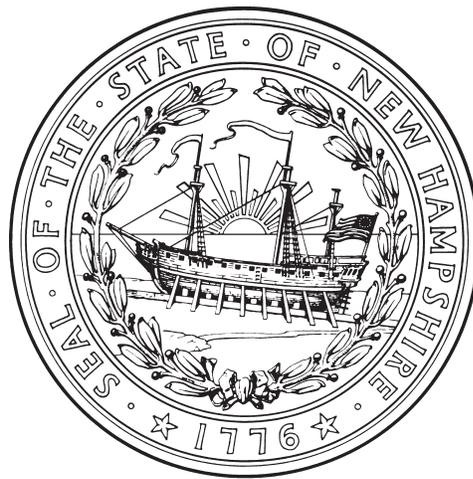


April 22, 2021  
Nos. 11-12

# STATE OF NEW HAMPSHIRE

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



**First Year of the 167<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 8, 2021 SESSION  
COMMENCEMENT – APRIL 22, 2021 SESSION**

# SENATE JOURNAL 11 *(continued)*

*April 8, 2021*

## HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 15-FN, relative to including under the meals and rooms tax facilitators of Internet transactions of motor vehicle rentals and facilitators of Internet transactions of room occupancies.

HB 67-LOCAL, relative to warrant articles in official ballot town, school district, or village district meetings.

HB 177, prohibiting the siting of a landfill near a state park.

HB 183, (New Title) prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

HB 224, relative to tinted windows on motor vehicles.

HB 243, (New Title) relative to the form of municipal budgets, relative to municipal estimates of expenditures and revenues, and relative to the requirement that certain governing bodies submit recommendations to the budget committee.

HB 251-FN, requiring children under the age of 2 years to be restrained in a motor vehicle.

HB 260-FN, relative to number plates for motor vehicles.

HB 315, relative to the aggregation of electric customers.

HB 332, relative to deadlines for consideration of developments of regional impact by planning boards.

HB 351, relative to the system benefits charge.

HB 373, relative to state participation in low carbon fuel standards programs.

HB 374, relative to the official ballot referendum form of town meetings.

HB 385-FN, relative to workers' compensation for heart and lung disease in firefighters.

HB 440, (New Title) prohibiting the suspension of civil liberties during a state of emergency.

HB 448, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.

HB 484, relative to budget committee recommendations on warrant articles.

HB 542, (New Title) relative to the protection of religious liberty.

HB 566, (New Title) relative to the discussion and disclosure of minutes from a nonpublic session under the right-to-know law.

## HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 25-A, making appropriations for capital improvements.

HB 123-FN, granting immunity from prosecution for prostitution for reporting a sexual assault.

HB 125, relative to post-arrest photo distribution by law enforcement officers.

HB 129-FN, prohibiting the installation or use of electronic tracking software.

HB 139, relative to the submission of evidence in divorce proceedings.

HB 142, relative to causes for divorce.

HB 161, relative to the calculation of child support.

HB 179-FN, relative to enhanced penalties based on prior convictions for driving under the influence of drugs or liquor.

HB 195, adding display of a firearm as an exception to reckless conduct.

HB 196, adding trespass as an exception to the charge of criminal threatening.

HB 200-FN, increasing the penalty for certain invasions of privacy.

HB 293, relative to the procedure for adoption of a minor child.

HB 307, relative to the state preemption of the regulation of firearms and ammunition.

HB 494, relative to temporary relief and permanent restraining orders issued in a divorce proceeding.

HB 495, relative to restraining orders issued in a parenting case.

HB 593-FN, requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant.

HB 626-FN, relative to historic horse racing.

## HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

- HB 69, relative to the display of the national motto in schools.
- HB 71, relative to school district emergency special meetings.
- HB 77, requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office.
- HB 85, relative to using Atlantic Standard Time in New Hampshire.
- HB 98, relative to the date of the state primary election.
- HB 131, relative to reporting of health care associated infections.
- HB 135, requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution.
- HB 140, relative to private rights of action regarding pupil safety.
- HB 143, relative to an electronic prescription drug program.
- HB 163-FN, relative to cannabis use during pregnancy.
- HB 182, relative to approval of coursework completed at other approved schools.
- HB 218, (New Title) repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.
- HB 223, relative to political party access to a list of absentee ballot requests.
- HB 227, relative to termination of tenancy at the expiration of the tenancy or lease term.
- HB 232, relative to nonpublic sessions under the right to know law.
- HB 236, creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.
- HB 263, relative to campaign finance reform.
- HB 273, relative to the 50th anniversary of the passage of the 26th amendment, granting the right to vote to 18-21 year olds and celebrating youth voting and office holding.
- HB 278, relative to the use of unused district facilities by chartered public schools.
- HB 282, relative to a private school that is approved as a tuition program.
- HB 285, relative to verification of voter checklists.
- HB 291, relative to public inspection of absentee ballot lists.
- HB 292, relative to the absentee ballot application process.
- HB 319, requiring students in the university and community college systems of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test.
- HB 321, (New Title) requiring school districts to submit an annual report concerning gifted and talented students.
- HB 326, requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.
- HB 334, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.
- HB 338-FN, relative to penalties for dog theft and tampering with a dog's radio collar.
- HB 345, establishing a license for mushroom harvesters.
- HB 347-FN, relative to driving with a suspended license.
- HB 381-FN, relative to laboratory testing.
- HB 384-FN, prohibiting the sharing of location data.
- HB 388, relative to changing a pupil's school or assignment because of a manifest educational hardship.
- HB 391, increasing the threshold for reporting by political committees.
- HB 417, (New Title) relative to the powers of the governor during a renewal of a declared state of emergency, and relative to the acceptance of federal assistance.
- HB 464, relative to the commission to study school funding.
- HB 503, (New Title) codifying the council on housing stability.
- HB 523-FN, requiring a person who registers to vote without any identification to have his or her photo taken before his or her registration to vote is complete.
- HB 539, relative to records of communications common carriers.
- HB 546-FN, relative to 911 immunity for reporting that a person has been the victim of a violent crime.
- HB 575, relative to licensure of applicants for cosmetology, esthetics, and manicuring through apprenticeship programs.
- HB 605-FN, relative to the therapeutic cannabis program.
- HB 606, exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics.

## INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted in recess.

## First and Second Reading and Referral

- HB 15-FN, relative to including under the meals and rooms tax facilitators of Internet transactions of motor vehicle rentals and facilitators of Internet transactions of room occupancies. (Ways and Means)
- HB 25-A, making appropriations for capital improvements. (Capital Budget)
- HB 67-LOCAL, relative to warrant articles in official ballot town, school district, or village district meetings. (Election Law and Municipal Affairs)
- HB 69, relative to the display of the national motto in schools. (Education)
- HB 71, relative to school district emergency special meetings. (Education)
- HB 77, requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office. (Election Law and Municipal Affairs)
- HB 85, relative to using Atlantic Standard Time in New Hampshire. (Executive Departments and Administration)
- HB 98, relative to the date of the state primary election. (Election Law and Municipal Affairs)
- HB 123-FN, granting immunity from prosecution for prostitution for reporting a sexual assault. (Judiciary)
- HB 125, relative to post-arrest photo distribution by law enforcement officers. (Judiciary)
- HB 129-FN, prohibiting the installation or use of electronic tracking software. (Judiciary)
- HB 131, relative to reporting of health care associated infections. (Health and Human Services)
- HB 135, requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution. (Energy and Natural Resources)
- HB 139, relative to the submission of evidence in divorce proceedings. (Judiciary)
- HB 140, relative to private rights of action regarding pupil safety. (Education)
- HB 142, relative to causes for divorce. (Judiciary)
- HB 143, relative to an electronic prescription drug program. (Health and Human Services)
- HB 161, relative to the calculation of child support. (Judiciary)
- HB 163-FN, relative to cannabis use during pregnancy. (Health and Human Services)
- HB 177, prohibiting the siting of a landfill near a state park. (Energy and Natural Resources)
- HB 179-FN, relative to enhanced penalties based on prior convictions for driving under the influence of drugs or liquor. (Judiciary)
- HB 182, relative to approval of coursework completed at other approved schools (Education)
- HB 183, prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18. (Election Law and Municipal Affairs)
- HB 195, adding display of a firearm as an exception to reckless conduct. (Judiciary)
- HB 196, adding trespass as an exception to the charge of criminal threatening. (Judiciary)
- HB 200-FN, increasing the penalty for certain invasions of privacy. (Judiciary)
- HB 218, repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors. (Executive Departments and Administration)
- HB 223, relative to political party access to a list of absentee ballot requests. (Election Law and Municipal Affairs)
- HB 224, relative to tinted windows on motor vehicles. (Transportation)
- HB 227, relative to termination of tenancy at the expiration of the tenancy or lease term. (Commerce)
- HB 232, relative to nonpublic sessions under the right to know law. (Judiciary)
- HB 236, creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances. (Judiciary)
- HB 243, relative to the form of municipal budgets, relative to municipal estimates of expenditures and revenues, and relative to the requirement that certain governing bodies submit recommendations to the budget committee. (Election Law and Municipal Affairs)
- HB 251-FN, requiring children under the age of 2 yearsto be restrained in a motor vehicle. (Transportation)
- HB 260-FN, relative to number plates for motor vehicles. (Transportation)
- HB 263, relative to campaign finance reform. (Election Law and Municipal Affairs)
- HB 273, relative to the 50th anniversary of the passage of the 26th amendment, granting the right to vote to 18-21 year olds and celebrating youth voting and office holding. (Executive Departments and Administration)
- HB 278, relative to the use of unused district facilities by chartered public schools. (Education)
- HB 282, relative to a private school that is approved as a tuition program. (Education)

