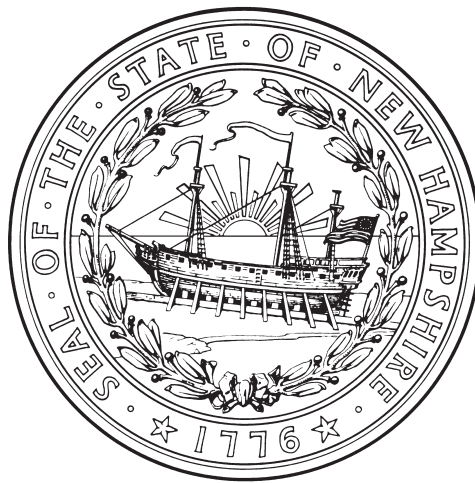


June 1, 2023
Nos. 15-16

STATE OF NEW HAMPSHIRE

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**First Year of the 168th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 18, 2023 SESSION
COMMENCEMENT – JUNE 1, 2023 SESSION**

SENATE JOURNAL 15 *(continued)*

May 18, 2023

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 72, relative to the tenure of public librarians.

HB 111, establishing a committee to study electrical vehicle charging for residential renters.

HB 137, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees.

HB 252, (New Title) exempting certain agricultural operations from certain municipal noise ordinances.

HB 268-FN, (New Title) relative to the furnishing of special number plates to the liquor commission, division of enforcement and licensing, and official cover plates for the house and senate clerks.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 20-FN, relative to keno license applications and fees.

SB 23, establishing a study committee on meat processing.

SB 27, relative to financial disclosure forms filed by judges.

SB 56-FN, (New Title) relative to payments for restoration of certain jurisdictional resource losses.

SB 62, relative to landowner liability under RSA 147-B, the hazardous waste cleanup fund.

SB 65, (New Title) relative to screening panels for medical injury claims.

SB 72-FN, relative to provider credentialing procedures.

SB 129-FN, relative to the payment of costs for indigent persons involved in mediation services.

SB 159-FN-LOCAL, (New Title) establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.

SB 162, relative to exemptions from rabies vaccinations for dogs, cats, and ferrets.

SB 211-FN, relative to background investigations of solid waste and hazardous waste facility permit applicants.

SB 229-FN, relative to administration of certain wetlands permits by the department of environmental services.

SB 264-FN, relative to parentage.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 92-FN, relative to the authority of registers of probate.

SB 250, relative to remote participation in government meetings.

SB 258, relative to the disposal of highway or turnpike funded real estate.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 164-FN-LOCAL, (New Title) relative to consideration of biodiversity in the land and community heritage investment program.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate and has indefinitely postponed the Bill:

SB 272-FN, establishing a parents' bill of rights in education.

June 1, 2023
2023-2084-EBA
07/10

Enrolled Bill Amendment to SB 87-FN

The Committee on Enrolled Bills to which was referred SB 87-FN

AN ACT relative to nurses for youth camps, organized recreation, and community-sponsored recreation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 87-FN

This enrolled bill amendment inserts a contingency to avoid a numbering conflict.

Enrolled Bill Amendment to SB 87-FN

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If SB 83 of the 2023 legislative session becomes law, then RSA 326-B:47 as inserted by section 1 of this act shall be renumbered to read RSA 326-B:48.

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted in recess.

May 16, 2023
2023-1846-EBA
02/08

Enrolled Bill Amendment to SB 96

The Committee on Enrolled Bills to which was referred SB 96

AN ACT relative to state energy performance contracting.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 96

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to SB 96

Amend line 8 of RSA 21-I:19-d, II(a) as inserted by section 1 of the bill by replacing it with the following:

national, or international association of energy services companies, or the use of proprietary

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted in recess.

May 23, 2023
2023-1961-EBA
03/10

Enrolled Bill Amendment to SB 152-FN

The Committee on Enrolled Bills to which was referred SB 152-FN

AN ACT relative to New Hampshire workforce training programs.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 152-FN

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to SB 152-FN

Amend RSA 12-O:51-a, I(k) as inserted by section 3 of the bill by replacing it with the following:

(k) The director of the office of offshore wind industry development under RSA 12-P:7-b.

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted in recess.

May 22, 2023
2023-1973-EBA
02/07

Enrolled Bill Amendment to SB 206

The Committee on Enrolled Bills to which was referred SB 206

AN ACT prohibiting corporal punishment in child day care agencies.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 206

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to SB 206

Amend line 1 of the introductory paragraph as inserted by section 2 of the bill by replacing it with the following:

2 Justification; Physical Force by Persons With Special Responsibilities. Amend RSA 627:6, II(b)

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted in recess.

May 30, 2023
2023-2053-EBA
03/07

Enrolled Bill Amendment to HB 446

The Committee on Enrolled Bills to which was referred HB 446

AN ACT relative to participation in the education freedom accounts program by students with disabilities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 446

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 446

Amend the bill by replacing line 1 of section 1 with the following:

1 Education Freedom Accounts. Amend RSA 194-F:4, III to read as follows:

Senator Avarad moved adoption of the Enrolled Bill Amendment. Adopted in recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 12, relative to the leasing of seasonal camp lots by the fish and game department.

SB 17, establishing a gifts and donations account within the fish and game fund.

SB 18, relative to the purchase of duck stamps and the suspension or revocation of a license issued by the fish and game commission.

SB 24, relative to conferring degree-granting authority to the New England Aeronautical Institute.

SB 29, relative to repealing the statute relating to police matrons.

SB 38-FN, amending the procedure for issuing a summons instead of an arrest.

SB 43, relative to a needs assessment for juvenile minors who are residents of New Hampshire.

SB 45, relative to national guard educational benefits.

SB 50, relative to pharmaceutical drug take-back programs.

SB 51-FN, creating a commission to study charitable gaming and historical horse races and relative to the moratorium on licensed historical horse racing facilities.

