, DavidCoulon, Matthew
Sellers, JohnGreeson, Jeffrey
Simon, Matthew**HILLSBOROUGH**Abare, Kimberly
King, Bill
Corcoran, Travis
Fedolfi, Jim
Healey, Robert
Kenny, Catherine
Lascelles, Richard
McLean, Mark
Panek, Sandra
Reid, Karen
Sirois, ShaneAlexander, Joe
Berry, Ross
Creighton, Jim
Griffin, Gerald
Hynes, Dan
Kofalt, Jim
Lewicke, John
Mooney, Maureen
Pauer, Diane
Renzullo, Andrew
Tenczar, JeffreyAmmon, Keith
Boehm, Ralph
Kelley, Diane
Gagne, Larry
Infantine, William
Gould, Linda
Mazur, Lisa
Noble, Kristin
Post, Lisa
Seidel, Sheila
Ulery, JordanBoyd, Bill
Colcombe, Riché
Erf, Keith
Gorski, Ted
Kennedy, Stephen
Sanborn, Laurie
McGough, Tim
Notter, Jeanine
Proulx, Mark
Sheehan, Vanessa
Wherry, Robert**MERRIMACK**Andrus, Louise
Cambrils, Jose
Leavitt, John
Seaworth, BrianAures, Cyril
McGuire, Dan
Moffett, Michael
See, AlvinAylward, Deborah
Gerhard, Jason
Polozov, Yury
Walsh, ThomasMcGuire, Carol
Hill, Gregory
Boyd, Stephen
Wood, Clayton**ROCKINGHAM**Ball, Lorie
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Nelson, Jodi
Khan, Aboul
Lundgren, David
Melvin, Charles
Phillips, Emily
Potucek, John
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, MichaelBernardy, JD
DeSimone, Debra
Dunn, Ron
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lynn, Bob
Milz, David
Piemonte, Tony
Pratt, Kevin
Soti, Julius
Sytek, John
Tudor, Paul
Wallace, ScottBrouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Harley, Tina
Perez, Kristine
Layon, Erica
McDonnell, Valerie
Ford, Oliver
Popovici-Muller, Daniel
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Weyler, KennethMannion, Dennis
Doucette, Fred
Emerick, Tracy
Hobson, Deb
Katsakiores, Phyllis
Love, David
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Yokela, Josh**STRAFFORD**Bailey, Glenn
Kaczynski, ThomasBurnham, Claudine
Turcotte, LenHarrington, Michael
Newton, CliffordHorgan, James
Potenza, Kelley**SULLIVAN**Aron, Judy
Stapleton, WalterDrye, Margaret
Stone, Jonathan

Rollins, Skip

Spilsbury, Walter

and the motion was adopted.

REGULAR CALENDAR CONT'D**SB 60, relative to water quality. OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill was filed at the request of the New Hampshire Department of Environmental Services (NHDES), in order to clarify statutes surrounding certifications for surface water withdrawals. As amended by the committee, the bill makes changes to existing statutes that clarify the responsibilities of NHDES in ensuring compliance with federal water quality standards. The bill establishes processing times for requests for certification, defines the time period for acting on federally required certifications, and sets public notice and hearing requirements for certification requests. Additionally, the bill clarifies the requirement for water conservation for both large surface water and groundwater withdrawals and removes language that prohibits the use of flow statistic 7Q10 in the calculation of nutrient effluent limits from wastewater treatment plants. The bill was amended to clarify wording and better explain processes. Section 1 of the bill proposes an amendment to RSA 485-A:12, III to describe the ability of the state to waive 401 certifications for minor activities. Section 2 establishes processing times for requests for certification and clarifies how NHDES would act on a request for certification. Section 3 clarifies the trigger

for requiring a water quality certification for a surface water withdrawal that does not otherwise require certification. Section 4 establishes the processing time period to act on an application for a surface water withdrawal under RSA 485-A:12, IV and sets in law the requirement of public notice and hearing for requests for certification. Section 5 amends RSA 485-A:6 to clarify that rules for reviewing requests for certification include public notice and public hearing requirements. Section 6 clarifies that the requirement for water conservation applies to both large surface water and groundwater withdrawals. Finally, section 7 proposes the removal of language that prohibits the use of flow statistic 7Q10 in calculating nutrient effluent limits from wastewater treatment plants to provide flexibility for municipalities to comply with federal permits. Vote 20-0.

Amendment (1635h)

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

2 New Paragraph; Enforcement of Classification; Request for Certification. Amend RSA 485-A:12 by inserting after paragraph III the following new paragraph:

III-a. In processing a request for certification under paragraph III:

(a) Within 50 days of receipt of the request for certification, the department shall either notify the person who submitted the request that the request is complete or request any additional information required to complete its evaluation of the request. Any request for additional information shall specify that the person requesting certification submit such information as soon as practicable and shall notify the person that if all of the requested information is not received within 120 days of the request, the department shall deny the request. Upon written request of the applicant prior to the end of such 120-day period, the department shall grant a 30-day extension. Upon written request of the applicant prior to the end of such 30-day period, the department shall grant a subsequent 30-day extension.

(b) Within a reasonable time after receipt of the request, or of the response to a timely request for additional information made by the department pursuant to subparagraph (a), the department shall, in accordance with rules adopted under RSA 485-A:6, VI-a, provide a reasonable opportunity for public comment, not to exceed 30 days, on proposals to grant, waive, or deny a request for certification and may hold a public hearing on such proposals.

(c) Notwithstanding subparagraphs (a) and (b), within the period of time specified under section 401 of the Clean Water Act, the department shall:

(1) Provide its response to grant the request for certification;

(2) Provide its response to waive the request for certification; or

(3) Provide its response to deny the request for certification and issue written findings in support of the denial.

(d) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law.

(e) If the department fails to act on a request for certification within the applicable time frame established in subparagraphs (a), (b) or (c), the certification shall be considered waived and the person who made the request may ask the department to provide written notice acknowledging that certification was waived by default.

3 Enforcement of Classification. Amend RSA 485-A:12, IV to read as follows:

IV. No activity that involves surface water withdrawal ~~[or diversion of surface water]~~ that ***exceeds 20,000 gallons per day averaged over a 7-day period or more than 600,000 gallons over a 30-day period*** and requires registration under RSA 488:3, that does not otherwise require the certification required under paragraph III, and ***which did not exceed such withdrawal rates before*** ~~[was not in active operation as of]~~ the effective date of this paragraph, may commence unless the department certifies that the surface water withdrawal ~~[or diversion of surface water]~~ complies with state surface water quality standards applicable to the classification for the surface water body. The certification shall include any conditions on, modifications to, or monitoring of the proposed activity necessary to provide reasonable assurance that the proposed activity complies with applicable surface water quality standards. The department may enforce compliance with any such conditions, modifications, or monitoring requirements as provided in RSA 485-A:22.

4 New Paragraph; Enforcement of Classification. Amend RSA 485-A:12 by inserting after paragraph IV the following new paragraph:

IV-a. In processing an application for permits under RSA 485-A:12, IV:

(a) Within 50 days of receipt of the request for certification, the department shall either notify the person who submitted the request for certification that the request is complete or request any additional information required to complete its evaluation of the request. Any request for additional information shall specify that the person requesting certification submit such information as soon as practicable and shall notify the person that if all of the requested information is not received within 120 days of the request, the department shall deny the request. Upon written request of the applicant prior to the end of such 120-day period, the department shall grant a 30-day extension. Upon written request of the applicant prior to the end of such 30-day period, the department shall grant a subsequent 30-day extension.

(b) Within a reasonable time after receipt of the request, or of the response to a timely request for additional information made by the department pursuant to subparagraph (a), the department shall, in accordance with rules adopted under RSA 485-A:6, VI-a, provide a reasonable opportunity for public comment, not to exceed 30 days, on proposals to grant, waive, or deny a request for certification and may hold a public hearing on such proposals.

(c) Within 90 days after receipt of a request for certification, or of the response to a timely request for additional information made by the department pursuant to subparagraph (a), the department shall:

(1) Approve the request in whole or in part and issue a certification; or

(2) Deny the request and issue written findings in support of the denial; or

(3) Extend the time for rendering a decision on the request for good cause and with the written agreement of the person who made the request for certification.

(d) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law.

(e) If the department fails to act on a request for certification within the applicable time frame established in subparagraphs (a), (b) or (c), the certification shall be considered waived and the person who made the request may ask the department to provide written notice acknowledging that certification was waived by default.

5 Rulemaking; Water Withdrawals. Amend RSA 485-A:6, VI-a to read as follows:

VI-a. Procedures and criteria for requesting, reviewing, and ~~[granting]~~ **acting on requests for certification** [certifications] under RSA 485-A:12, III and IV, **including public notice and public hearing requirements of the department's proposed action on certification requests.**

6 Rules for Water Conservation. Amend RSA 485:61, II to read as follows:

II. The water conservation rules in paragraph I of this section shall apply to all new permit applicants and applications for water withdrawals subject to the provisions of RSA 485:3, RSA 485:48, RSA 485-C:21, **RSA 485-A:12, IV**, and section 401 of the Clean Water Act.