HB 285, relative to verification of voter checklists. (Election Law and Municipal Affairs)

HB 291, relative to public inspection of absentee ballot lists. (Election Law and Municipal Affairs)

HB 292, relative to the absentee ballot application process. (Election Law and Municipal Affairs)

HB 293, relative to the procedure for adoption of a minor child. (Judiciary)

HB 307, relative to the state preemption of the regulation of firearms and ammunition. (Judiciary)

HB 315, relative to the aggregation of electric customers. (Energy and Natural Resources)

HB 319, requiring students in the university and community college systems of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test. (Education)

HB 321, requiring school districts to submit an annual report concerning gifted and talented students. (Education)

HB 326, requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request. (Election Law and Municipal Affairs)

HB 332, relative to deadlines for consideration of developments of regional impact by planning boards. (Election Law and Municipal Affairs)

HB 334, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile. (Judiciary)

HB 338-FN, relative to penalties for dog theft and tampering with a dog's radio collar. (Energy and Natural Resources)

HB 345, establishing a license for mushroom harvesters. (Executive Departments and Administration)

HB 347-FN, relative to driving with a suspended license. (Judiciary)

HB 351, relative to the system benefits charge. (Energy and Natural Resources)

HB 373, relative to state participation in low carbon fuel standards programs. (Energy and Natural Resources)

HB 374, relative to the official ballot referendum form of town meetings. (Election Law and Municipal Affairs)

HB 381-FN, relative to laboratory testing. (Health and Human Services)

HB 384-FN, prohibiting the sharing of location data. (Commerce)

HB 385-FN, relative to workers' compensation for heart and lung disease in firefighters. (Commerce)

HB 388, relative to changing a pupil's school or assignment because of a manifest educational hardship. (Education)

HB 391, increasing the threshold for reporting by political committees. (Election Law and Municipal Affairs)

HB 417, relative to the powers of the governor during a renewal of a declared state of emergency, and relative to the acceptance of federal assistance. (Executive Departments and Administration)

HB 440, prohibiting the suspension of civil liberties during a state of emergency. (Judiciary)

HB 448, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees. (Commerce)

HB 464, relative to the commission to study school funding. (Education)

HB 484, relative to budget committee recommendations on warrant articles. (Election Law and Municipal Affairs)

HB 494, relative to temporary relief and permanent restraining orders issued in a divorce proceeding. (Judiciary)

HB 495, relative to restraining orders issued in a parenting case. (Judiciary)

HB 503, codifying the council on housing stability. (Health and Human Services)

HB 523-FN, requiring a person who registers to vote without any identification to have his or her photo taken before his or her registration to vote is complete. (Election Law and Municipal Affairs)

