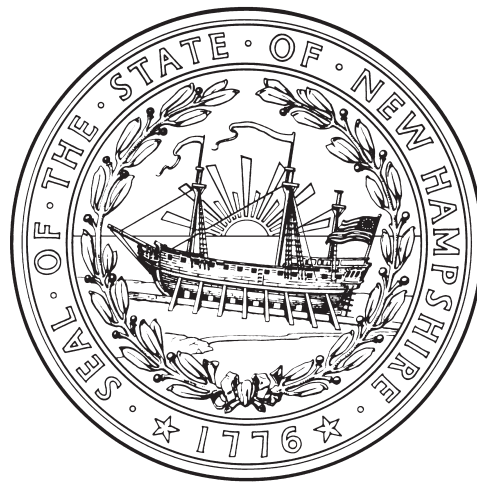


June 8, 2023
Nos. 17-18

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – JUNE 7, 2023 SESSION
COMMENCEMENT – JUNE 8, 2023 SESSION**

SENATE JOURNAL 17 *(continued)*

June 7, 2023

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 18

June 8, 2023

The Senate reconvened at 12:00 p.m., a quorum being present.

Senator Birdsell offered the following prayer:

Dear God, help us today do the best that we can for our constituents and for those that live in this state. Please give us in the Senate the presence of mind to do what's best without animosity and with a friendly face and a nice smile. With this, please God, help the state of New Hampshire and help our men in service. Thank you. Amen.

Senator Murphy led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Avard for an introduction.)

SENATOR AVARD: Thank you, Mister President. And thank you all for being here. I want to recognize some of our military folks, and if you wouldn't mind, come on up, please. All of them.

It wasn't but just a few days ago that we observed Memorial Day and those that never came home. And then, of course, D-Day was just the other day where one of the greatest battles, where many, many lives were lost, and we remember them as well.

And today, we're going to honor for five years of exemplary service and dedication to the National Guard's Military Funeral Honors Program. Staff Sergeant Colin McGrail. Colin, welcome. Thank you.

And, of course, for two years of exemplary service and dedication to the National Guard's Military Funeral Honors Program, Sergeant Tyler Whiting.

My son went to Afghanistan, and he came back, and I'm so grateful. But there are some who never came back. And I think you have some of the hardest jobs, and we thank you for doing it, and we thank you for your service, all of you. Thank you very much.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to the beginning of the Calendar. Adopted.

FINANCE

HB 384-FN-A, relative to building a new legislative parking garage and making an appropriation therefor, renaming the capital project overview committee, and establishing the joint legislative parking garage oversight commission.

President Pro Tempore Gray presiding.

CONSENT CALENDAR REPORTS REMOVED

ENERGY AND NATURAL RESOURCES

HB 211, by Senator Avard

President Bradley presiding.

Recess. Out of recess.

SUSPENSION OF THE RULES

Senator Carson moved that the Senate suspend all rules necessary to permit consideration of SR 10, urging Congress to support additional federal resources to expand the housing supply and address the housing shortfall in New Hampshire, at the present time. Adopted by the necessary 2/3 vote.

Senator Carson moved Introduction of SR 10 and offered a motion of Ought to Pass.

The question is on the adoption of the resolution. Adopted.

President Pro Tempore Gray presiding.

REGULAR CALENDAR

FINANCE

HB 384-FN-A, relative to building a new legislative parking garage and making an appropriation therefor, renaming the capital project overview committee, and establishing the joint legislative parking garage oversight commission.

Ought to Pass with Amendment, Vote 6-1. Senator D'Allesandro for the committee.

Senate Finance

June 1, 2023

2023-2085s

08/10

Amendment to HB 384-FN-A

Amend RSA 17-J:5, I as inserted by section 3 of the bill by replacing it with the following:

I. There is hereby established a joint legislative parking garage oversight commission. Members of the commission shall be as follows:

- (a) The president of the senate, or designee.***
- (b) One member appointed by the president of the senate, who may be a public member.***
- (c) The speaker of the house of representatives, or designee.***
- (d) One member appointed by the speaker of the house of representatives, who may be a public member.***
- (e) The commissioner of the department of administrative services, or designee.***
- (f) The chairperson of the house public works and highways committee, or designee.***
- (g) The chairperson of the house finance committee, or designee.***
- (h) A member of the senate finance committee, appointed by the president of the senate.***
- (i) The chief operating officer of the general court.***
- (j) One member appointed by the city of Concord.***

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

INTRODUCTION OF GUESTS

Senator Soucy introduced House Democratic Leader Representative Matthew Wilhelm and House Deputy Democratic Leader Representative Alexis Simpson visiting in the gallery.