SB 79, relative to the participation of customer generators in net energy metering.

SB 81, relative to ignition interlock device preset levels.

SB 83, relative to the signature authority of an advanced practice registered nurse or a certified midwife.

Senator Avarad moved adoption of the Report of Committee on Enrolled Bills. Adopted in recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 30, relative to membership of the New Hampshire council on developmental disabilities.

SB 52-FN, relative to the regulation and operation of electric vehicle charging stations.

SB 109, relative to school safety and coordination with law enforcement.

SB 119-FN, relative to criminal background checks for charitable games of chance license applicants.

SB 123-FN, relative to the adoption of ambient groundwater quality standards by the department of environmental services.

SB 130-FN, relative to a court security officer training program.

SB 135, relative to alternative dispute resolution in special education.

SB 146, relative to the agricultural advisory board.

SB 174, relative to veterans access to health care.

SB 179, relative to eliminating the use of seclusion as a form of punishment or discipline on children in schools and treatment facilities.

SB 182, relative to the definition of "way" in driving or operating under the influence of drugs or liquor.

SB 192-FN, relative to the hours that Lucky 7 tickets may be sold.

SB 251, establishing a committee to study the long-term impact of the New Hampshire adult parole system.

Senator Avarad moved adoption of the Report of Committee on Enrolled Bills. Adopted in recess.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 278-FN, relative to retirement system employer reports.

HB 654, relative to the one-year certificate of teaching eligibility.

SB 35, relative to RSV vaccine administration.

SB 39-FN, relative to criminal history checks for school transportation monitors.

SB 77, relative to changes in school placement for students.

SB 108-FN, relative to participation of the New Hampshire public defender program in the state employee health insurance plan.

Senator Avarad moved adoption of the Report of Committee on Enrolled Bills. Adopted in recess.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Carson moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 16

June 1, 2023

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Father Francis McCarty, Chaplain to the Senate, offered the following prayer:

Let us pray.

Be attentive to our prayers, Almighty God, and watch over these, the members and staff of the New Hampshire State Senate. We ask you to bless them and watch over them, that in all that they say and all that they do may be directed to your greater glory and to the common good of all of our citizens. We ask all this in your holy name. Amen.

Former Congressman Dennis Kucinich led the Pledge of Allegiance.

Senator Prentiss is excused.

INTRODUCTION OF GUESTS

PRESIDENT BRADLEY: Now we have the introduction of guests and it's my pleasure to continue the tradition that we've adopted over the last several months to welcome to our state first in the nation candidates. And so, without further ado, it is my pleasure to recognize Robert Kennedy, Jr.

(The Chair recognized Robert Kennedy, Jr.)

ROBERT KENNEDY, Jr.: Thank you, Speaker Packard. And I want to also send greetings to Lou D'Alessandro and I'm grateful for this opportunity to speak to the New Hampshire State Senate. My family has a long history and deep history in this state, going back to my great grandparents, Honey Fitz and Patrick Kennedy. My grandfather, Joseph Kennedy, spent his summer camps at Lake Wyanoke up in Wolfeboro. I grew up camping and hiking every summer and every winter in New Hampshire, hiking the Presidential Range. I talked with Speaker Packard and saw his beautiful photographs of some of those peaks. I told him that I'd spent many nights on Mount Washington in the huts in the middle of the winter skiing Tuckerman's Ravine. I hiked in the summer times, the Presidentials, but also Osceola, Tripyramid, Mount Carrigain, Mount Flume and many, many others. My brothers cut trails for their summer job at Waterville Valley. And I'm very proud that Tommy Corcoran named the steepest slope at Waterville after my father, who loved to ski there as well.

I'm here because I am going to participate in this primary in this state. I oppose the DNC's decision to evict New Hampshire from the first nation status, which is so important, I think, to our country. It is more than a tradition. New Hampshire plays a critical role in vetting candidates for the rest of the country. In other parts of the United States, the states are content with having politicians come in with money that they've gotten from billionaires and carpet bombing the state from 30,000 feet with advertising or staging occasionally rallies that are heavily orchestrated where the crowds are heavily screened, and they're kind of a kabuki theater of democracy. But here politicians get real democracy. They encounter people. They have to go to the hair salons, the barbershops, the diners, the gas stations. They have to talk to the eighty-year-old lady who reads the Financial Times and the Economist every week and ask them a question and a follow up question and another follow up question that they will never get from CNN, they will never get it from the New York Times, even. And it's retail politics. And they are vetting our candidates the same way that they would vet a city council candidate or a local mayor. And they do it for the rest of the country.

And the other thing that's very important about New Hampshire is that their 42 percent of the people in this state are registered Independents is the highest of any state. And the importance of that right now is that those are people who are critical thinkers. They're independent thinkers, and they're able to step outside of that fixed paralyzing iceberg of partisanship that has our country at each other's throats. They are able to look at candidates without the ideology blocking their vision and really judge the candidates on what they say and be open to new ideas that are not locked in that ideological razor grip.

Right now, it's particularly important at New Hampshire that we have a real democracy and a democratic election in New Hampshire. There's so many Americans who believe that the system now is rigged, the economic system, but also the political system that the elections are fixed. New Hampshire is the gold standard for political elections. People don't question the results. And we ought to be, the Democratic Party particularly, ought to be making this election a template for democracy to our country and to the rest of the world and say, we're going to have real democracy where candidates meet human beings, are questioned by them, have town halls and deal with all of the difficulties of retail politics. And we need to show the American people that it is particularly important at this time for another reason.

And I believe that the motto of the Granite State, Live Free and Die is not just the motto. The many people in New Hampshire take that personally. They have a fierce pride and liberty. Over 500 New Hampshire men died in the American Revolution to give us our freedoms, to give us our rights, along with 25,000 elsewhere in our country. And today those rights are under attack like never before in history.