HB 539, relative to records of communications common carriers. (Judiciary)

HB 542, relative to the protection of religious liberty. (Judiciary)

HB 546-FN, relative to 911 immunity for reporting that a person has been the victim of a violent crime. (Judiciary)

HB 566, relative to the discussion and disclosure of minutes from a nonpublic session under the right-to-know law. (Judiciary)

HB 575, relative to licensure of applicants for cosmetology, esthetics, and manicuring through apprenticeship programs. (Executive Departments and Administration)

HB 593-FN, requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant. (Commerce)

HB 605-FN, relative to the therapeutic cannabis program. (Health and Human Services)

HB 606, exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics. (Executive Departments and Administration)

HB 626-FN, relative to historic horse racing. (Ways and Means)

April 15, 2021  
2021-1140-EBA  
04/05

Enrolled Bill Amendment to HB 356

The Committee on Enrolled Bills to which was referred HB 356

AN ACT relative to the city of Manchester employees' contributory retirement system.

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 356

This enrolled bill amendment corrects 2 session law references in the bill.

Enrolled Bill Amendment to HB 356

Amend section 2 of the bill by replacing line 1 with the following:

2 Definition; Earnings. Amend 1973, 218:4, VIII as amended by 2002, 194:1 to read as follows:

Amend section 8 of the bill by replacing lines 1-2 with the following:

8 Medical Insurance Coverage. Amend 1973, 218:28, II, as amended by 2005, 41:1, to read as follows:

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

April 21, 2021  
2021-1168-EBA  
12/04

Enrolled Bill Amendment to HB 442

The Committee on Enrolled Bills to which was referred HB 442

AN ACT relative to penalties for a school's failure to file department of education reports.

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 442

This enrolled bill amendment corrects the inadvertent omission of deleted text.

Enrolled Bill Amendment to HB 442

Amend section 2 of the bill by replacing line 10 with the following:

of education on or before [~~October 15. Private schools shall submit average daily membership in attendance, fall enrollment, and teacher staff census~~] ***the deadline established by the department.***

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

April 13, 2021  
2021-1125-EBA  
08/05

Enrolled Bill Amendment to HB 609-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 609-FN-LOCAL

AN ACT relative to innovation schools.

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 609-FN-LOCAL

This enrolled bill amendment deletes a reference to a statutory committee that has been repealed.

Enrolled Bill Amendment to HB 609-FN-LOCAL

Amend RSA 194-E:7, I as inserted by section 1 of the bill by replacing lines 3 and 4 with the following:  
the chairpersons of the senate and house committees with jurisdiction over education, and the state board of education.

Senator Bradley 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 43, authorizing an audit of the Rockingham County district 7 state representative race.

Senator Avard 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 70, authorizing certification for the microblading of eyebrows.

HB 94-FN, relative to licensure renewal dates for certain governing boards under the office of professional licensure and certification.

HB 150, making a technical correction and a clarification in the law governing death benefits for emergency medical technicians and rescue squad members.

HB 173-FN, requiring the independent investment committee of the New Hampshire retirement system to report investment fees.

HB 193, relative to penalties for improper timber harvesting.

HB 208, repealing RSA 323 regarding lightning rod dealers and salesmen.

HB 301, relative to the compensation appeals board.

HB 304, establishing a committee to study the funding of tuition and transportation for career technical education.

HB 342, relative to the taking of game by certain lever-action firearms and relative to the number of rounds permitted in a firearm used to take deer.

Senator Avard 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 192, relative to pistols permitted for the taking of deer.

HB 258, permitting wage and hour records to be approved and retained electronically.

HB 354, relative to the local option for sports betting.

HB 380, relative to the election of Grafton county commissioners.

HB 383, relative to the quarterly or semi-annual collection of taxes in certain municipalities.

HB 513, relative to the degree granting authority of Signum university and relative to the authority of the higher education commission.

HB 529-FN, relative to cruelty to a wild animal, fish, or wild bird.

Senator Avard 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 Bradley moved that the Senate adjourn from the Late Session.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 12

*April 22, 2021*

The Senate reconvened Remote Session in the House Chamber at 10:00 a.m., a quorum being present.