Senator Soucy offered a Floor Amendment.

Sen. Soucy, Dist 18
June 7, 2023
2023-2174s
10/05

Floor Amendment to HB 384-FN-A

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

AN ACT relative to building a new legislative parking garage and making an appropriation therefor, re-naming the capital project overview committee, establishing the joint legislative parking garage oversight commission, and relative to the calculation and funding of certain group II retirement benefits in the retirement system.

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

7 Retirement System; Service Retirement; Group II. Amend RSA 100-A:5, II(b)(2) to read as follows:

(2) For members who are in vested status before January 1, 2012, a state annuity which, together with his or her member annuity, shall be equal to 2- 1/2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 40 years, or for members who commenced service on or after July 1, 2011 [~~a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 42.5 years, and group II members~~] **or** who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years.

8 Retirement System; Service Retirement; Group II; Transition Provision. RSA 100-A:5, II(d) is repealed and reenacted to read as follows:

(d) Active group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on or after January 1, 2012 according to the following:

(1) Commenced service on or after July 1, 2011: 2.5 percent for first 20 years of service, 2.0 percent for subsequent years.

(2) Less than 4 years of service on July 1, 2011: minimum 24 years of service; minimum age 49; 2.5 percent for first 20 years of service, 2.1 percent for subsequent years.

(3) At least 4 years, but less than 6 on July 1, 2011: minimum 23 years of service; minimum age 48 ; 2.5 percent for first 20 years of service, 2.2 percent for subsequent years.

(4) At least 6 years, but less than 8 years on July 1, 2011: minimum 22 years of service; minimum age 47; 2.5 percent for first 20 years of service, 2.3 percent for subsequent years.

(5) At least 8 years, but less than 10 years on July 1, 2011: minimum 21 years of service; minimum age 46; 2.5 percent for first 20 years of service, 2.4 percent for subsequent years.

9 Retirement System; Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her ordinary disability retirement; and a state annuity which, together with his or her member annuity, for members who are in vested status before January 1, 2012, shall be equal to 2 1/2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 40 at the time of ordinary disability retirement, or for members who commenced service on or after July 1, 2011, [~~shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 42.5 at the time of ordinary disability retirement, and group II members~~] **or** who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his or her disability retirement.

10 Supplemental Disability Retirement Allowance; Group II; Transition provisions. Amend RSA 100-A:6, II(d)(2) to read as follows:

(2) For members who commenced service on or after July 1, 2011, any group II member who has more than 33 1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to ~~[2-percent]~~ ***the corresponding multiplier as provided in the transition provisions in RSA 100-A:5, II(d)*** of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33 1/3, but not in excess of 42.5 years.

11 Retirement System; Group II; Funding; Communications Services Tax; Appropriation. Beginning with state fiscal year ending June 30, 2026 and extending through state fiscal year 2028, \$20,000,000 in annual revenues collected under RSA 82-A, the communications services tax, for the 3-year period from fiscal year 2026 through the end of fiscal year 2028, shall be appropriated to the retirement system to fund the cost of implementing sections 7-10 of this act. The governor is authorized to draw a warrant for said sums.

12 Effective Date.

I. Section 5 of this act shall take effect as provided in section 6 of this act.

II. Section 1-4 and 6 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2023.

2023-2174s

AMENDED ANALYSIS

This bill makes an appropriation for the design, planning, construction, and site work for a new legislative parking garage and for the costs for razing the department of justice building. This bill renames the capital budget overview committee to be the capital project overview committee and creates the joint legislative parking garage oversight commission. This bill also increases the service retirement and disability retirement annuity multiplier for the first 20 years of service of group II retirement system members under the transition provisions adopted in 2011.

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

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

President Bradley presiding.

CAPITAL BUDGET

HB 25-A, making appropriations for capital improvements.

Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Capital Budget

May 4, 2023

2023-1673s

06/10

Amendment to HB 25-A

Amend section 1, paragraphs I through III by replacing them with the following:

I. Department of Administrative Services

A. Court Facilities

- | | |
|--------------------------|------------|
| 1. Courthouse Generators | 1,156,500 |
| 2. Rochester Courthouse | 17,500,000 |

B. General Services

- | | |
|---|---------|
| 1. Emergency Operations Center (EOC) | |
| Mechanical Replacements and Repairs | 745,000 |
| 2. Thayer Building Heating Zone Expansion | 330,000 |
| 3. Two Chillers for 29 Hazen Dr | 300,000 |

4. Parking Lot Repairs and Paving - Statewide	2,000,000
5. Acquire Building at 25 Hall Street	7,000,000
C. Statewide Emergency	
1. Statewide Emergency Fund	1,500,000
Total state appropriation paragraph I	\$30,531,500
II. Department of Corrections	
1. Replace Sewer Lines and Grinder	400,000
2. Radio System Upgrade	910,000
Total state appropriation paragraph II	\$1,310,000
III. Department of Education	
1. Winnisquam Regional CTE Center Renovation	7,649,663
Total state appropriation paragraph III	\$7,649,663

Amend section 23, paragraph VIII to read as follows:

VIII. To provide funds for the appropriations made in paragraphs II through VII, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,827,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

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

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 7

June 7, 2023

2023-2162s

06/10

Floor Amendment to HB 25-A

Amend section 24 of the bill by inserting after paragraph 208 the following new paragraphs:

209. The appropriation made to the Department of Health and Human Services in 2021, 107:1, VII, 4 for Electronic Visit Verification System.

210. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, A, extended by 2019, 146:20, 76, extended by 2021, 107:16, 78 for MMIS Technical Stack Upgrade.

211. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, G, extended by 2019, 146:20, 82, extended by 2021, 107:16, 82 for NH Hospital Air Handling System Upgrades.

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.

ENERGY AND NATURAL RESOURCES

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

Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Energy and Natural Resources

May 23, 2023

2023-1986s

10/08

Amendment to HB 251

Amend the bill by replacing section 1 with the following:

1 Public Utilities Commission; Disclosure of Cost of Compliance. Amend RSA 378:49, II(c) to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the [commission] **department**, including the [commission's] **department's** estimated cost on a per kilowatt-hour basis **and estimated annual cost for the average residential ratepayer** for compliance with the electric renewable portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the compliance year shall be calculated once per year and provided in the customer's December bill, whether distributed through the mail or online. Each customer's bill shall identify the cost as an estimate and provide a link to information about the electric renewable portfolio standard, including its benefits, at the [public utilities commission's] **department's** website. **Utilities shall also be required to include an annual estimated cost to be calculated by multiplying the average per kilowatt hour cost of the electric renewable portfolio standard under RSA 362-F for the prior compliance year by the average residential monthly consumption of 625 kilowatt hours.** The costs for a utility to provide this information shall be recovered from electric customers through the distribution rates of the respective electric distribution utility.

2023-1986s

AMENDED ANALYSIS

This bill requires the department of energy to provide an estimated annual cost of compliance with electric renewable portfolio standards in customer's electric bills.

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 253, establishing a committee to study extended producer responsibility.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 358, relative to the filing and adoption of proposed administrative rules.
Ought to Pass with Amendment, Vote 5-0. Senator Pearl for the committee.

Senate Executive Departments and Administration
May 31, 2023
2023-2072s
05/10

Amendment to HB 358

Amend the bill by replacing RSA 541-A:15, I as inserted by section 7 of the bill with the following:

I. The director of legislative services shall compile, index, and publish~~[-or require agencies to publish-]~~ all effective rules adopted by each agency. The text of an adopted rule as filed with the director and which is effective shall **then** be the official version of the rule~~[.]~~. **The director shall publish the adopted rule text online in a format as determined by the director. The agency shall be notified when the text is published. The agency shall then have 120 days to certify that the published rule is accurate. If** ~~[unless or until a version prepared for publication, which may have]~~ editorial changes not affecting the substance of the rule~~[, is certified by the agency as the same in substance as originally filed.]~~ **are needed, or an error in the publishing process is identified, then the agency shall notify the director, and such changes shall be made by the director and certified by the agency that it is the same in substance as originally filed. If the agency does not notify the director within the 120-day deadline, then it will be presumed that the agency has reviewed the published language and agreed that it is the certified version and shall be published online by the director in a format as determined by the director.** The certified version shall **then** be the official version. Both the adopted rule as-filed and as-certified may be an electronic document and still be the official version if in compliance with RSA 541-A:1, V-a and VI and the drafting and procedure manual for administrative rules under RSA 541-A:8. The official version of the rule shall be available to the public by the agency and the director pursuant to RSA 541-A:14, IV **as described in the drafting and procedure manual under RSA 541-A:8.**

Amend the bill by replacing section 8 with the following:

8 Rules; Filing Required. Amend RSA 541-A:16, III to read as follows:

III. A rule shall become effective as of 12:01 a.m. on the day after the filing of the adopted rule or as of 12:01 a.m. on the date specified by the agency pursuant to RSA 541-A:14, IV, RSA 541-A:14-a, III, or RSA 541-A:19, X, or such other **later** date ~~[and time]~~ as specified, provided that filing occurs before such effective date ~~[and time]~~. Except as provided in RSA 541-A:14-a, a rule adopted under RSA 541-A:14, IV shall expire after the last day of the tenth year following its becoming effective, unless sooner amended, readopted, or repealed.