In the last three years, there's been an all-out assault on the Bill of Rights. We now have, for the first time, the government participating in censorship of political dissent. Of people who are criticizing federal policies. We saw churches closed. We saw freedom of worship threatened. Every church in this country was closed for a year without any scientific citation, without any democratic process, no notice and comment, public hearings, all of that was just abolished. And bureaucrats just decided to close all the churches. Then they went after freedom of assembly. They shut down. They said, we have to social distance. We have to lock ourselves in our house. They went after the Fifth Amendment rights to property rights. They closed down 3.3 million businesses in this country with no due process, no just compensation. They went after the Fourth Amendment guarantees against warrantless searches and seizures with all this intrusive, government track and trace surveillance. And Americans had to show their medical records before leaving their homes or entering a public building. And they abolished jury trials for all classes of defendants. For people in the pharmaceutical industry or the medical cartel, no matter how grievous your injury, no matter how negligent their conduct or reckless, Americans could not sue them for the redress. The Seventh Amendment is very simple. It says, no American shall be deprived of the right of a jury before a trial of their peers in cases or controversies exceeding \$25. There is no pandemic exception. And the framers knew all about pandemics and epidemics. There was an epidemic, two epidemics during the revolutionary war, a malaria epidemic that decimated the armies of Virginia, a smallpox epidemic that affected New Hampshire at the very time when Benedict Arnold's armies conquered Montreal, and they had to withdraw from Montreal because their troop strength was so low because of smallpox. Otherwise, today Canada would be part of the United States. The framers knew that. They also between the end of the revolution and the ratification of the Bill of Rights, there were epidemics in every city in this country. Smallpox epidemics, cholera epidemics, yellow fever epidemics that killed tens of thousands of people, including many of the family members of the framers. And yet they did not put an epidemic exception in the United States Constitution. They wrote that document for hard times, not for easy times.

During the Civil War, when the Confederate government was sending agents provocateur to every American city, northern city, to drum up draft riots, Abraham Lincoln tried to arrest the Confederates when they came in. They knew who they were, and he suspended habeas corpus. And the Chief Justice of the Supreme Court, Roger Taney, said, you can't do it. Even if the life of the nation is at stake, you cannot do it. Even we in the Civil War, there were 659,000 people who died is the equivalent of 7,200,000 today. Much worse than the pandemic. And yet the Supreme Court said, you cannot suspend the Constitution no matter what. It's more important than anything. And today, now we have all these new surveillance technologies, we have digital currencies, AI technology, which is frightening, GPS technologies, 400,000 low level satellites that are going to look at every square inch of the earth every day. It has been the ambition of every totalitarian regime in history to control every aspect of human behavior. They've never been able to do it, but they can do it now. And it's so important that we counter that threat by strengthening and fortifying our democratic institutions, not weakening them. And that begins with the Bill of Rights. And it includes the New Hampshire primary.

And I want to tell you, if I'm going to be in this state fighting to win every vote I can in New Hampshire, Republican, Democratic and independent. And when I'm elected President and I'm head of the Democratic Party, I'm going to pour concrete on the notion that New Hampshire is first in the nation. Thank you very much.

PRESIDENT BRADLEY: So, our tradition has been, Mister Kennedy, that all of the candidates that come here get to sign this license plate. And as a fellow outdoor enthusiast, I think you need to sign somewhere near the old man of the mountain.

ROBERT KENNEDY, JR.: Thank you, Speaker Packard and thank you all.

PRESIDENT BRADLEY: Now, one more thing, one more thing. It sounds like from our conversation that you've been to many of these places too. So, for all of the other presidential candidates, I've said, here's a Jeb Bradley calendar. This is your homework assignment. But I think you've probably done a lot of that homework.

ROBERT KENNEDY, JR.: Yes, I have.

PRESIDENT BRADLEY: So, Mister Kennedy actually has kayaked or rafted the middle falls of the Salmon which my kids are actual guides, and they've done that too. And some of the pictures I've seen are hellacious. So, we've enjoyed many of the beautiful spots in America. One of the pictures in here, Landscape Arch, the June picture you've been to, I've been to in Moab. So, thank you very much for being in New Hampshire, and please enjoy our state and its hospitality.

I already introduced Congressman Kucinich and obviously I don't think I have to introduce the Speaker who's already back to work. So, are there further introduction of guests?

(The Chair recognized Senator Whitley for an introduction.)

SENATOR WHITLEY: Thank you, Mister President. I am very honored that we get to introduce another special guest we have, please stand. I want to welcome to the Senate Miss Ivory Strand. You may know her Yai-Yai, our esteemed Clerk, so I welcome you. A little bit about Ivory, she is already, despite her age, she's in eighth grade, she's already a leader in her community both scholastically and helping other children. So, she is going in the example led by her Yai-Yai. So, I want to welcome her to the New Hampshire Senate.

MOTION OF RECONSIDERATION

Senator Perkins Kwoka, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 139, relative to hydrogen energy and establishing a hydrogen advisory committee. Reconsider the vote on Third Reading and Final Passage, Rescind Third Reading, Reconsider the vote on Ought to Pass with Amendment. Adopted.

ENERGY AND NATURAL RESOURCES

HB 139, relative to the definition of "municipal host" for purposes of limited electrical energy producers.

Senator Perkins Kwoka offered a Floor Amendment.

Sen. Perkins Kwoka, Dist 21

May 31, 2023

2023-2071s

02/05

Floor Amendment to HB 139

Amend RSA 362-H:3, I(f) as inserted by section 2 of the bill by replacing it with the following:

(f) The chair of the Pease development authority board of directors, or designee.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

CONSENT CALENDAR REPORTS REMOVED

ENERGY AND NATURAL RESOURCES

HB 251, by Senator Carson

HB 253, by Senator Carson

SPECIAL ORDER

Without objection, the following bills are Special Ordered to Thursday, June 8, 2023. Adopted.

ENERGY AND NATURAL RESOURCES

HB 251, relative to the cost of compliance with disclosure of electric renewable portfolio standards.