7 Standards for Classification of Surface Waters of the State. Amend RSA 485-A:8, II to read as follows:

II. Class B waters shall be of the second highest quality and shall have no objectionable physical characteristics and shall contain not more than either a geometric mean based on at least 3 samples obtained over a 60-day period of 126 Escherichia coli per 100 milliliters, or greater than 406 Escherichia coli per 100 milliliters in any one sample; and for designated beach areas shall contain not more than a geometric mean based on at least 3 samples obtained over a 60-day period of 47 Escherichia coli per 100 milliliters, or 88 Escherichia coli per 100 milliliters in any one sample; unless naturally occurring. There shall be no disposal of sewage or waste into said waters except those which have received adequate treatment to prevent the lowering of the biological, physical, chemical or bacteriological characteristics below those given above, nor shall such disposal of sewage or waste be inimical to aquatic life or to the maintenance of aquatic life in said receiving waters. The pH range for said waters shall be 6.5 to 8.0 except when due to natural causes. The commissioner shall adopt rules, under RSA 541-A, relative to dissolved oxygen water quality standards in a manner consistent with Environmental Protection Agency guidance on dissolved oxygen water criteria published pursuant to section 304(a) of the Clean Water Act, and other relevant scientific information. Any stream temperature increase associated with the discharge of treated sewage, waste or cooling water, water diversions, or releases shall not be such as to appreciably interfere with the uses assigned to this class. The waters of this classification shall be considered as being acceptable for fishing, swimming and other recreational purposes and, after adequate treatment, for use as water supplies. Where it is demonstrated to the satisfaction of the department that the class B criteria cannot reasonably be met in certain surface waters at all times as a result of combined sewer overflow events, temporary partial use areas shall be established by rules adopted under RSA 485-A:6, XI-c, which meet, as a minimum, the standards specified in paragraph III. ~~[The commissioner shall not calculate nutrient discharge limits for aquatic life and human health criteria based on 7Q10 flow or such other flow criteria more restrictive than 7Q10.]~~

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

The question being adoption of the committee amendment.

Committee amendment was adopted.

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

Rep. Hynes offered floor amendment 1840h.

Floor Amendment (1840h)

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

AN ACT relative to water quality and legalizing cannabis for persons 21 years of age or older.

Amend the bill by replacing all after section 7 with the following:

8 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations. Amend RSA 126-X:3, VI to read as follows:

VI. Any qualifying patient or designated caregiver who sells cannabis to another person who is not a qualifying patient or designated caregiver under this chapter shall ~~[be subject to the penalties specified in RSA 318-B:26, IX-a, shall]~~ have his or her registry identification card revoked~~[, and shall be subject to other penalties as provided in RSA 318-B:26].~~

9 Purity Branding of Food; Drugs, Devices, and Misbranding. Amend RSA 146:6, IV to read as follows:

IV. If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, ~~[cannabis,]~~ carbromal, chloral, coca, cocaine, codeine, heroin, ~~[marihuana,]~~ morphine, opium, paraldehyde, peyote, or sulphonmethane, or any chemical derivative of such substance, which derivative has been by the commissioner after investigation found to be, and by regulation designated as, habit-forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning - May Be Habit Forming."

10 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 18 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, ~~[or which is a violation of RSA 318-B:2-c, II or III,]~~ **or is a violation of RSA 318-B:26, IX-b,** and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof. No person under 13 years of age shall be subject to proceedings under this chapter unless such person has committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be construed to limit the filing of a petition for any minor child under RSA 169-D.

11 Alcohol or Drug Impairment; 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 marijuana 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).]~~

12 Controlled Drug Act; Definitions. Amend RSA 318-B:1, XVII to read as follows:

XVII. "Narcotic drugs" means cocaine-type and morphine-type drugs, and **other** drugs ~~[other than cannabis-type]~~ regulated under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

13 Controlled Drug Act; Definitions. Amend RSA 318-B:1, XX to read as follows:

XX. "Other stimulant and depressant drugs" means controlled drugs other than amphetamine-type, barbiturate-type, ~~[cannabis-type,]~~ cocaine-type, hallucinogenics, and morphine-type which are found to exert a stimulant and depressant effect upon the higher functions of the central nervous system and which are found to have a potential for abuse.

14 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(b)(6)-(7) to read as follows:

(6) ~~[Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;~~

(7) ~~[Flunitrazepam in a quantity of 500 milligrams or more.~~

15 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(c)(5)-(6) to read as follows:

(5) ~~[Marijuana in a quantity of one ounce or more including any adulterants or dilutants, or hashish in a quantity of 5 grams or more including any adulterants or dilutants;~~

(6) ~~[Flunitrazepam in a quantity of less than 500 milligrams;~~

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

(a) ~~[Except as provided in RSA 318-B:2-c,]~~ Controls any premises or vehicle where he or she knows a controlled drug or its analog is illegally kept or deposited;

17 Controlled Drug Act; Penalties. Amend RSA 318-B:26, XIII to read as follows:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense, except that any person who violates the provisions of RSA 318-B:26, II(c) or RSA 318-B:26, II(d) shall be fined \$350. ~~[This paragraph shall not apply to violations of RSA 318-B:2-c.]~~

18 New Paragraphs; Controlled Drug Act; Penalty for Juvenile Possession of Marijuana. Amend RSA 318-B:26 by inserting after paragraph IX-a the following new paragraphs:

IX-b. Any person under 18 years of age who is in possession of marijuana shall be referred for a substance misuse assessment pursuant to RSA 169-B:21 and the case shall be processed as a juvenile case under RSA 169-B.

IX-c. Except as provided in paragraph IX-b, any person under 21 years of age who possesses or uses marijuana shall be guilty of a violation.

IX-d. Any person who uses marijuana in a public place shall be guilty of a violation.

19 Controlled Drug Act; Penalties. Amend RSA 318-B:26, XI to read as follows:

XI. Any person who violates any provision of this chapter for which a penalty is not provided by paragraphs I through ~~[IX]~~ **IX-d** shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

20 Controlled Drug Act; Prior Offenses. Amend RSA 318-B:27 to read as follows:

318-B:27 Prior Offenses. In the case of any person charged with a violation of any provision of this chapter or RSA 318-D, who has previously been convicted of a misdemeanor or felony level violation of the laws of the United States or any state, territory or the District of Columbia relating to controlled drugs as defined in this chapter, such previous conviction shall be deemed a prior offense. A prior conviction for a violation level offense shall not be deemed a prior offense~~[, except as provided in RSA 318-B:2-c, V(a)].~~

21 Model Drug Dealer Liability Act; Definition of Illegal Drug. 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.***

22 Model Drug Dealer Liability Act; Marijuana References Deleted. Amend RSA 318-C:4, V-VIII to read as follows:

V. "Level 1 offense" means possession of 1/4 ounce or more, but less than 4 ounces, or distribution of less than one ounce of an illegal drug ~~[other than marijuana, or possession of one pound or more or 25 plants or more, but less than 4 pounds or 50 plants, or distribution of more than 1/2 pound but less than one pound of marijuana].~~

VI. "Level 2 offense" means possession of 4 ounces or more, but less than 8 ounces, or distribution of one ounce or more, but less than 2 ounces, of an illegal drug ~~[other than marijuana, or possession of 4 pounds or more or 50 plants or more but less than 8 pounds or 75 plants or distribution of one pound or more but less than 5 pounds of marijuana].~~

VII. "Level 3 offense" means possession of 8 ounces or more, but less than 16 ounces, or distribution of 2 ounces or more, but less than 4 ounces, of an illegal drug ~~[other than marijuana, or possession of 8 pounds or more or 75 plants or more, but less than 16 pounds or 100 plants, or distribution of 5 pounds or more but less than 10 pounds of marijuana].~~

VIII. "Level 4 offense" means possession of 16 ounces or more or distribution of 4 ounces or more of an illegal drug ~~[other than marijuana, or possession of 16 pounds or more or 100 plants or more or distribution of 10 pounds or more of marijuana].~~

23 Wiretapping and Eavesdropping; Definitions. Amend RSA 570-A:1, XI to read as follows:

XI. "Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to homicide, gambling, prostitution, narcotics, ~~[marijuana]~~ or other dangerous drugs, bribery, extortion, blackmail and other unlawful activities of members of such organizations.

24 Wiretapping and Eavesdropping; Authorization for Interception of Telecommunication. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of Telecommunications or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of telecommunications or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of telecommunications or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, child sexual abuse images under RSA 649-A, computer pornography and child exploitation under RSA 649-B, criminal conduct in violation of the securities law, as defined in RSA 421-B:5-501, RSA 421-B:5-502, RSA 421-B:5-502-A, RSA 421-B:5-505, RSA 421-B:5-506, and RSA 421-B:5-508, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, insurance fraud as defined in RSA 638:20, dealing in narcotic drugs, ~~[marijuana,]~~ or other dangerous drugs, hazardous waste violations under RSA 147-A:4, I, or any conspiracy to commit any of the foregoing offenses.

25 Deletion of Cannabis from Controlled Drug Schedule. Notwithstanding RSA 318-B:1-a, and not more than 30 days after the effective date of this act, the commissioner of the department of health and human services shall delete cannabis from the schedule of controlled drugs which are subject to RSA 318-B.

26 Annulment of Existing Cannabis-Related Criminal Convictions and Sentences. Notwithstanding RSA 651:5, or any other provision of law to the contrary, any person convicted or sentenced to imprisonment for a cannabis-related offense, or who is serving a sentence for a cannabis-related offense as of the effective date of this act shall have his or her conviction or sentence of imprisonment annulled by the sentencing court on the effective date of this act. Any person who has been arrested for a cannabis-related offense as of the effective date of this act shall have the criminal charges dismissed on the effective date of this act.

27 State Enforcement of Federal Cannabis Laws Prohibited. As of the effective date of this act, no state, county, or local law enforcement agency shall enforce any federal law prohibiting the manufacture, processing, possession, sale, transfer, or use of cannabis.

28 Repeal. The following are repealed:

I RSA 167:7-b, relative to prohibiting the use of electronic benefits cards at a marijuana dispensary.

II. RSA 318-B:1, IV, relative to the definition of cannabis-type drug.

III. RSA 318-B:1, X-a(g), relative to separation gins and sifters for cleaning and refining marijuana.

IV. RSA 318-B:2-c, relative to personal possession of marijuana.

V. RSA 318-B:2-d, relative to plea by mail for violations of personal possession of marijuana.

VI. RSA 318-B:2-e, relative to negligent storage of marijuana-infused products.

VII. RSA 318-B:9, VI, relative to a pharmacist's authority to dispense cannabis-type drugs pursuant to a physician's prescription.

VIII. RSA 318-B:26, II(c)-(d), relative to the penalties for possession or use of marijuana.

29 Effective Date.

I. Sections 8 through 28 of this act shall take effect January 1, 2024.

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

AMENDED ANALYSIS

This bill makes changes to the timeline for certifications by the department of environmental services of activities that may result in a discharge into surface water bodies.