Amend RSA 541-A:19-c, VI(c) as inserted by section 14 of the bill by replacing it with the following:

(c) *Deemed not to be in the public interest, including the existence of substantive inconsistencies between the form and the rule whose provisions incorporate the form by reference or set forth the requirements of the form pursuant to RSA 541-A:19-b; or*

Amend the bill by inserting after section 17 the following and renumbering the original section 18 to read as 19:

18 Transition; Application. The provisions of this act shall govern the following on or after the effective date of this act:

I. All rulemaking initiated by filing a notice of rulemaking under RSA 541-A:6.

II. All interim rules initiated by filing a proposed interim rule under RSA 541-A:19, II.

III. All expedited revisions to forms initiated by filing a notice of rulemaking under RSA 541-A:19-c, III.

IV. All notices submitted to the director of legislative services for publication in the rulemaking register.

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

Senator Pearl offered a Floor Amendment.

Sen. Pearl, Dist 17

June 7, 2023

2023-2172s

10/07

Floor Amendment to HB 358

Amend the bill by inserting after section 18 the following new section

19 Contingent Nullification. If SB 44-FN of the 2023 legislative session becomes law then section 9 of that act, amending RSA 330-C:17, I(b), shall not take effect.

2023-2172s

AMENDED ANALYSIS

This bill makes various changes to the procedures for the filing and adoption of proposed administrative rules. The bill also makes a technical correction to SB 44-FN if it becomes law.

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

Senator Chandley offered a Floor Amendment.

Sen. Chandley, Dist 11

June 8, 2023

2023-2175s

05/10

Floor Amendment to HB 358

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

AN ACT relative to the filing and adoption of proposed administrative rules and relative to the certification of a collective bargaining unit.

Amend the bill by replacing all after section 18 with the following:

19 Public Employee Labor Relations; Certification of Collective Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of fewer than ~~[10]~~ 5 employees with the same community of interest. For purposes of this section, probationary employees shall be counted to satisfy the employee minimum number requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

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

2023-2175s

AMENDED ANALYSIS

This bill makes various changes to the procedures for the filing and adoption of proposed administrative rules. The bill also reduces the minimum number of employees required to certify a collective bargaining unit from 10 to 5.

SPECIAL ORDER

Without objection, Floor Amendment 2023-2175s is Special Ordered to end of discussion on the bill. Adopted.

Senator Whitley offered a Floor Amendment.

Sen. Whitley, Dist 15

Sen. Carson, Dist 14

May 31, 2023

2023-2081s

05/08

Floor Amendment to HB 358

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

AN ACT relative to the filing and adoption of proposed administrative rules and relative to overpayment of unemployment compensation.

Amend the bill by replacing all after section 18 with the following:

19 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, ***except as provided in paragraph V***, 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.

20 New Paragraph; Unemployment Compensation; Overpayment. Amend RSA 282-A:165 by inserting after paragraph IV the following new paragraph:

V. The commissioner shall not charge interest on overpayments unless the person willfully made a false statement or representation or knowingly failed to disclose a material fact to obtain or increase any benefit or other payment under this chapter, either for oneself or any other person pursuant to RSA 282-A:161 or RSA 282-A:164.

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

2023-2081s

AMENDED ANALYSIS

This bill makes various changes to the procedures for the filing and adoption of proposed administrative rules.

The bill also provides that the state shall not charge interest on the collection of an overpayment of unemployment compensation unless the person knowingly or willfully made a false statement in their application for benefits.

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

Senator Perkins Kwoka offered a Floor Amendment.

Sen. Perkins Kwoka, Dist 21
Sen. Whitley, Dist 15
June 6, 2023
2023-2156s
06/10

Floor Amendment to HB 358

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

AN ACT relative to the filing and adoption of proposed administrative rules, and relative to policies relating to nursing mothers.