HB 253, establishing a committee to study extended producer responsibility.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 358, relative to the filing and adoption of proposed administrative rules.

JUDICIARY

HB 315, prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

REGULAR CALENDAR

ENERGY AND NATURAL RESOURCES

HB 221, relative to the acquisition of agricultural land development rights.

Ought to Pass with Amendment, Vote 4-0. Senator Pearl for the committee.

Energy and Natural Resources

May 24, 2023

2023-1996s

08/05

Amendment to HB 221

Amend the introductory paragraph of RSA 432:19, II as inserted by section 1 of the bill by replacing it with the following:

II. The committee shall consist of [7] **9** voting members and 2 nonvoting members, to be appointed as follows:
Amend RSA 432:19, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) [3] **4** members, [2] **3** of whom are owners and operators of farms in the state, who shall be appointed by the governor with the advice and consent of the council for 3 years. Of the initial appointees, one shall hold office for one year, one for 2 years and one for 3 years;

The question is on the adoption of the Committee Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

May 31, 2023

2023-2079s

08/07

Floor Amendment to HB 221

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

AN ACT relative to the acquisition of agricultural land development rights and relative to advanced deposit account wagering.

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

6 New Section; Pari-Mutuel Pools, and Distribution of Tax Thereon; Advanced Deposit Account Wagering.
Amend RSA 284 by inserting after section 22-b the following new section:

284:22-c Advanced Deposit Account Wagering.

I. Advance deposit wagering is authorized for pari-mutuel betting on horse racing under this chapter if conducted in compliance with this section and the Interstate Horseracing Act of 1978, United States Code, Title 15, section 3001 et seq.

II. It is unlawful for any person or entity to accept an advance deposit wager from a New Hampshire resident unless the person or entity is a licensed advance deposit wagering provider in the state of New Hampshire.

III. Before accepting an advance deposit wager from a New Hampshire resident, a licensed advance deposit wagering provider shall demonstrate evidence of financial responsibility in a format prescribed by the commission through a surety bond executed and issued by an insurer authorized to issue surety bonds in this state, an irrevocable letter of credit, or other form of financial guarantee in an amount to be determined by the commission. The commission may also accept, as evidence of financial responsibility, a surety bond, an irrevocable letter of credit, or other form of financial guarantee in accordance with this subdivision filed with one or more states where the applicant is licensed as an advance deposit wagering provider. The commission may ask for additional evidence of financial responsibility at any time the commission deems necessary. Any surety bond, an irrevocable letter of credit, or other form of financial guarantee issued under this subdivision shall be in favor of this state and shall specifically authorize recovery by the commission for the payment of all revenues required by this chapter as well as payments due to New Hampshire resident account holders.

IV. The commission shall not license or authorize a person or entity to conduct advance deposit wagering under this section unless the person or entity has submitted, and the commission approved, a plan of operation for advance deposit wagering. At a minimum, the plan of operation shall provide for:

- (a) Methods of resolving disputes with account holders;
- (b) Procedures to protect the security of account holders' accounts and information;
- (c) Methods to verify the identity of account holders and ensure that all account holders are natural persons who are at least 18 years of age;
- (d) Procedures to ensure that wagers are only accepted from account holders who have sufficient funds on deposit and that no credit is extended by the person to an account holder;
- (e) Procedures for keeping accurate records of all contests, wagers, and payouts;
- (f) Annually contracting with an independent third-party to conduct a financial audit and submit the results of the audit to the commission;

(g) Annually contracting with an independent third-party cyber security audit and submit the results of the audit to the commission; and

(h) Other requirements established by the commission in rule.

V. The plan of operation may only be amended with the approval of the commission. The commission may withdraw approval of a plan of operation.

VI. Advanced deposit wagers from New Hampshire residents shall be subject to a revenue sharing plan. Licensees shall provide the commission payment in the amount of 2.25 percent of all wagers accepted from New Hampshire residents in a manner prescribed by the commission. The revenues received from the commission pursuant to this section, less the administrative costs of the commission, shall be deposited in the education trust fund established in RSA 198:39.

VII. Persons or entities that offered advanced deposit wagering services to New Hampshire residents as of July 1, 2022 may request permission from the commission to continue offering these services during the pendency of the licensing process. Any such person or entity shall make the request to continue offering services in writing detailing how the person or entity will meet the protections set forth in this section during the interim period before licensure. The commission may grant such request for unlicensed operation for a period not to exceed six months where the requestor has adequately documented acceptable financial responsibility and patron protection standards. In no event shall this permission extend past January 1, 2024.

7 Rulemaking. Amend RSA 284:12, IV to read as follows:

IV. The sale of pari-mutuel pools as authorized under RSA 284:22, RSA 284:22-a, [and] RSA 284:22-b, **and RSA 284:22-c.**

8 Effective Date.

I. Sections 6-7 of this act shall take effect July 1, 2023.

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

2023-2079s

AMENDED ANALYSIS

This bill requires that agricultural land development rights purchased by the department of agriculture, markets and food shall be held in the name of the state of New Hampshire or the deed shall stipulate that the state has the right to enforce the terms of the deed. It also adds one voting member from the New Hampshire Land Trust Coalition to the agricultural lands preservation committee.

This bill also allows advanced deposit wagering on pari-mutuel betting on horse racing and authorizes the lottery commission to adopt rules governing the license and regulation of such wagers.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Carson, Dist 14

May 31, 2023

2023-2068s

08/07

Floor Amendment to HB 221

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

AN ACT relative to the acquisition of agricultural land development rights and relative to the use of game cameras.

Amend the bill by inserting after section 5 the following and renumbering the original sections 6 to read as 9:

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

XI-a. Game Camera: Any device capable of recording and transmitting photographic or video data, with or without a wire, to a remote device, such as a computer, smartphone, or other viewing device. The term shall also include a device that merely records photographic or video data and stores such data for later use.