This bill legalizes the possession and use of cannabis for persons 21 years of age and older.

The question being adoption of floor amendment (1840h).

Rep. Hynes spoke in favor.

Rep. Vail spoke against.

Floor amendment (1840h) failed.

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 160-FN, relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise to after sunset. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill, as amended, simply closes the "Montana Plate Loophole" so that if an Off-Highway Recreational Vehicle (OHRVs) is registered for use on public roads, it cannot be used for recreational purposes on designated OHRV trails. This applies to all OHRVs registered in any jurisdiction, except for those registered for specific purposes under RSA 261:41-a. In the original bill, there was also a change to RSA 215-A:30, I., that would allow for exhausts louder than 96 decibels and allow events to start a half hour after sunset. The committee felt that this part of the bill should be left to be considered and researched by the HB 1188 Commission to study OHRVs in New Hampshire. At the time of the hearing, the Honorable Chairman, Suzanne Smith, shared that the commission could not take a position on the bill, however, shared that this section may cause potential conflicts with abutters who came and testified in opposition to potential increased sound exposure. The Resources, Recreation and Development Committee fully supports the mission of this recently convened five-year commission, which is to bring stakeholders and legislators together to recommend legislation and best practices for OHRV use that improve safety for participants and help make laws that help abutters and OHRVs to coexist in many areas of our state. Vote 20-0.

Amendment (1519h)

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

AN ACT relative to the use of OHRVs on designated trails.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill prohibits the operation of OHRVs for recreational purposes on designated trails.

The question being adoption of the committee amendment.

Committee amendment was adopted.

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

Rep. Hynes offered floor amendment (1825h).

Floor Amendment (1825h)

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

AN ACT relative to the use of OHRVs on designated trails and repealing the prohibition on the possession or sale of blackjacks, slung shots, and metallic knuckles.

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

3 Repeal. The following are repealed:

I. RSA 159:16, relative to the prohibition and penalty for carrying or possessing with intent to sell, a blackjack, slung shot, or metallic knuckles.

II RSA 159:17, relative to exceptions on the prohibition and penalty for carrying or possessing with intent to sell, a blackjack, slung shot, or metallic knuckles.

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

AMENDED ANALYSIS

This bill:

I. Prohibits the operation of OHRVs for recreational purposes on designated trails.

II. Repeals the prohibition, penalty, and exceptions relating to the carrying and possessing with intent to sell a black jack, slung shot, or metallic knuckles.

The question being adoption of floor amendment (1825h).

Rep. Hynes spoke in favor.

Rep. Meuse spoke against.

Floor amendment (1825h) failed.

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 54-FN, relative to purchased power agreements for electric distribution utilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. This enabling bill permits New Hampshire utilities to issue requests for proposals (RFPs) to enter into multi-year agreements to purchase energy from new or incremental generation sources proposed after September 1, 2023. These purchase power agreements (PPAs) can be up to 20 years in duration and could mitigate the volatility in electricity prices that has plagued state residents and businesses in the past year. The bill allows for up to 20% of the state's electric load to be procured by PPAs at terms judged by the Public Utilities Commission (PUC) to be just and reasonable and in the public interest. The PUC must evaluate whether these electricity providers are expected to deliver power during long-duration weather events and address other reliability concerns. The committee amendment added requirements that utilities must solicit public comment on RFPs and engage independent third parties to perform cost benefit analyses of such proposals, and added ratepayer protections, such as consideration of performance incentives and penalties for non-performance. Vote 18-0.

Amendment (1586h)

Amend the bill by replacing section 2 with the following:

2 New Section; Purchase Power Agreements. Amend RSA 374-F by inserting after section 10 the following new section:

374-F:11 Purchased Power Agreements.

I. Investor-owned electric distribution utilities may elect to develop and, no later than June 30, 2025, issue a request for proposals for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources.

(a) The electric distribution utilities may issue requests for proposals alone or in conjunction with another New Hampshire utility or utilities, or with out of state utilities subject to consultation with the department of energy and the office of the consumer advocate with resulting contracts approved by the public utilities commission.

(b) Any costs associated with transmission system upgrades required for interconnecting new or incremental electric energy sources shall be included in responses to the request for proposals and power purchase agreements.

(c) Electric distribution utilities shall consult with the department of energy and the office of the consumer advocate on all issues related to such requests for proposals, prior to issuance, including the criteria and scoring to be used in the review of responses to the request for proposals. The department and the office of the consumer advocate shall provide any such consultation within 60 days from the date each draft request for proposals is provided for its review. Within this period the utilities shall solicit public comment.

(d) The department of energy may hire consultants to aid in the development of requests for proposals and assess the costs of such consultants to the relevant distribution electric utility or utilities as appropriate and equitable on a case-by-case basis. The department shall not enter into any contract under this section in an amount greater than \$10,000, including any contract extension, without the approval of the governor and council.

(e) Electric distribution utilities shall engage an independent third party to create appropriate request for proposals and to perform cost benefit analysis of any agreements received in response to the request for proposals. Such analysis shall be provided to the commission as part of the utilities' petition for approval of any purchase power agreements resulting from the RFP process.

(f) Each investor-owned electric distribution utility may propose more than one agreement, with varying lengths and terms, alone or in conjunction with another utility or utilities, resulting from these requests for proposals, provided that:

(1) Agreements shall not exceed 20 years in length.

(2) Collectively among all investor-owned electric distribution utilities, agreements will be eligible for approval for up to a total not to exceed 2 million megawatt hours, annually, apportioned to each investor-owned electric distribution utility based upon kWh sales to ultimate customers as reported on the utilities' FERC Form 1. No electric distribution utility may contract in excess of its apportionment.

(g) All megawatt hours procured through agreements made pursuant to this section shall come from new or incremental electric energy sources.

(h) For the purposes of this section:

(1) "New electric energy sources" are those that are able to provide additional energy into the ISO-NE regional market that first began commercial operation on or after September 1, 2023, at a site where no facility previously existed.

(2) "Incremental electric energy sources" are those that as a result of new construction on or after September 1, 2023, are capable of providing additional energy into the ISO-NE regional market.

(i) Electric distribution utilities shall recover any prudently incurred costs related to complying with this section through distribution rates.

II. Any investor-owned electric distribution utility electing to enter into an agreement pursuant to this section shall petition the public utilities commission for authorization to enter the agreement no later than June 30, 2026.

(a) Upon the petition of one or more electric distribution utilities, and after notice and hearing, the public utilities commission may authorize such utility or utilities to enter into multi-year agreements with new or incremental electric energy sources up to a total of 2 million megawatt hours statewide, on an annual basis, if it finds such agreements to be just and reasonable and in the public interest.

(b) The public utilities commission shall review and render a decision on any proposed agreement no later than 9 months after submission of the agreement with the commission.

III. In reviewing agreements under this section, the public utilities commission shall consider whether each agreement is, on balance, substantially consistent with the following factors:

(a) Cost-effective to electric ratepayers in New Hampshire over the term of the agreement.

(b) Creates or supports electric energy sources that are expected to be available during long duration weather events.

(c) Fosters price stability and helps reduce exposure to market volatility.

(d) Supports the diversification of New Hampshire's electric energy sources.

(e) Contains ratepayer protections, which may include such mechanisms as performance incentives, penalties for non-performance, or others as proposed by the utility and determined by the commission to be in the best interest of ratepayers.

(f) Any other factors necessary to determine whether the agreement is just and reasonable and in the public interest.

IV. Upon receiving public utilities commission approval of an agreement to purchase electric energy, in conjunction with or independent of any attendant environmental attributes, an investor-owned electric distribution utility shall sell such purchased energy into the wholesale market in the manner to minimize costs and maximize benefits to ratepayers. When the electric distribution utility sells into the wholesale market, it shall:

(a) Calculate the net cost of payments made under the agreements against the proceeds obtained from the sale of the energy and any environmental attributes.

(b) Credit or charge all their distribution ratepayers the difference between the agreement payments and proceeds through a uniform, fully-reconciling annual factor in rates.

V. To the extent any proposed agreement to purchase electric energy includes environmental attributes, such as renewable energy credits, the public utilities commission shall approve how such environmental attributes are used or disposed of in a manner expected to minimize costs and maximize benefits to ratepayers.

VI. Any rural electric cooperative for which a certificate of deregulation is on file with the department of energy may participate in competitive solicitations for energy or environmental attributes on its own or in conjunction with an investor-owned utility or utilities, but shall not be required to develop or issue requests for proposals or seek authorization for multi-year purchased power agreements under this section. Investor-owned electric distribution utilities, shall, however, be required to consult with the department of energy on any jointly-issued request for proposals and to obtain approval of any contract entered into jointly with a rural electric cooperative.

The question being adoption of the committee amendment.
Committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. McGhee offered floor amendment (1652h).

Floor Amendment (1652h)

Amend RSA 374-F:11, I(h)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) "New electric energy sources" are those that are able to provide additional energy into the ISO-NE regional market that first began commercial operation on or after September 1, 2023.

The question being adoption of floor amendment (1652h).

Rep. Vose spoke in favor.

Floor amendment (1652h) 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 94, relative to residential child care licensing of child care institutions and agencies. OUGHT TO PASS WITH AMENDMENT.

Rep. Rebecca McWilliams for Special Committee on Childcare. This bill, as amended, adds new definitions to child day care licensing, modernizes terminology such as "infant and toddler program" rather than "nursery," and modifies the requirements for licensing renewals for child care licensing. The Childcare Licensing Division of the Department of Health and Human Services requested this legislation. As a committee, we determined that locking in a specific age for disability services within statute may require the legislature to further amend the definition in the future. Therefore, the House amendment removes the legislative cap on age for children receiving special education or special education and related services as identified by the child's school district, in order to refer to the Department of Education definitions for these services and age requirements. Vote 9-0.

Amendment (1810h)

Amend RSA 107-E:25, I as inserted by section 4 of the bill by replacing it with the following:

I "Child" means any person under 21 years of age, *or up to the age of a child with a disability as defined in RSA 186-C:2, I and is receiving special education or special education and related services as identified by the child's school district.*

The question being adoption of the committee amendment.