Amend the bill by replacing all after section 18 the following:

19 New Subdivision; Labor; Protective Legislation; Policies Relating to Nursing Mothers. Amend RSA 275 by inserting after section 77 the following new subdivision:

Policies Relating to Nursing Mothers

275:78 Definitions. In this subdivision:

I. "Employee" shall mean a person who may be permitted, required, or directed by an employer in consideration of direct or indirect gain or profit, but shall not include any individual who volunteers services for a public, charitable, or religious facility without expectation or promise of pay.

II. "Employer" shall mean a person, partnership, association, corporation, or legal representative of a person, partnership, association, or corporation, or the state or any of its political subdivisions, which has 6 or more employees working in the state.

III. "Expression of milk" means the initiation of lactation by manual or mechanical means, but shall not include breastfeeding.

IV. "Reasonable break period" shall mean an unpaid break of approximately 30 minutes for every 3 hours of work performed by a nursing employee for the purpose of expressing milk.

V. "Undue hardship" shall mean any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources and the nature and structure of its operation.

275:79 Notification of Policies.

I. Every employer shall adopt a policy to address the provision of sufficient space and reasonable break periods for nursing employees that need to express milk during working hours.

II. Every employer shall, at the time of hire, make available to its employees the employer's policy related to expression of milk during working hours.

III. A nursing employee shall notify its employer at least 2 weeks prior to needing reasonable break periods and sufficient space for expression of milk during work hours.

275:80 Sufficient Space.

I. Every employer shall provide access to reasonable, sufficient space, either temporary or permanent in nature, for the use of an employee to express milk for a nursing child for a period of one year from the date of birth of the child.

II. The location of the space provided shall be within a reasonable walk of the employee's worksite, unless otherwise mutually agreed to by the employer and employee.

III. Sufficient space provided in accordance with this section shall not be a bathroom, and shall be a clean space shielded from view and free from intrusion from coworkers and the public.

(a) If the space is not solely for the use of employees expressing milk it shall be made available when requested to comply with the requirements set forth in this subdivision.

(b) If feasible, the room shall have, at a minimum, an electrical outlet and a chair.

275:81 Reasonable Break Period.

I. Every employer shall provide reasonable break periods to employees who need to express milk for a child for a period of one year from the date of birth of the child. Nothing in this section shall preclude an employer from negotiating with an employee reasonable break periods to express milk that are different from the requirements in this subdivision.

II. Nothing under this subdivision shall preclude an employee from taking a reasonable break period contemporaneously with break or meal periods already provided to the employee by the employer.

III. An employer shall not require an employee to make up time related to use of unpaid reasonable break periods.

275:82 Penalties. Any employer who violates any provision of this subdivision shall be subject to a one-time civil penalty pursuant to RSA 273:11-a.

275:83 Hardship Exemption. An employer may be exempted from this subdivision if providing reasonable break time and sufficient space for expressing milk would impose an undue hardship to the employer's operations.

20 Effective Date.

I. Section 19 of this act, except for RSA 275:82, shall take effect July 1, 2025.

II. RSA 275:82, as inserted by section 19 of this act shall take effect July 1, 2026.

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

2023-2156s

AMENDED ANALYSIS

This bill makes various changes to the procedures for the filing and adoption of proposed administrative rules, and establishes minimum workplace supports for nursing mothers.

Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Perkins Kwoka introduced her mother Paula and oldest daughter Logan visiting in the gallery.

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

Senator Chandley offered a Floor Amendment.

Sen. Chandley, Dist 11

June 8, 2023

2023-2175s

05/10

Floor Amendment to HB 358

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

AN ACT relative to the filing and adoption of proposed administrative rules and relative to the certification of a collective bargaining unit.

Amend the bill by replacing all after section 18 with the following:

19 Public Employee Labor Relations; Certification of Collective Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of fewer than [10] **5** employees with the same community of interest. For purposes of this section, probationary employees shall be counted to satisfy the employee minimum number requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

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

2023-2175s

AMENDED ANALYSIS

This bill makes various changes to the procedures for the filing and adoption of proposed administrative rules. The bill also reduces the minimum number of employees required to certify a collective bargaining unit from 10 to 5.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Watters, Prentiss, Fenton, Chandley, Rosenwald, Carson, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators voted No: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avar, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

Roll Call, Yeas: 11 - Nays: 13. Failed.

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.

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.

Inexpedient to Legislate, Vote 3-2. Senator Gannon for the committee.

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

Senator Carson moved Ought to Pass.

Senator Chandley offered a Floor Amendment.