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

207:63 Game Cameras.

I. Any person taking or attempting to take a game animal or fur-bearing animal may use a game camera to locate, surveil, aid or assist in any attempt to locate or surveil any game animal or fur-bearing animal, provided that no person shall take a game animal or fur-bearing animal within 24 hours of remotely viewing any image or video of that animal from a game camera in that area.

II.(a) No person shall place a game camera that records or transmits images or data of any kind while unattended outside on the private property of another without the written consent of the property owner or the property owner has posted signage on his or her property allowing the placement of such camera as provided in this section. A game camera placed on state owned or managed lands shall be exempt from requiring written landowner permission.

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

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

III. A person who places a game camera on the private property of another, or on state owned or state managed property, shall label the camera with the name and contact information of the camera owner in a manner visible while mounted.

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

V. This section shall not prohibit:

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

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

VI. Any person who violates this section shall be guilty of a violation and subject to a fine of up to \$1,000 for each offense and, for a second or subsequent conviction under this section, may forfeit the game camera and related fastening devices used during the violation of this section.

2023-2068s

AMENDED ANALYSIS

This bill requires that agricultural land development rights purchased by the department of agriculture, markets and food shall be held in the name of the state of New Hampshire or the deed shall stipulate that the state has the right to enforce the terms of the deed. It also adds one voting member from the New Hampshire Land Trust Coalition to the agricultural lands preservation committee.

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.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

FINANCE

HB 46-FN, establishing a committee to study replacement of bail commissioners with court magistrates. Ought to Pass, Vote 6-0. Senator Innis for the committee.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

May 31, 2023

2023-2070s

07/08

Floor Amendment to HB 46-FN

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

AN ACT establishing a committee to study replacement of bail commissioners with court magistrates and relative to delinquent payment of accounts by on premises and off premises licensees.

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

6 Alcoholic Beverages; Enforcement; Delinquent Payments. Amend RSA 179:13, I to read as follows:

I. Each holder of a wholesale distributor, brew pub, nano brewery, or beverage manufacturer license shall report to the commission the name and license number of any on-premises or off-premises licensee who is delinquent in making payment of accounts over a total of [~~\$100~~] **\$250** within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-premises or off-premises licensee or on the premises of a liquor/wine/beverage warehouse storing the beverages for an on-premises or off-premises licensee. Each holder of a wholesale distributor license, brew pub license, nano brewery license, beverage manufacturer license, or beverage vendor license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

7 Alcoholic Beverages; Enforcement; Delinquent Payments. Amend RSA 179:13, III to read as follows:

III. The commission shall inform holders of beverage manufacturer licenses, beverage vendor licenses, brew pub licenses, nano brewery licenses, and wholesale distributor licenses of the names of licensees who are delinquent in making payments of a total amount of [~~\$100~~] **\$250** or more under the provisions of this section and no holder of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

8 Effective Date.

I. Sections 6-7 of this act shall take effect July 1, 2023.

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

2023-2070s

AMENDED ANALYSIS

This bill establishes a committee to study the use of court magistrates throughout the state court system to supplement or replace the current bail commissioner positions.

This bill also increases the total amount of delinquent payments by an on-premises or off-premises licensee that must be reported to the liquor commission.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Carson, Dist 14

May 31, 2023

2023-2069s

07/08

Floor Amendment to HB 46-FN

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

AN ACT establishing a committee to study replacement of bail commissioners with court magistrates and relative to electronic payments to employee debit cards.

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

6 Payment of Wages Electronic Payments to Employee Debit Cards. Amend RSA 275:43, I and II to read as follows:

I. Every employer shall pay all wages due to employees within 8 days after the expiration of the work week if the employee is paid on a weekly basis, or within 15 days after the expiration of the work week if the employee is paid on a biweekly basis, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph IV or IV-a(a), on regular paydays designated in advance by the employer and at no cost to the employee:

(a) In lawful money of the United States;

(b) By electronic fund transfer;

(c) By direct deposit ~~[with written authorization of the employee]~~ to banks of the employee's choice;

(d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution or other location convenient to the place of employment. ***If an employee is unable to access their wages due to a technical or processing defect, the employer shall immediately provide the wages to the employee with either a replacement employee debit card, a check, a direct deposit, or cash. In such a situation, the employer shall be liable for late payment of wages whenever the replacement wages are provided after the designated pay day. If an employee debit card is lost, stolen, or damaged such that the funds are no longer accessible to the employee, the employer shall provide the employee with a replacement employee debit card within 24 hours of being notified.*** None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or

(e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; provided, however, that ~~[if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further provided that]~~ all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

II. If an employer offers its employees the option of receiving wages by a payroll card, the employer shall:

(a) Provide to the employee written disclosure in plain language of all the employee's wage payment options. The written disclosure shall state the terms and conditions of the payroll card account option, including, but not limited to, the requirements set forth in this section and a complete itemized list of all known fees that may be deducted from the employee's payroll card account by the employer or card issuer. The disclosure shall also state whether third parties may assess transaction fees in addition to the fees assessed by the employee's payroll card issuer or issuers. In no event shall the employer provide payment of wages to a payroll card that has an expiration date, unless the employer agrees to provide a replacement payroll card before the expiration date at no cost to the employee.

(b) Initiate payment of wages to an employee by electronic fund transfer to a payroll card account only after the employee has ~~[voluntarily consented in writing to that method of payment. Consent to payment of wages by electronic fund transfer to a payroll card account shall not be a condition of hire or of continued employment. The written consent signed by the employee shall include the terms and conditions of the payroll card account option.]~~ ***failed to provide bank information to enable direct deposit as specified in subparagraph I(c) within 14 calendar days of the employer's request. An employer that wishes to offer only electronic wage payment under subparagraphs I(c)-(d) shall advise employees that failure to provide bank information shall result in wage payments via payroll card.***

(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed~~[, and obtain~~

~~written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes].~~ The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.