Committee amendment was adopted.

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

On a division vote, with 329 members having voted in the affirmative, and 34 in the negative, the committee report was adopted, and the bill was ordered to third reading.

(Rep. Sanborn in the Chair)

REGULAR CALENDAR CONT'D

SB 118-FN, requiring children under the age of 2 years to be restrained in a motor vehicle. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. George Sykes for the Majority of Transportation. This bill sets the standards and legal requirements for passenger restraints for children under 2 years of age. Multiple non-profit agencies concerned with these issues spoke in favor of the bill. Dartmouth Health, AAA, and the American Academy of Pediatrics all support rear facing car seats for younger children. Dartmouth health has committed to providing rear facing car seats for needy families. Almost all independent studies corroborate that rear facing car seats achieve better survivability for the most vulnerable people amongst the motoring public. Vote 11-9.

Rep. Ted Gorski for the Minority of Transportation. This bill requires that a child less than 2 years old be fastened and secured in a rear facing car seat. The minority felt that educating parents on the merits of rear facing car seats is an effective approach. Mandating a law is unnecessary. In addition, during testimony, it was stated that crashes with children in this age group are extremely low.

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

Rep. Layon spoke against and yielded to questions.

Rep. Rombeau spoke in favor.

On a division vote, with 192 members having voted in the affirmative, and 173 in the negative, the majority committee report was adopted, and the bill was ordered to third reading.

SB 256-FN, establishing a safety program for off-highway recreational vehicles. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Daniel Veilleux for the Majority of Transportation. This bill would require OHRV operators to complete a safety certification program. The training program would help preserve access to trails that traverse private property by educating operators on respecting property rights and trail etiquette. The training would also

provide important instruction regarding applicable motor vehicle laws when operating on public highways and the safe operation of a powerful motor vehicle. The law will be phased in starting on July 1, 2024. Persons born before January 1, 1978, would be exempt from the certification requirement. Vote 15-5.

Rep. Ted Gorski for the Minority of Transportation. This bill requires all individuals who want to drive off highway recreational vehicles to participate in a safety program. This includes experienced drivers who may have driven these vehicles for decades. The minority felt that this was an overreach and forcing experienced drivers to take training sessions. It is leading the state to become the “no fun” state.

Majority Amendment (1570h)

Amend RSA 215-A:32-a, I as inserted by section 3 of the bill by replacing it with the following:

I. No person born on or after January 1, 1978 shall operate an OHRV on land not owned or leased by such person or such person’s parent, grandparent, or guardian unless such person carries a temporary or permanent certificate that is in full force and effect evidencing completion of an approved OHRV safety training program as required by this section. Any person may voluntarily complete program requirements and obtain the certificate earlier than required herein. The temporary certificate requirement shall be implemented on July 1, 2024. The lifetime permanent certificate requirement shall be implemented for all operators on the following schedule based on whether the operator was born on or after the following dates:

Operator Date of Birth:	Certificate Required:
January 1, 1998	January 1, 2024
January 1, 1988	January 1, 2025
January 1, 1978	January 1, 2026

The question being adoption of the majority committee amendment.

Majority committee amendment was adopted.

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

Rep. Gorski spoke against.

Rep. Veilleux spoke in favor.

Rep. Ammon requested a roll call; sufficiently seconded.

YEAS 186 - NAYS 179

YEAS - 186

BELKNAP

Huot, David

CARROLL

Buco, Thomas

Burroughs, Anita

McAleer, Chris

Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Monteil, Renee
Thackston, Dick

Ames, Richard
Filiault, Shaun
Newell, Jodi
Toll, Amanda

Fox, Dru
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Eaton, Daniel
Jones, Philip
Schapiro, Joe

COOS

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Cormen, Thomas
Murphy, James
Muirhead, Russell
Sykes, George

Baldwin, Heather
Fellows, Sallie
Lovett, Peter
Nordgren, Sharon

Bolton, Bill
Hakken-Phillips, Mary
Massimilla, Linda
Stavis, Laurel

Brown, Carroll
Hoyt, Tommy
Morse, Corinne
Stringham, Jerry

HILLSBOROUGH

Murray, Alissandra
Booras, Efstathia
Calabro, Karen
Devine, Shelley
Davis, Fred
Hamer, Heidi
Jack, Martin
Foxx, Loren
Leapley, Nicole
Long, Patrick
MacKenzie, Mark

Nutting-Wong, Allison
Bouchard, Donald
Chretien, Jacqueline
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Judy, Jean
Gould, Linda
LeClerc, Daniel
Howard, Molly
Mangipudi, Latha

Baroody, Benjamin
Bouldin, Amanda
Cornell, Patricia
Dutzy, Sherry
Gregg, Alicia
Heath, Mary
Smith, Juliet
Lanza, Judi
Leishman, Peter
Murray, Megan
McGhee, Kat

Beaulieu, Jane
Bradley, Amy
Darby, Will
Elberger, Susan
Grill, Jessica
Herbert, Christopher
Juris, Louis
Lascelles, Richard
Lloyd, Christal
Perez, Maria
Ming, Ben

Morton, Jennifer
O'Brien, Michael
Preece, David
Rombeau, Catherine
Sofikitis, Catherine
Tellez, Trinidad
Wheeler, Jonah

Moulton, Candace
Pedersen, Michael
Newman, Ray
Rung, Rosemarie
Spier, Carry
Vail, Suzanne
Wilhelm, Matthew

Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Ryan, Linda
Staub, Kathy
Veilleux, Daniel

Nutter-Upham, Frances
Plamondon, Marc
Renzullo, Andrew
Newman, Sue
Telerski, Laura
Thomas, Wendy

MERRIMACK

Turcotte, Alan
Ellison, Arthur
Lane, Connie
Payeur, Stephanie
Schuett, Dianne
Wallner, Mary Jane

Brennan, Angela
Gallager, Eric
Luneau, David
Richards, Beth
Schultz, Kristina
Wolf, Dan

Caplan, Tony
Gibbs, Merryl
MacKay, James
Gould, Sherry
Shurtleff, Steve

Ebel, Karen
Hall, Muriel
Myler, Mel
Schamberg, Thomas
Soucy, Timothy

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Haskins, Linda
Paige, Mark
McBeath, Rebecca
O'Neil, Candice
Turer, Eric

DiLorenzo, Charlotte
Grote, Jaci
Murray, Kate
Maggiore, Jim
McDonnell, Valerie
Raynolds, Ned
Vallone, Mark

Edgar, Michael
Hamblet, Joan
Knab, Allison
Malloy, Dennis
Meuse, David
Read, Ellen
Vogt, Robin

Gilman, Julie
Harb, Robert
Cahill, Michael
Manos, Zoe
Muns, Chris
Simpson, Alexis
Ward, Gerald

STRAFFORD

Bay, Luz
Conlin, Bill
Horrigan, Timothy
Smith, Marjorie
Selig, Loren

Bixby, Peter
Fitzpatrick, Daniel
Kenney, Cam
Menear, Hoy
Southworth, Thomas

Rich, Cecilia
Grassie, Chuck
LaMontagne, Jessica
Schmidt, Peter
Treleaven, Susan

Cannon, Gerri
Howard, Heath
Levesque, Cassandra
Pare, Gail
Wall, Janet

SULLIVAN

Sullivan, Brian
Palmer, William

Cloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

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BELKNAP

Bean, Harry
Comtois, Barbara
Nagel, David
St. Clair, Charlie

Bogert, Steven
Dumais, Russell
Ploszaj, Tom
Terry, Paul

Bordes, Mike
Harvey-Bolia, Juliet
Beaudoin, Richard
Varney, Peter

Coker, Matthew
McCarter, Nikki
Smart, Lisa

CARROLL

Avellani, Lino
Crawford, Karel
McConkey, Mark

Belcher, Mike
Paige, David
Peternel, Katy

Cordelli, Glenn
MacDonald, John
Brown, Richard

Costable, Michael
Smith, Jonathan

CHESHIRE

Hunt, John
Nutting, Zachary

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

COOS

Davis, Arnold

Merner, Troy

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
Ladd, Rick

Coulon, Matthew
Rocheport, David

Greeson, Jeffrey
Sellers, John

Sullivan, Jared
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Colcombe, Riché
Cushman, Leah
Gagne, Larry
Infantine, William
Lewicke, John
Mooney, Maureen
Pauer, Diane
Seidel, Sheila
Mannion, Tom

Abare, Kimberly
King, Bill
Cole, Brian
Kelley, Diane
Goley, Jeffrey
Kennedy, Stephen
Mazur, Lisa
Noble, Kristin
Plett, Fred
Sheehan, Vanessa
Tenczar, Jeffrey

Alexander, Joe
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
McGough, Tim
Notter, Jeanine
Post, Lisa
Sirois, Shane
Ulery, Jordan

Ammon, Keith
Boehm, Ralph
Creighton, Jim
Griffin, Gerald
Healey, Robert
Kofalt, Jim
McLean, Mark
Panek, Sandra
Prout, Andrew
Lekas, Tony
Wherry, Robert

MERRIMACK

Andrus, Louise
Cambrils, Jose
Hill, Gregory
Boyd, Stephen
Wood, Clayton

Aures, Cyril
Carey, Lorrie
Leavitt, John
Seaworth, Brian

Aylward, Deborah
McGuire, Dan
Moffett, Michael
See, Alvin

McGuire, Carol
Gerhard, Jason
Polozov, Yury
Walsh, Thomas

ROCKINGHAM

Ball, Lorie
Thomas, Douglas
Drago, Mike
Guthrie, Joseph
Janvrin, Jason
Kuttab, Katelyn
Lundgren, David
Milz, David
Phillips, Emily
Potucek, John
Pearson, Stephen
Sweeney, Joe
True, Chris
Vose, Michael