Sen. Chandley, Dist 11

Sen. Carson, Dist 14

June 7, 2023

2023-2170s

07/08

Floor Amendment to HB 315

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

AN ACT prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case.

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

1 Homicide; Manslaughter. Amend the introductory paragraph in RSA 630:2, I to read as follows:

I. A person is guilty of manslaughter when [he] **such person** causes the death of another:

2 New Paragraph; Homicide; Manslaughter; Certain Provocation Not Objectively Reasonable. Amend RSA 630:2 by inserting after paragraph III the following new paragraph:

IV.(a) For the purpose of determining if the defendant was under the influence of extreme mental or emotional disturbance caused by extreme provocation pursuant to paragraph I, the provocation was not

objectively reasonable if it resulted from the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, sex, or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the defendant, or if the defendant and victim dated or had a romantic or sexual relationship. Nothing in this paragraph shall preclude the jury from considering all relevant facts to determine whether the defendant was in fact provoked for purposes of establishing subjective provocation.

(b) For the purpose of this paragraph, "gender" includes a person's gender identity and gender-related appearance and behavior regardless of whether that appearance or behavior is associated with the person's gender as determined at birth.

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

2023-2170s

AMENDED ANALYSIS

This bill prohibits provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in manslaughter cases.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Ricciardi, seconded by Senator Perkins Kwoka.

The following Senators voted Yes: Lang, Watters, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Chandley, Rosenwald, Carson, Whitley, Pearl, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Abbas, Altschiller, Bradley.

The following Senators voted No: Gendreau, Avard, Murphy, Gannon.

Roll Call, Yeas: 20 - Nays: 4. 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

PRESIDENT BRADLEY: We are at the conclusion of the Regular Calendar and will take up the bill that was removed from the Consent Calendar.

ENERGY AND NATURAL RESOURCES

HB 211, relative to a report by the department of energy on the effectiveness of the system benefits charge. Ought to Pass, Vote 5-0. Senator Watters for the committee.

Senator Avard offered a Floor Amendment.

Sen. Avard, Dist 12

June 8, 2023

2023-2177s

10/05

Floor Amendment to HB 211

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

AN ACT relative to a report by the department of energy on the effectiveness of the system benefits charge, and relative to water quality.

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

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

III. No activity, including construction and operation of facilities, that requires certification under section 401 of the Clean Water Act and that may result in a discharge, as that term is applied under section 401 of the Clean Water Act, to surface waters of the state may commence unless the department certifies that any such discharge complies with the state surface water quality standards applicable to the classification for the receiving surface water body. The department shall provide its response to a request for certification to the federal agency or authority responsible for issuing the license, permit, or registration that requires the certification under section 401 of the Clean Water Act. ***Unless certification is waived by the department, the*** certification shall include any conditions on, modifications to, or monitoring of the proposed activity

necessary to provide assurance that the proposed discharge 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.

3 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.

4 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.

5 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.

6 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.***

7 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.

8 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.]~~

9 Effective Date.

I. Section 1 of this act shall effect 60 days after its passage.

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

2023-2177s

AMENDED ANALYSIS

This bill removes the department of environmental services from a report on the effectiveness of the system benefits charge. The bill also 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.

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

Senator Avard offered a Floor Amendment.

Sen. Avard, Dist 12

June 8, 2023

2023-2178s

08/08

Floor Amendment to HB 211

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

AN ACT 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.

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

2 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.

3 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 downgradient 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.

4 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 provide adequate protection of perennial surface water, 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 representative travel time;
- (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.

5 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) The department shall include as a condition to any permit the implementation of a measure proposed in the application for the permit upon which the department relied in formulating the site-specific setback required by RSA 149-M:7, III-a.

6 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 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; 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.

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 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.

7 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. 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.

8 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.

9 Effective Date.

I. Section 8 of this act shall take effect June 30, 2023.

II. Section 1 of this act shall take effect 60 days after its passage.

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

2023-2178s

AMENDED ANALYSIS

This bill removes the department of environmental services from a report on the effectiveness of the system benefits charge.

This bill also requires the department of environmental services to adopt rules relative to surface water setbacks for landfills and makes an appropriation to the department.

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.

Recess. Out of recess.

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

Third Reading and Final Passage

HB 25-A, making appropriations for capital improvements.

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.

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.

HB 315, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case.

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.

HB 384-FN-A, relative to building a new legislative parking garage and making an appropriation therefor, renaming the capital project overview committee, and establishing the joint legislative parking garage oversight commission.

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 forming committees of conference and when we recess, we recess to the Call of the Chair.

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