(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account, ***and instead to receive wages via direct deposit***, at any time, without penalty to the employee.

7 Effective Date.

I. Section 6 shall take effect 60 days after its passage.

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

2023-2069s

AMENDED ANALYSIS

This bill establishes a committee to study the use of court magistrates throughout the state court system to supplement or replace the current bail commissioner positions.

This bill also clarifies the obligations of employers using employee debit cards for payment of wages.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Soucy, seconded by Senator Avar.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Avar, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

The following Senators voted No: Watters, Ricciardi, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators were excused: Prentiss.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

Senator Soucy moved to divide the question on Ought to Pass with Amendment: The first vote on Sections 1-7 and the effective date and the second vote on Section 8 and the effective date.

The Chair ruled the question divisible.

Recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass with Amendment: Sections 1-7 and the effective date. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment: Section 8 and the effective date.

A roll call was requested by Senator Soucy, seconded by Senator Avar.

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avar, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

The following Senators voted No: Watters, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators were excused: Prentiss.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

HB 97-FN, establishing an additional penalty for a violation of privacy.

Ought to Pass, Vote 6-0. Senator Gray for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 337-FN, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

Ought to Pass, Vote 6-0. Senator Pearl for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 435, relative to relief aid calculation in determining grants for adequate education.
Inexpedient to Legislate, Vote 6-0. Senator Gray for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 440-FN, relative to the uses of education trust fund.
Inexpedient to Legislate, Vote 6-0. Senator Gray for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 442-FN, relative to the removal of derelict fishing gear
Ought to Pass, Vote 5-1. Senator Pearl for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Senator Altschiller is in opposition to the motion of Ought to Pass.

HB 504-FN, relative to the adult parole board and making an appropriation therefor.
Ought to Pass, Vote 6-0. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 532-FN, relative to the licensure and regulation of music therapists and other occupations and professions.
Ought to Pass, Vote 6-0. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 287-FN, removing testing equipment from the definition of drug paraphernalia in the controlled drug act.
Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary
May 30, 2023
2023-2060s
07/05

Amendment to HB 287-FN

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

AN ACT removing fentanyl and xylazine testing equipment from the definition of drug paraphernalia in the controlled drug act.

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

1 New Paragraph; Occupations and Professions; Controlled Drug Act; Definitions. Amend RSA 318-B:1 by inserting after paragraph X-a the following new paragraph:

X-b. Notwithstanding the provisions of RSA 318-B:1, X-a, "drug paraphernalia" shall not include fentanyl test strips, xylazine test strips, or other materials used or intended for use in testing for the presence of fentanyl, xylazine, or a fentanyl or xylazine analog in a substance, unless possessed in conjunction with other evidence forming the basis of a criminal charge involving the manufacturing, possessing with the intent to sell, or compounding pursuant to RSA 318-B:2, I.

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

2023-2060s

AMENDED ANALYSIS

This bill removes fentanyl and xylazine testing paraphernalia in certain instances from the definition of drug paraphernalia in the controlled drug act.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 400-FN, relative to certain assault offenses, bail eligibility for commission of certain assault offenses, and making a false report to a law enforcement officer.

Re-refer to Committee, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to the end of the day. Adopted.

JUDICIARY

HB 610-FN, expanding the definition of providers who can certify patients of the therapeutic cannabis program and relative to release of a defendant pending trial and relative to product labeling and information guide requirements for cannabis products and the prohibition of the sale of hemp products containing certain levels of THC.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read and the Clerk is instructed to enter all House Messages into the Senate Journal. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 195-FN, relative to the purchase of steel products with the Buy America certification.

Senator Gannon moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 200, relative to optometrists.

Senator Gannon moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 44-FN, relative to license requirements for certain alcohol and other drug use professionals.

Senator Pearl moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 71-FN, relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings.

Senator Pearl moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 74-FN, relative to the department of administrative services.

Senator Pearl moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 87-FN, relative to nurses for youth camps, organized recreation, and community-sponsored recreation.

Senator Pearl moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 103, (New Title) including the raid on Fort William and Mary in Portsmouth in the planning of the American revolution sestercentennial commission.

Senator Pearl moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 147, relative to the board of dental examiners.

Senator Pearl moved Nonconcurrence and requested a Committee of Conference. Adopted.

President Bradley noted that Committee of Conference conferees will be appointed during recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 203, (New Title) relative to the board of manufactured housing.

Senator Pearl moved Nonconcurrence and requested a Committee of Conference. Adopted.

President Bradley noted that Committee of Conference conferees will be appointed during recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 215-FN, relative to nursing certification requirements.

Senator Ward moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 216, (New Title) making changes to the requirements for civics education in schools.

Senator Ward moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 89, relative to accommodation for medical reasons in issuing marriage licenses.

Senator Gray moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 157-FN, relative to election audits.

Senator Gray moved Nonconcurrence and requested a Committee of Conference. Adopted.

President Bradley noted that Committee of Conference conferees will be appointed during recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 16, establishing a stakeholders' group to address utility poles and attachments in New Hampshire.

Senator Avarð moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 40, relative to participation in net energy metering by small hydroelectric generators.

Senator Avarð moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 113-FN, (New Title) relative to the electric utility system benefits charge.

Senator Avarð moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 161, relative to low-moderate income community solar projects.

Senator Avarð moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 166-FN, relative to electric grid modernization.

Senator Avarð moved Nonconcurrence and requested a Committee of Conference. Adopted.

President Bradley noted that Committee of Conference conferees will be appointed during recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 225, (New Title) establishing the commission to study the assessing of power generation.

Senator Avarð moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 34-FN, relative to the controlled drug prescription health and safety program.

Senator Birdsell moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 127-FN, relative to certain programs administered by the department of health and human services.

Senator Birdsell moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 171, relative to the definition of youth recreational programs.