Bernardy, JD
DeSimone, Debra
Dunn, Ron
Harley, Tina
Perez, Kristine
Walsh, Lilli
Lynn, Bob
Ford, Oliver
Piemonte, Tony
Pratt, Kevin
Soti, Julius
Sytek, John
Tudor, Paul
Wallace, Scott

Brouillard, Jacob
Donnelly, Tanya
Edwards, Jess
Hobson, Deb
Katsakiores, Phyllis
Layon, Erica
McMahon, Charles
Osborne, Jason
Popovici-Muller, Daniel
Quaratiello, Arlene
Spillane, James
Dolan, Tom
Vandecasteele, Susan
Weyler, Kenneth

Mannion, Dennis
Doucette, Fred
Emerick, Tracy
Nelson, Jodi
Khan, Aboul
Love, David
Melvin, Charles
Packard, Sherman
Porcelli, Susan
Roy, Terry
Summers, James
Tripp, Richard
Verville, Kevin
Yokela, Josh

STRAFFORD

Ankarberg, Aidan
Harrington, Michael
Turcotte, Len

Bailey, Glenn
Horgan, James
Newton, Clifford

Burnham, Claudine
Howland, Allan
Pitre, Joseph

Granger, Michael
Kaczynski, Thomas
Potenza, Kelley

SULLIVAN

Aron, Judy
Spillsbury, Walter

Drye, Margaret
Stapleton, Walter

Rollins, Skip
Stone, Jonathan

Smith, Steven

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

SB 49-FN, relative to creating a dedicated, non-lapsing fund, and a biennial report of such fund, for OPLC. **OUGHT TO PASS.**

Rep. Jordan Ulery for Ways and Means. This bill creates a limited non-lapsing fund to be used to bridge the existing biannual gap. The funds would be used to stabilize wages as the gap occurs as well as upgrading the ancient software infrastructure deficiency to reduce operational costs. Excess funds are specifically directed to reducing individual license fees. 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.

(Speaker Packard in the Chair)

BILLS REMOVED FROM THE CONSENT CALENDAR

CACR 9, relating to the New Hampshire presidential primary. Providing that the New Hampshire presidential primary will be the first presidential primary of a presidential election cycle. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. The First in the Nation Primary is a cherished institution in the state of New Hampshire. However, unless the national parties recognize this status, it is largely a moot issue. The committee felt that enshrining this right into the New Hampshire Constitution was not appropriate and should not share the space with such valued institutions such as the right to keep and bear arms and the right to free speech. While knowing this is an important issue to both parties, our current law does an adequate job of protecting this political process. Respecting the other body's process on this was a consideration of the committee, however, at this time, a recommendation of Inexpedient to Legislate was endorsed. Vote 19-0.

MOTION TO LAY ON THE TABLE

Rep. Steven Smith moved that **CACR 9**, relating to the New Hampshire presidential primary. Providing that the New Hampshire presidential primary will be the first presidential primary of a presidential election cycle, be laid on the table.

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

Motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR CONT'D

SB 107, relative to the general administration of regulatory boards and commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tony Lekas for Executive Departments and Administration. This bill, as amended, is part of the reorganization of occupational licensing that is included in other bills. The bill, as amended, makes these and other changes. It sets time limits for hearings on disciplinary action related to an occupational license. It redefines the circumstances under which a criminal conviction may permit a license being denied. The denial must serve the purpose of protecting public safety and the process for making the determination is defined. It continues the process of moving the management of disciplinary hearings, investigations, and penalties to the Office of Professional Licensure and Certification (OPLC). It makes changes to the membership of some licensing boards and requires that public members of such boards be independent of board members and the profession the board oversees. It also permits a board to petition the governor for the removal of a member for various reasons and in particular for being absent from at least 3 consecutive meetings of the board. Some boards have been unable to act because they could not get enough members to attend meetings to meet the quorum requirement. Vote 20-0.

Amendment (2012h)

Amend the bill by replacing all after section 4 with the following:

- 5 Repeal. RSA 332-G:13, relative to the right to petition a board for review of a criminal record, is repealed.
- 6 Board of Acupuncture Licensing Repeals. The following are repealed:
 - I. RSA 328-G:7, VII, relative to rulemaking for hearings.
 - II. RSA 328-G:12, relative to disciplinary proceedings.
 - III. RSA 328-G:13, relative to hearings.
 - IV. RSA 328-G:14, relative to penalties.
- 7 Alcohol and Other Drug Use Professionals; Repeals. The following are repealed:
 - I. RSA 330-C:5 IV and V relative to investigations and hearings, and subpoena power.
 - II. RSA 330-C:9, IX, relative to rulemaking authority pertaining to hearings.
 - III. RSA 330-C:27 I, II, IV, V, and VI, relative to disciplinary action.
 - IV. RSA 330-C:28, relative to investigations and hearings.
 - V. RSA 330-C:29, relative to hearings.
 - VI. RSA 330-C:30, relative to rehearing and appeals.
- 8 Allied Health Professionals Repeal. RSA 328-F:5 VII, relative to rulemaking authority pertaining to investigations and discipline, is repealed.
- 9 Barbering, Cosmetology and Esthetics Repeals. The following are repealed:
 - I. RSA 313-A:22, I, III, and IV, relative to disciplinary action.
 - II. RSA 313-A:23, relative to hearings.
 - III. RSA 313-A:32, relative to suspension of operation.
- 10 Chiropractic; Repeals. The following are repealed:
 - I. RSA 316-A:3, X, relative to procedures for investigations.
 - II. RSA 316-A:3, XI, relative to hearings procedures.
 - III. RSA 316-A:3, XII, relative to methods of informing the public of results of disciplinary action.
 - IV. RSA 316-A:22, I, III, IV, V, and VI, relative to disciplinary action.
 - V. RSA 316-A:23, relative to hearings.
- 11 Dentists and Dentistry; Dental Hygienists Committee. Amend RSA 317-A:2-a, II to read as follows:
 - II. The committee shall develop and propose the administrative rules regarding the practice, [discipline,] education, examination, and licensure of dental hygienists, for the board's consideration pursuant to RSA 317-A:12. The committee shall have no independent regulatory or disciplinary authority.
- 12 Repeals; Dentistry. The following provisions are repealed:
 - I. RSA 317-A:4 I(c), relative to disciplinary proceedings.
 - II. RSA 317-A:12, IX, relative to rulemaking authority pertaining to hearings.
 - III. RSA 317-A:17, I and III, relative to professional misconduct.
 - IV. RSA 317-A:18, relative to investigatory powers of the board.
 - V. RSA 317-A:18-a, relative to hearings, decisions, and appeals.
 - VI. RSA 317-A:18-b, relative to temporary suspension of licensure.
- 13 Licensed Dietitians; Issuance, Expiration, and Renewal of a License. Amend RSA 326-H:9, V to read as follows:
 - V. Establish appropriate [disciplinary] actions including [~~penalties, sanctions,~~] supplemental training requirements and treatment and counseling requirements for licensees involved in violations of the code of ethics[, which may include revocation of license, suspension of license, fines, community service, oral or written reprimand, additional education or training, and supervised training and counseling, including substance abuse treatment and counseling].
- 14 Licensed Dietitians; Repeals. The following are repealed:
 - I. RSA 326-H:10, II, VII, and IX, relative to rulemaking authority pertaining to investigations, hearings, and discipline.

- II. RSA 326-H:17, relative to hearings.
- 15 Repeals; Embalmers and Funeral Directors. The following are repealed:
 - I. RSA 325:9, VIII, relative to procedures for hearings.
 - II. RSA 325:32, I and III, relative to disciplinary action.
 - III. RSA 325:32-a, II, III, IV, VI, VII, and VIII, relative to reciprocal discipline.
 - IV. RSA 325:32-b, relative to temporary suspension of licensure.
 - V. RSA 325:33, relative to investigatory powers of the board and complaints.
 - VI. RSA 325:33-a, relative to summons, oaths, and witnesses.
 - VII. RSA 325:34, relative to hearings, decisions and appeals.
- 16 Cremation of Human Remains; Repeals. The following are repealed:
 - I. RSA 325-A:9, relative to complaints.
 - II. RSA 325-A:10, relative to temporary suspension of licensure.
 - III. RSA 325-A: 12, relative to disciplinary actions.
 - IV. RSA 325-A:13, relative to appeals.
- 17 Board of Registration for Medical Technicians; Powers. Amend RSA 328-I:3, III to read as follows:
 - III. Suspend or revoke certificates of registration upon the grounds listed in RSA 328-I:9[, and conduct hearings regarding the denial, suspension, revocation, and renewal of certificates as provided in RSA 328-I:11].
- 18 Board of Registration for Medical Technicians. The following provisions are repealed:
 - I. RSA 328-I:3, IV, relative to complaints and investigations.
 - II. RSA 328-I:4, III, IV, relative to rulemaking authority pertaining to investigations and hearings, and notice.
 - III. RSA 328-I:10, II, IV, VII, VIII, IX, XII, and XIII, relative to disciplinary action.
 - IV. RSA 328-I:11, relative to investigations, complaints, and hearings.
 - V. RSA 328-I:13, relative to administrative fines.
 - VI. RSA 328-I:14, relative to investigative costs.
- 19 Physician Assistant Practice Act. The following provisions are repealed:
 - I. RSA 328-D:7, relative to disciplinary action.
 - II. RSA 328-D:9, relative to appeals.
 - III. RSA 328-D:10 I(d), relative to rulemaking authority pertaining to appeals.
- 20 Board of Medicine; Physicians and Surgeons. The following provisions are repealed:
 - I. RSA 329:2 II(b), and (c), relative to investigations through the medical review subcommittee.
 - II. RSA 329:9 VI, relative to hearings and disciplinary proceedings.
 - III. RSA 329:17, I, I-a, VII, VII-a, VIII, XII, and XIII, relevant to disciplinary action.
 - IV. RSA 329:18, relative to investigations.
 - V. RSA 329:18-a, relative to hearings.
 - VI. RSA 329:18-b, relative to temporary suspension of licensure.
- 21 Board of Mental Health Practice. The following provisions of RSA 330-A are repealed:
 - I. RSA 330-A:10, XIII, and XV, relative to rulemaking authority pertaining to complaints, investigations, and disciplinary hearings.
 - II. RSA 330-A:27, I, III, and V, relative to disciplinary actions.
 - III. RSA 330-A:28, relative to investigations and complaints.
 - IV. RSA 330-A:29, relative to hearings.
 - V. RSA 330-A:30, relative to temporary suspension of licensure.
- 22 Midwifery Council; Public Member. Amend RSA 326-D:3, I(d) to read as follows:
 - (d) One member of the general public who has familiarity with the practice of midwifery. ***The public member shall be a resident of the state of New Hampshire who is not, and never has been, a member of the midwifery profession or the spouse of any such person. The public member shall not have, and shall never have had, a material financial interest in either the provision of midwifery services or an activity directly related to midwifery, including the representation of the council or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.***
- 23 Midwifery Council. The following provisions are repealed:
 - I. RSA 326-D:4, I(b), and (c), relative to investigations, complaints, and disciplinary proceedings.
 - II. RSA 326-D:5, III, relative to rulemaking authority pertaining to adjudicative hearings.
 - III. RSA 326-D:8, I, and III, relative to disciplinary action.
- 24 Naturopathic Board of Examiners. The following are repealed:
 - I. RSA 328-E:8, II, III, and IV, relative to subpoenas, witness fees, and complaints.
 - II. RSA 328-E:14-a, relative to hearings and investigations.
- 25 Board of Nursing. Amend RSA 326-B:4, II to read as follows:
 - II. Provide consultation regarding nursing practice for institutions and agencies [and investigate reports of illegal practice].

26 Board of Nursing. The following provisions are repealed:

I. RSA 326-B:4, V, and VI, relative to powers and duties of the board pertaining to investigations and hearings.

II. RSA 326-B:37, I, III, and IV, relative to disciplinary action and misconduct.

III. RSA 326-B:38, relative to investigations and hearings.

IV. RSA 326-B:39, relative to rehearing and appeals.

27 New Subparagraph; Nursing Home Administrators. Amend RSA 151-A:3, III by inserting after subparagraph (d) the following new subparagraph:

(e) The public member shall be a resident of the state of New Hampshire who is not, and never has been, a nursing home administrator, or the spouse of any such person. The public member shall not have, and shall never have had, a material financial interest in either the provision of nursing home administration services or an activity directly related to nursing home administration, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.

28 Nursing Home Administrators; Rulemaking. Amend RSA 151-A:4, IV to read as follows:

IV. To establish ~~[procedures and requirements for disciplinary proceedings and]~~ criteria for disciplinary actions~~[, including suspending, revoking or placing conditions on a license].~~

29 Nursing Home Administrators. The following provisions are repealed:

I. RSA 151-A:4 I.(e), and II, relative to investigations, complaints, and witnesses.

II. RSA 151-A:4-a, VII, relative to rulemaking authority for accepting and processing reports of violations.

III. RSA 151-A:11, II, III, IV, and V, relative to disciplinary proceedings.

30 Board of Optometry. The following provisions are repealed:

I. RSA 327:20, I, and III, relative to disciplinary action.

II. RSA 327:20-a, relative to complaints.

III. RSA 327:22, relative to hearings and investigations.

31 Pharmacy Board; Public Member. Amend RSA 318:2 to read as follows:

318:2 Board. There shall be a pharmacy board consisting of 7 members; including 6 practicing pharmacists, at least one of whom shall be a full-time hospital pharmacist, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms and no member shall serve for more than 10 consecutive years. Only board members provided for in this section shall have the authority to vote in board determinations. ***The public member shall be a resident of the state of New Hampshire who is not, and never has been, a member of the pharmacy profession or the spouse of any such person. The public member shall not have, and shall never have had, a material financial interest in either the provision of pharmaceutical services or an activity directly related to pharmaceutical services, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.***

32 Board of Pharmacy. The following provisions are repealed:

I. RSA 318:5-a, VIII, relative to rulemaking pertaining to hearings.

II. RSA 318:29, I, IV, and V, relative to disciplinary action.

III. RSA 318:30, relative to investigations and complaints.

IV. RSA 318:30-a, relative to temporary suspension of licenses.

V. RSA 318:31, relative to hearings, decisions and appeals.

33 Board of Podiatry. The following provisions are repealed:

I. RSA 315:4, IV, relative to rulemaking authority pertaining to the conduct of hearings.

II. RSA 315:9, I, and III, relative to disciplinary action.

III. RSA 315:10, relative to investigations and preliminary hearings.

IV. RSA 315:10-a, relative to hearings.

V. RSA 315:10-b, relative to temporary suspension of licenses.

34 Board of Psychologists. The following provisions of RSA 329-B are repealed:

I. RSA 329-B:10, XII, relative to rulemaking authority pertaining to complaints, investigations, and disciplinary hearings.

II. RSA 329-B:21 I, III, IV, V, and VI, relative to disciplinary action.

III. RSA 329-B:22, relative to investigations and complaints.

IV. RSA 329-B:23, relative to hearings.

V. RSA 329-B:24, relative to temporary suspension of licenses.

35 New Paragraph; Veterinary Medicine; Public Member. Amend RSA 332-B:3 by inserting after paragraph IV the following new paragraph:

V. The public member shall be a resident of the state of New Hampshire who is not, and never has been, a member of the veterinary profession or the spouse of any such person. The public member shall not have, and shall never have had, a material financial interest in either the provision of veterinary services or an activity directly related to veterinary practice, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.

36 Board of Veterinary Medicine. The following provisions are repealed:

- I. RSA 332-B:7 IV, relative to the power of the board to investigate and conduct hearings.
- II. RSA 332-B:7-a, VIII, and IX, relative to rulemaking authority pertaining to investigations and hearings.
- III. RSA 332-B:14, I, III, and IV, relative to disciplinary action.
- IV. RSA 332-B:15, relative to investigations.
- V. RSA 332-B:15-a, relative to emergency suspension of licensure.
- VI. RSA 332-B:16, relative to hearings, decisions, and appeals.

37 Accountancy; Hearings. Amend RSA 309-B:12, X to read as follows:

X. Any person or firm adversely affected by any order of the board entered after a hearing [~~under this section~~] may appeal such order by filing a written petition with the superior court in the county in which the respondent resides or, if not a resident of this state, in the county in which the respondent has a place of business or resident agent. An appeal shall not suspend the order of the board unless the court orders otherwise. The record of the hearing of the board's action shall be presented to the superior court for its review pursuant to the procedures and standards of RSA 541. The superior court may affirm, reverse, or modify the board's order or may order a trial de novo. A trial de novo shall be pursuant to the board's rules and the rules of evidence shall not apply.

38 Board of Accountancy. The following provisions are repealed:

- I. RSA 309-B:4, IV, V, and VI(b), relative to investigations, and hearings.
- II. RSA 309-B:10, I, II, and III, relative to enforcement.
- III. RSA 309-B:11, relative to enforcement procedures and investigations.
- IV. RSA 309-B:12, I, II, III, IV, V, VI, VII, VIII, and IX, relative to hearings.

39 Board of Architects. The following provisions are repealed:

- I. RSA 310-A:32, I(h), relative to rulemaking authority pertaining to conducting hearings.
- II. RSA 310-A:47, I, relative to investigations and disciplinary proceedings.
- III. RSA 310-A:47-a, relative to disciplinary actions and penalties.
- IV. RSA 310-A:48, relative to hearings.

40 Electricians' Board. The following provisions are repealed:

- I. RSA 319-C:6-a, VI, and VII, relative to rulemaking authority pertaining to investigations and hearings.
- II. RSA 319-C:12, I, III, and IV, relative to disciplinary action.
- III. RSA 319-C:12-a, relative to hearings.

41 Family Mediators; Public Members. Amend RSA 328-C:4, I(d) to read as follows:

(d) Two members of the public, appointed by the governor with the consent of the council. ***The public members shall be residents of the state of New Hampshire who are not, and never have been, members of the family mediation profession or the spouse of any such person. The public members shall not have, and shall never have had, a material financial interest in either the provision of family mediation services or an activity directly related to family mediation, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.***

42 Family Mediator Certification Board. The following provisions of RSA 328-C are repealed:

- I. RSA 328-C:4-a, VI, relative to investigations and disciplinary action.
- II. RSA 328-C:7, I, II, IV, V, and VI, relative to disciplinary action.
- III. RSA 328-C:7-a, relative to appeals.
- IV. RSA 328-C:8, I(f), relative rulemaking authority pertaining to disciplinary procedures.

43 Forester; Rulemaking. Amend RSA 310-A:102, VI to read as follows:

VI. Ethical and professional standards to be met by each license holder under this subdivision [~~and the manner in which disciplinary actions by the board shall be implemented for violations of these standards~~].

44 Board of Foresters. The following provisions are repealed:

- I. RSA 310-A:112, I, and III, relative to disciplinary action.
- II. RSA 310-A:113, relative to hearings.

45 Guardian ad Litem Board; Public Members. Amend RSA 490-C:2, I(h) to read as follows:

(h) Two members of the general public representing the interests of those individuals receiving the services of guardians ad litem, appointed by the governor. ***The public members shall be individuals who are not, and never have been, members of the guardian ad litem profession or the spouse of any such person. The public members shall not have, and shall never have had, a material financial interest in either the provision of guardian ad litem services or an activity directly related to guardian ad litem services, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.***

46 Guardian ad Litem Board; Complaints. Amend RSA 490-C:4, I(g) to read as follows:

(g) [~~Investigate and resolve complaints against certified guardians ad litem, and against formerly certified guardians ad litem who are claimed to have engaged in acts or omissions prohibited when certified.~~]

The board may, upon the submission of a written allegation or complaint against a presently or formerly certified guardian ad litem who holds, held, or may hold an appointment in a case under the authority of a court, refer that matter to the appropriate court for investigation, resolution, or other action. Such referral may be made regardless of whether the allegation or complaint relates to a case which is then pending in court and may be made in lieu of or in addition to any investigatory or disciplinary procedures that the board may itself be authorized to pursue. The board may further informally resolve complaints by agreement. A complaint relating to a trial or judicial proceeding in progress shall be dismissed without prejudice, unless the board for good cause votes to proceed immediately with such complaint.