Senator Birdsell moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 238-FN, (New Title) relative to prescribing opioids via telehealth medicine.

Senator Birdsell moved Nonconcurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 59, relative to the director of charitable trusts.

Senator Carson moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 76-FN, (New Title) relative to reporting of medico-legal deaths.

Senator Carson moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 183, exempting certain phone calls from the right to know law.

Senator Carson moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 245, relative to the inspection of hotel guest records.

Senator Carson moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 268, (New Title) allowing for pre-hospital treatment and transportation for operational canines.

Senator Carson moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 19-FN, (New Title) relative to the operation of bingo games and the sale of lucky 7 tickets.

Senator Lang moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 120-FN, relative to charitable gaming license applications, wages, stakes, and bonds.

Senator Lang moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 139, relative to the price of Lucky 7 tickets.

Senator Lang moved Concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 189-FN, relative to the definition of gross business profits in determining taxable business profits.

Senator Lang moved Concurrence. Adopted.

JUDICIARY

HB 610-FN, expanding the definition of providers who can certify patients of the therapeutic cannabis program. Ought to Pass, Vote 5-0. Senator Gannon for the committee.

Senator Soucy offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Carson, Dist 14

Sen. Soucy, Dist 18

May 30, 2023

2023-2062s

05/08

Floor Amendment to HB 610-FN

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

AN ACT expanding the definition of providers who can certify patients of the therapeutic cannabis program and relative to release of a defendant pending trial.

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

3 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, I-III(a) to read as follows:

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

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;

(c) Detained; or

(d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph VIII.

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

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Detained.

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

(a) Safety of the public or the defendant.

(1) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; stalking under RSA 633:3-a; trafficking in persons

under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer pornography and child exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. Arraignment shall occur no later than 24 hours after the arrest, Saturdays, Sundays, and legal holidays excluded, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the same day, Saturdays, Sundays, and legal holidays excluded. At the person's appearance before the court, the court shall order that the person be detained pending trial if the court determines by clear and convincing evidence that release of the person is a danger to the public or themselves. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant and material factors presented pursuant to paragraph IV. If the court does not find by clear and convincing evidence that the person must be detained, the court shall order the person released pursuant to paragraph I(a) or paragraph I(b), or, if applicable, temporarily detained pursuant to paragraph I(d).

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

4 Appropriation; Department of Safety; Division of State Police. The sum of \$1,000,000 is hereby appropriated in the fiscal year ending June 30, 2023, to the department of safety, division of state police, to develop and implement a system to electronically share an individual's bail condition status with law enforcement. This appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Section 4 of this act shall take effect June 30, 2023.

II. Section 3 of this act shall take effect January 1, 2024.

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

2023-2062s

AMENDED ANALYSIS

This bill:

I. Expands the definition of provider under the therapeutic cannabis program to include any individual licensed in New Hampshire to prescribe drugs to humans who holds an active registration from the United States Drug Enforcement Administration to prescribe controlled substances; and requires, for issuance of a registry identification card to a minor, certification from 2 providers, one of whom shall provide pediatric care.

II. Lists certain criminal offenses which, if committed by the defendant, create a presumption that a defendant is a danger to the public and shall be detained for up to 36 hours, and makes an appropriation to the division of state police to develop and implement a system to electronically share an individual's bail condition status with law enforcement.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Avard, Dist 12

June 1, 2023

2023-2083s

05/08

Floor Amendment to HB 610-FN

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

AN ACT expanding the definition of providers who can certify patients of the therapeutic cannabis program; and relative to product labeling and information guide requirements for cannabis products and the prohibition of the sale of hemp products containing certain levels of THC.

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

3 New Subparagraph; Use of Cannabis for Therapeutic Purposes. Amend RSA 126-X:12, IV by inserting after subparagraph (h) the following new subparagraph:

(h) Developing, reviewing, and updating cannabis product labels and educational material about the risks of cannabis use to be provided to qualifying patients by alternative treatment centers and certifying medical providers.

4 New Section; Agriculture, Horticulture and Animal Husbandry; Hemp; Hemp-Derived Products Containing THC Prohibited. Amend RSA 439-A by inserting after section 439-A:3 the following new section:

439-A:4 Hemp-Derived Products Containing THC Prohibited. Nothing in this chapter shall be construed to authorize the sale of products that are derived from hemp which contain natural or synthetic tetrahydrocannabinol (THC) greater than 0.3 percent on a dry weight basis, which appear in any formulation, including delta-8 THC, delta-9 THC, or any other THC isomer variant.

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

2023-2083s

AMENDED ANALYSIS

This bill:

I. Expands the definition of provider under the therapeutic cannabis program to include any individual licensed in New Hampshire to prescribe drugs to humans who holds an active registration from the United States Drug Enforcement Administration to prescribe controlled substances.

II. Requires, for issuance of a registry identification card to a minor, certification from 2 providers, one of whom shall provide pediatric care.

III. Empowers the therapeutic cannabis oversight board to regulate and review the labels and educational materials of cannabis materials.

IV. Prohibits the sale of hemp products containing certain amounts of THC.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Carson moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION ANNOUNCEMENTS

(The Chair recognized Senator Lang.)

SENATOR LANG: I just want to apologize to my colleagues. When we were discussing HB 221, I referenced Senate Bill 607. It was really Senate Bill 190. I apologize for my mistake.

(The Chair recognized Senator Altschiller.)

SENATOR ALTSCHILLER: Thank you, Mister President. I'd like to take a moment of Personal Privilege to congratulate a former staffer here that many of you worked with. My daughter, Marina Altschiller just

celebrated her graduation from the University of New Hampshire with her Master's in Business Administration. And she wishes you all well and thanks you for your support of her while she was pursuing her higher education working here in the Senate. Thank you.

(The Chair recognized Senator Rosenwald.)