47 Guardian ad Litem Board. Amend RSA 490-C:4, II(i) to read as follows:

(i) Establish ~~[procedures and]~~ requirements relating to the resignation or surrender of certification including the circumstances or conditions under which a certified guardian ad litem may resign or surrender his or her certification.

48 Guardian ad Litem Board. Amend RSA 490-C:5, II(e) to read as follows:

(e) ~~[Procedures and]~~ Requirements relating to the resignation or surrender of certification, including but not limited to the circumstances or conditions under which a certified guardian ad litem may resign or surrender his or her certification.

49 Guardian ad Litem Board. The following provisions are repealed:

I. RSA 490-C:4, I(f); and II(f), (j), and (k), relative to disciplinary proceedings.

II. RSA 490-C:5 I(f), (g), and (h); and II(c), (d), (f), and (g), relative to rulemaking authority pertaining to investigations, complaints, and disciplinary proceedings.

III. RSA 490-C:8, relative to appeals.

50 Board of Home Inspectors. The following provisions are repealed:

I. RSA 310-A:187, I(c), and (d), relative to rulemaking authority pertaining to disciplinary actions and the conduct of hearings.

II. RSA 310-A:196, I, relative to disciplinary action.

III. RSA 310-A: 197, I, II, III, IV, V, VII, and VIII, relative to hearings.

51 Installation Standards Board. The following provisions are repealed:

I. RSA 205-D:6, relative to complaints.

II. RSA 205-D:13, I, and III, relative to disciplinary action.

III. RSA 205-D:14, relative to hearings.

IV. RSA 205-D:20, IX, relative to rulemaking authority pertaining to a complaint process.

52 Board of Land Surveyors. The following provisions are repealed:

I. RSA 310-A:58, VIII, relative to rulemaking authority pertaining to the conduct of hearings.

II. RSA 310-A:70, I and III, relative to disciplinary action.

III. RSA 310-A:71, relative to hearings.

53 Board of Landscape Architects. The following provisions are repealed:

I. RSA 310-A:143, I(h), relative to rulemaking authority pertaining to the conduct of hearings.

II. RSA 310-A:155, I, relative to disciplinary action.

III. RSA 310-A:156, relative to hearings.

54 Board of Manufactured Housing; Public Members. Amend RSA 205-A:25, I(a) to read as follows:

(a) Two public members, appointed by the governor. ***The public members shall be residents of the state of New Hampshire who are not, and never have been, members of the manufactured housing profession or the spouse of any such person. The public members shall not have, and shall never have had, a material financial interest in either the provision of manufactured housing services or an activity directly related to manufactured housing, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.***

55 Board of Manufactured Housing. RSA 205-A:27, IV, relative to complaints and hearings, is repealed.

56 Mechanical Safety and Licensing Board. RSA 153:32, I, and III, relative to disciplinary action, are repealed.

57 Board of Natural Scientists. The following provisions are repealed:

I. RSA 310-A:93, I, and III, relative to disciplinary action.

II. RSA 310-A: 94, relative to hearings.

58 Board of Professional Engineers. The following provisions are repealed:

I. RSA 310-A:6, I(h), relative to rulemaking authority pertaining to the conduct of hearings.

II. RSA 310-A:22, I, relative to investigations and disciplinary proceedings.

III. RSA 310-A:22-a, I and II, relative to investigations and enforcement.

IV. RSA 310-A:23, I relative to hearings, appeals, and penalties.

59 Board of Professional Geologists. The following provisions are repealed:

I. RSA 310-A:121, I(f), relative to rulemaking authority pertaining to the conduct of hearings.

II. RSA 310-A:133, I, and III, relative to investigations and disciplinary proceedings.

III. RSA 310-A:134, I, relative to investigations and enforcement.

IV. RSA 310-A:135, relative to hearings, appeals, and penalties.

60 Real Estate Appraisers Board. The following provisions are repealed:

I. RSA 310-B:18, I, III, and IV, relative to disciplinary proceedings.

II. RSA 310-B:19, relative to hearings, and investigations.

III. RSA 310-B:23-a, relative to summons, oaths, and witnesses.

IV. RSA 310-B:24 VII, relative to rulemaking authority pertaining to investigations and hearings.

61 Real Estate Commission; Discipline. Amend RSA 331-A:28, I and I-a to read as follows:

I. The commission may investigate, **by and through the office of professional licensure and certification**, the actions of any person engaged in the business or acting in the capacity of a real estate broker or real estate salesperson, regardless of whether the transaction was for the person's own account or in the capacity as broker or salesperson. ~~[If found guilty, after a hearing, of violating this chapter, the commission may impose any one or more of the following sanctions:~~

~~(a) Suspend, revoke or deny a license or the renewal of such license.~~

~~(b) Levy a fine not to exceed \$2,000 for each offense.~~

~~(c) Require the person to complete a course or courses in selected areas of real estate practice relevant to the section of this chapter violated.]~~

I-a. The commission may investigate, **by and through the office of professional licensure and certification**, the actions or qualifications of any person engaged in offering to present or presenting an accredited preparatory or continuing education program of study to licensees or potential licensees, when the commission receives a complaint or other information that indicates that the program of study is not meeting the requirements of the accreditation granted to an individual, institution, or organization, or is otherwise violating this chapter, or a lawful rule or order of the commission. ~~[If, after a hearing, the commission finds a violation of this chapter, the commission may impose one or more of the following sanctions:~~

~~(a) Suspend, revoke, or deny an accreditation or the renewal of an accreditation.~~

~~(b) Levy a fine not to exceed \$2,000 for each offense.~~

~~(c) Require the person to complete a course or courses in selected areas of real estate practice or education relevant to the violation].~~

62 Real Estate Commission. The following provisions are repealed:

I. RSA 331-A:7, V, and VI, relative to hearings, orders, subpoenas, and statements of charges.

II. RSA 331-A:29, relative to investigation procedures.

III. RSA 331-A:30, relative to hearing procedures.

63 Board of Septic System Evaluators. The following provisions are repealed:

I. RSA 310-A:207, I(e), relative to rulemaking authority pertaining to the conduct of hearings.

II. RSA 310-A:216 I, relative to disciplinary action.

III. RSA 310-A:217, relative to hearings.

64 Contingent; Physicians and Surgeons; Examining Board; Rulemaking Authority. Amend RSA 329:9, XVII as follows:

XVII. ~~[The purpose, scope, and procedures of the medical review subcommittee.]~~ ***The establishment of a panel of clinician licensees to assist the office in carrying out its investigative obligations under RSA 310, provided that committee appointments shall be made by the executive director in accordance with criteria established by the board.***

65 Contingent; Physicians and Surgeons; Repeals. The following provisions are hereby repealed:

I. RSA 329:9, XVII, relative to the relationship between the board and the medical review subcommittee.

II. RSA 329:9, XIX, relative to procedures to be followed during informal and formal investigations.

66 Contingent; New Paragraph; OPLC Procedures. Amend RSA 310:2 by inserting after paragraph II the following new paragraph:

III. Any board under the office of professional licensure and certification may petition the governor for removal of a member of the board for malfeasance, misfeasance, inefficiency in fulfillment of duties as a board member, incapacity, unfitness to perform assigned duties, absence from at least 3 consecutive meetings of the board, or reasons provided for in other applicable statutes. Any vacancy in the membership of the board occurring otherwise than by expiration of a member's term shall be promptly filled for the unexpired term.

67 Contingency. Sections 64-66 of this act shall take effect at 12:01 am on the day that HB 655, establishing a new RSA chapter for the administration of the office of professional licensure and certification, of the 2023 regular legislative session becomes law.

68 Effective Date.

I. Sections 64-66 of this act shall take effect as provided in section 67 of this act.

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

AMENDED ANALYSIS

This bill makes certain changes to the administration requirements for regulatory boards and commissions and revises the procedure for occupational licensure applicants with criminal convictions. The bill also revises the regulation of hearings, disciplinary proceedings, and other administration by occupational boards under the office of professional licensure and certification.

The question being adoption of the committee amendment.
Committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Carol McGuire offered floor amendment (2075h).

Floor Amendment (2075h)

Amend the bill by replacing all after section 66 with the following:

67 Contingency. Sections 64-66 of this act shall take effect at 12:01 am on the day that HB 655-FN, or another act establishing new RSA chapter 310 for the administration of the office of professional licensure and certification, of the 2023 regular legislative session becomes law.

68 Authority for Transfer of OPLC Provisions. The director of legislative services shall have the authority to move and renumber the text of legislation enacted in any bill which becomes law in the 2023 regular legislative session and which inserts into or amends the administrative provisions of the office of professional licensure and certification currently in RSA 310-A into new RSA 310 as established in the 2023 legislative session, whether in HB 655-FN or another act establishing such RSA 310. The authority to move and renumber RSA provisions shall include any necessary technical and grammatical changes, provided however that no substantive changes shall be made. This authority shall expire at the publication of the laws of 2023.

69 Effective Date.

I. Sections 64-66 of this act shall take effect as provided in section 67 of this act.

II. Section 68 of this act shall take effect upon its passage.

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

The question being adoption of floor amendment (2075h).

Rep. Carol McGuire spoke in favor.

Floor amendment (2075h) 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.

RESOLUTION

Rep. Osborne offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Thursday, June 15, 2023 at 10:00 a.m..
Motion was adopted.

LATE SESSION

Third Reading and Final Passage

SB 21, relative to the due date and delivery of monthly reports and fees to the liquor commission.

SB 31, relative to technical changes to the laws administered by the insurance department.

SB 66, relative to financial transactions involving the liquidation or rehabilitation of an insurer in which the Federal Home Loan Bank is a party.

SB 67, relative to changes to certain weights and measures statutes.

SB 85-FN-A, relative to emergency behavioral health services and behavioral health crisis programs.

SB 98-FN, relative to delinquent payment of accounts by on premises and off premises licensees.

SB 99, relative to the responsibilities of insurers in conducting reviews of the operations of administrators.

SB 142, relative to the regulation of forms and rates for property and casualty insurance.

SB 197-FN, relative to the operation and regulation of certain business entities within the state.

SB 14-FN, relative to the use of game cameras and relative to penalties for controlled drug violations.

SB 15-FN, relative to the use of tree stands and observation blinds.

SB 136, prohibiting the employment or volunteering of a revoked or suspended educator.

SB 53-FN, relative to the definition of the state building code.

SB 105-FN, relative to information collected by the division of vital records administration as part of the live birth worksheet.

SB 150-FN, relative to the family mediator certification board.

SB 207, relative to mental health critical incident intervention and management, and relative to mental health practice.

SB 240, relative to conditions for genetic testing.

SB 269, relative to tip pooling and sharing.

SB 47, establishing a commission to study barriers to increased density of residential development in New Hampshire.

SB 78, relative to subdivision regulations on the completion of improvements.

SB 88, relative to the annual dues paid by towns and cities to town officers' associations.

SB 111-L, relative to the town council-town manager form of local government.

SB 222, relative to the definition of broadband infrastructure as a revenue-producing facility eligible for municipal revenue bonds.

SB 228-FN, relative to the Hilton Park boat ramp.

SB 11, relative to African American burial grounds.

SB 170-FN, relative to small group child day care centers.

SB 187-FN, relative to driver's licenses for certain visa holders.

SB 188-FN, relative to catalytic converters.

SB 32-FN, relative to the opioid abatement trust fund.

SB 58, relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility.

SB 213, relative to educational institution policies on social media.

SB 70-FN, relative to the establishment of an election information portal and relative to the purchase of election equipment.

SB 61, relative to surface water setbacks for landfills.

SB 149-FN, relative to nurse agencies.

SB 172-FN, allowing court-appointed guardians to receive Temporary Assistance to Needy Families benefits.

SB 204-FN, requiring trauma kits to be available in state-owned buildings.

SB 42-FN, relative to overpayment of unemployment compensation.

SB 193, relative to the obligation of collective bargaining units to negotiate in good faith.

SB 110-FN-L, relative to residency status.

SB 60, relative to water quality.

SB 160-FN, relative to the use of OHRVs on designated trails.

SB 54-FN, relative to purchased power agreements for electric distribution utilities.

SB 94, relative to residential child care licensing of child care institutions and agencies.

SB 118-FN, requiring children under the age of 2 years to be restrained in a motor vehicle.

SB 256-FN, establishing a safety program for off-highway recreational vehicles.

SB 49-FN, relative to creating a dedicated, non-lapsing fund, and a biennial report of such fund, for OPLC.

SB 107, relative to the general administration of regulatory boards and commissions.

UNANIMOUS CONSENT

Rep. Moulton requested Unanimous Consent of the House regarding appreciation for Rep. Stephen Pearson in his response to her emergency and addressed the House.

UNANIMOUS CONSENT

Rep. Horrigan requested Unanimous Consent of the House regarding the removal of a historical marker honoring Elizabeth Gurley Flynn and addressed the House.

UNANIMOUS CONSENT

Rep. Maria Perez requested Unanimous Consent of the House regarding unity and addressed the House.

RECESS MOTION

Rep. Osborne moved that the House stand in recess for the purposes of the introduction of bills, enrolled bill amendments, enrolled bill reports, receiving messages and forming committees of conference.

Motion was adopted.

The House recessed at 4:10 p.m.

RECESS

(Rep. Edwards in the Chair)

ENROLLED BILL AMENDMENT

SB 56-FN, relative to payments for restoration of certain jurisdictional resource losses. (Amendment printed SJ 6/8/23)

Motion was adopted.

**SENATE MESSAGE
CONCURRENCE**

HB 253, establishing a committee to study extended producer responsibility.

RECESS

(Speaker Packard in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 119-FN, relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer. (Amendment printed SJ 5/18/23)

Rep. Aron moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Aron, Bixby, Megan Murray and Spillane.

HB 358, relative to the filing and adoption of proposed administrative rules and relative to overpayment of unemployment compensation and relative to policies relating to nursing mothers. (Amendment printed SJ 6/8/23)

Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Carol McGuire, Grote, Abare and Layon.

HB 409-FN, relative to the organization of the office of professional licensure and certification and adoption of the interstate social work licensure compact. (Amendment printed SJ 5/18/23)

Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Carol McGuire, Grote, Tony Lekas and Simon.

HB 461-FN, establishing a committee to study elimination by political subdivision employers of a retirement system position. (Amendment printed SJ 5/18/23)

Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Goley, O'Brien, True and Tom Dolan.

HB 532-FN, relative to the licensure and regulation of music therapists and other occupations and professions. (Amendment printed SJ 6/1/23)

Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Grote, Carol McGuire, Tom Dolan and Fred Davis.

HB 442-FN, relative to the removal of derelict fishing gear. (Amendment printed SJ 6/1/23)

Rep. Spillane moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Spillane, Thomas Walsh, Hill and Damond Ford.

HB 534-FN-A, relative to water assistance for natural disasters. (Amendment printed SJ 5/18/23)

Reps. Renzullo and Weyler moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Weyler, Leishman, Renzullo and Vail.

HB 211, relative to a report by the department of energy on the effectiveness of the system benefits charge and relative to surface water setbacks for landfills and relative to water quality. (Amendment printed SJ 6/8/23)

Rep. Vose moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Vose, Douglas Thomas, Aron and Bixby.

HB 607-FN, relative to the regulation of games of chance. (Amendment printed SJ 5/18/23)

Rep. Sanborn moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Sanborn, Janigian, Doucette and Almy.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILL AMENDMENTS

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

Amendment 2023-2179EBA

Amend RSA 12-P:4, III-a, as inserted by section 125 of the bill, by replacing line 3 with the following:
such powers as the commissioner may authorize.

Amend section 138 of the bill by replacing lines 1 and 2 with the following:

138 Education Trust Fund Created and Invested. RSA 198:39 is repealed and reenacted to read as follows:

198:39 Education Trust Fund Created and Invested.

Amend section 234 of the bill by replacing line 4 with the following:

aging switches, routers, and wireless access points at department offices. The department may accept and
 Amend RSA 153:27-a, III(b), as inserted by section 302 of the bill, by replacing line 2 with the following:

the trade as ***a*** fuel gas [fitters, and one of whom shall represent the propane fuel industry] ***fitter***.

Amend RSA 310-B:4, VII, as inserted by section 323 of the bill, by replacing line 1 with the following:

[VII.] ***VI.*** The chairman of the board shall be elected from the board's members. [Neither the]

Amend section 378 of the bill by replacing it with the following:

378 Effective Date. Sections 373 - 377 of this act shall take effect 60 days after its passage; provided, however, that if HB 330 of the 2023 regular legislative session becomes law, then sections 373 - 377 of this act shall not take effect.

Amend section 417 of the bill by replacing line 5 with the following:

in section 416 of this act. The governor shall determine if any discretionary funds appropriated in the

Amend section 418 of the bill by replacing line 4 with the following:

reimbursement for state-certified douglas under the state Medicaid plan as provided in section 415 of

Amend section 419 of the bill by replacing line 4 with the following:

reimbursement for lactation services under the state Medicaid plan as provided in section 415 of this

Amend section 426 of the bill by replacing lines 2-4 with the following:

Amend RSA 126-A by inserting after section 101 the following new subdivision:

Data Privacy and Information Technology Security Governance Board

126-A:102 Data Privacy and Information Technology Security Governance Board Established.

Amend RSA 126-A:100 as inserted by section 426 of the bill by replacing line 1 with the following:

126-A:103 Membership; Quorum.

Amend RSA 126-A:101 as inserted by section 426 of the bill by replacing line 1 with the following:

126-A:104 Duties.

Amend RSA 126-A:102 as inserted by section 426 of the bill by replacing line 1 with the following:

126-A:105 Risk Management.

Amend RSA 12-O:72 as inserted by section 462 of the bill by replacing line 8 with the following:

12-O:71. The department shall adopt rules establishing grant eligibility criteria, grant maximums,
 Motion was adopted.

RECESS

(Speaker Packard in the Chair)

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 221, relative to the acquisition of agricultural land development rights and relative to advanced deposit account wagering and relative to the use of game cameras. (Amendment printed SJ 6/7/23)

Rep. Aron moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Aron, Bixby, Sanborn and Spillane.

HB 611-FN, relative to eligibility criteria for the therapeutic cannabis program and establishing a commission to study state-controlled sales of cannabis and relative to the prohibition on the sale of hemp products containing certain levels of THC. (Amendment printed SJ 5/18/23)

Rep. Wayne MacDonald moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Layon, Hunt, Weber and James Murphy.

HB 536, relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities. (Amendment printed SJ 5/11/23)

Rep. Ladd moved that the House nonconcur and request a Committee of Conference.

Motion was adopted.

The Speaker appointed Reps. Ladd, Peternel, Drye and Luneau.

RECESS

(Speaker Packard in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1, 2, 72, 111, 142, 152, 252, 330, 376, 385, 407, 412, 517, 520, 550, 576, 594, 613 and 655 and Senate Bills numbered 20, 23, 27, 62, 65, 72, 129, 152, 159, 162, 208, 211, 244 and 264.

Rep. Osborne, Sen. Avar for the Committee

SB 229-FN, relative to administration of certain wetlands permits by the department of environmental services. (Amendment printed SJ 6/8/23)

Motion was adopted.

RECESS

(Rep. Grill in the Chair)

ENROLLED BILL AMENDMENT

HB 137, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees.

Amendment 2023-2181EBA

Amend RSA 270:11, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. For the rules under subparagraph I(a), the commissioner may adopt by reference, as Amend section 3 of the bill by replacing line 1 of the second paragraph II with the following:

II-a. Legislative members of the committee shall receive mileage at the legislative rate when Motion was adopted.

RECESS