SENATOR ROSENWALD: Thank you, Mister President. Tuesday evening. My wonderful city of Nashua really hit it out of the park with a new plaque at Holman Stadium to commemorate the Black Heritage Trail. Yes, Mister President, the city of Nashua, the Black Heritage Trail, and our local NAACP chapter swung for the fences by installing this plaque. Nashua certainly deserved to be a stop on the Black Heritage Trail. That's because in 1946, the Nashua Dodgers, a class B farm team of the Brooklyn Dodgers, became the first MLB affiliated team to be racially integrated. And I guess I should mention that my father never got over the Dodgers moving out of Brooklyn. But while Jackie Robinson was playing in Montreal, Cy Young award winner Don Newcomb and Hall of Fame catcher Roy Campanella were signed to play in Nashua. They scored a big hit and were welcomed into the homes and hearts of our community. And the New Hampshire Senate hit a grand slam Tuesday with a resolution signed by four of us. Senators D'Allesandro, Watters, Avard, and me and delivered to Holman Stadium with our congratulations. And thanks to the cracker jack work of Senator D'Allesandro, former Red Sox pitcher Manny Delcarmen joined us, as did Mrs. Newcomb. I encourage all of my colleagues to catch a game this summer at Holman Stadium and view the plaque. I know it will be a home run of an evening. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Yes. Thank you, Mister President. So, speaking of great hits, there's a song that goes along with this resolution and it's called Take Me Out to the Ball Game. So you all have your copy. I'm going to go look at every one of you if you're not singing, so you need to sing with me. Are you ready?

Take me out to the ball game take me out with the crowd. Buy me some peanuts and Cracker Jacks. I don't care if I never get back. So we root, root, root for the home team, if they don't win, it's a shame. For it's one, two, three strikes you're out at the old ball game.

You're not singing, Mister President. I caught you. Now you have to sing the final verse.

PRESIDENT BRADLEY: I don't think you want me to sing.

SENATOR AVARD: Thank you, Mister President.

(The Chair recognized Senator Perkins Kwoka.)

SENATOR PERKINS KWOKA: Thank you. Just an announcement, Mister President. I just hope you'll join me in celebrating today first day of Pride Month. We are celebrating in Portsmouth with raising of our pride flag in Market Square at 1:00 p.m. which I may or may not make it to, but we'll be celebrating all this month, including a pride parade on June 24th. So thanks for recognizing that.

(The Chair recognized Senator Altschiller.)

SENATOR ALTSCHILLER: Thank you, Mister President. Ask for Unanimous Consent. This body met last on May 18th and in the two weeks since our nation has experienced another thirty-nine mass shootings. The youngest victim in this time period is one year old. As we begin our Wear Orange Weekend to remember the victims of gun violence, their families and communities, may we find the courage to take meaningful action...

POINT OF ORDER

(The Chair recognized Senator Carson.)

SENATOR CARSON: I don't believe that this is what we traditionally do when we ask for Personal Privilege. Thank you.

PRESIDENT BRADLEY: So I'm not aware that there are any specific rules for personal privileges, but our tradition is as Senator Carson outlined. I'll allow you to continue but try to respect those Senate traditions in the future. Thank you. Go ahead.

SENATOR ALTSCHILLER: Thank you, Mister President. As we begin our Wear Orange Weekend to respect and remember the victims of gun violence, their families and communities, may we find the courage to take meaningful action to respond to this unrelenting crisis. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you. Thank you. Mister President, Unanimous Consent, please. Many of us come here and serve, but it's our spouses who really take the burden. They allow us to do this and to perform our civic duties. And they're at home taking care of the family and doing other things. On the 27th of May, which was Saturday, my wife and I celebrated our sixty-second wedding anniversary. So I think it's been sixty-two years of pain and suffering for my wife. But we both have been able to survive. We survived with three children, nine grandchildren, two great grandchildren, and the help of a lot of colleagues from this body over some very trying periods of time. But I think we should all think about our spouses and the kind of sacrifice they make for us to be here. And without that, we couldn't do it. We couldn't perform. And indeed, very thankful for that. Very thankful to all of my colleagues, to their spouses, but indeed, to my own spouse. A real thank you. Thank you.

PRESIDENT BRADLEY: Thank you. Senator D'Allesandro, I couldn't agree with you more, and obviously my spouse is here. We have a ways to go to catch up with you at sixty-two, but we're getting there.

Alright, so just a last-minute announcement. If I could have Republicans in the conference room after we conclude. The Finance Committee will meet at 1:00. And next week, remember, we're in session on Wednesday. We will take up HB 1 and HB 2. It'll probably be a long day. And one other bill, and then in theory well, no, in reality, we'll be in session for a short session, hopefully on Thursday. It's my intention to start at 1:00, though we're noticed at 10:00, so that will be the intention. I think there are four or five other bills that we Special Ordered, and the Capital Budget, which we will take up on Thursday. Okay?

Without objection, all Personal Privileges and Unanimous Consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 46-FN, establishing a committee to study replacement of bail commissioners with court magistrates and relative to delinquent payment of accounts by on premises and off premises licensees and relative to electronic payments to employee debit cards.

HB 97-FN, establishing an additional penalty for a violation of privacy.

HB 139, relative to hydrogen energy and establishing a hydrogen advisory committee.

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.

HB 287-FN, removing fentanyl and xylazine testing equipment from the definition of drug paraphernalia in the controlled drug act.

HB 337-FN, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

HB 442-FN, relative to the removal of derelict fishing gear.

HB 504-FN, relative to the adult parole board and making an appropriation therefor.

HB 532-FN, relative to the licensure and regulation of music therapists and other occupations and professions.

HB 610-FN, expanding the definition of providers who can certify patients of the therapeutic cannabis program and relative to release of a defendant pending trial and relative to product labeling and information guide requirements for cannabis products and the prohibition of the sale of hemp products containing certain levels of THC.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Carson moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, vacating bills, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.