PRESIDENT MORSE: Welcome. I am Senate President Chuck Morse from District 22. Today, we will be holding a meeting of the Senate. Before we get started, I'll read through a checklist to ensure that the meeting that we are holding is in compliance with the Right-to-Know Law.

As President of the New Hampshire State Senate, I find that due to the state of emergency declared by the Governor as a result of the Covid-19 pandemic, and in accordance with the Governor's Emergency Order Number 12, pursuant to Executive Order 2020-04 and its extensions, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this meeting which was authorized pursuant to the Governor's Emergency Order.

In accordance with the Emergency Order, I am confirming that:

We are providing public access to the meeting with links provided on the General Court Website and in the Senate Calendar. We are utilizing Zoom for this electronic meeting. All members of the Senate have the ability to communicate contemporaneously in this meeting through this platform and the public has access to contemporaneously watch and or listen to the meeting with links provided on the General Court Website and in the Senate Calendar. Please note, that the only public access to session is through the livestream provided on the General Court Website and in the Senate Calendar. There is no access to the Zoom other than by way of the livestream, just as there would be no access to the Senate floor, other than by way of the Senate Gallery, or the livestream.

We have provided public notice of the necessary information for accessing the meeting in the Senate Calendar since Thursday, April 8, 2021.

We are providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem please email [Help@leg.state.nh.us](mailto:Help@leg.state.nh.us), or call 603-271-2180.

In the event that technical problems on our end make it impossible for Senators to participate or for members of the public to access the meeting, it will be adjourned and rescheduled.

Please note that all votes taken during this meeting shall be done by roll call vote and will be recorded in the Permanent Journal.

Finally, let's start the meeting by taking a roll call attendance. When each member states their presence please also state where they are and if anyone else is in the room with you during this meeting, and if any other such person is present, each member will identify such person, which is required under the Right-to-Know Law.

The Clerk will call the roll of the Senate for attendance.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

There were 24 members present.

The Reverend Jon Hopkins, Chaplain to the Senate, offered the following prayer:

Good morning everyone.

Let us pray.

God, accept the fervid prayers of all your people for our nation and for all those who govern. You have made all the peoples of the earth to serve you in freedom and in peace. Give to the people of the state of

New Hampshire a zeal for justice and the strength of forbearance that we may use our liberty to help and defend all people. Guide us this day in the way of justice and truth. Grant to the New Hampshire's State Senate wisdom and grace in the exercise of their duties that they may serve all people of this state and promote the dignity and freedom of every person. Grant to Senators gathered here today, who we entrust to make our laws, courage, and foresight to provide for the needs of all your people. And to the courts, give understanding and integrity that human rights may be safeguarded, and justice served. We pray for our nation and our state that we may dwell in security and peace. Grant to New Hampshire, grant to the New Hampshire State Senate grace and favor. Give them wisdom and strength to know and to do what is right, good, and fair. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve yet these people. Amen

Senator Avard led the Pledge of Allegiance.

#### FN REPORT FOR APRIL 22, 2021

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

#### CONSENT CALENDAR:

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 369-FN, relative to the use of physical agent modalities by occupational therapists.

##### JUDICIARY

HB 296-FN, establishing the crime of unsolicited disclosure of an intimate image.

##### TRANSPORTATION

HB 451-FN, relative to organizations authorized to issue decals for multi-use decal number plates and relative to gold star family decals for motor vehicles.

HB 496-FN, relative to license plate covers.

Senator Daniels recommends the following bill be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

#### CONSENT CALENDAR:

##### ELECTION LAW AND MUNICIPAL AFFAIRS

HB 486-FN, relative to eligibility for the low and moderate income homeowners property tax relief.

Senator Daniels moved to adopt today's FN Report.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

#### CONSENT CALENDAR REPORTS REMOVED

##### JUDICIARY

HB 296-FN, by Senator Giuda

HB 375, by Senator Gannon

##### TRANSPORTATION

HB 174, by Senator Giuda

#### SPECIAL ORDER

Senator Bradley moved that the following bill be special ordered to Thursday, April 29, 2021.

##### JUDICIARY

HB 296-FN, establishing the crime of unsolicited disclosure of an intimate image.

A roll call is required.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

#### CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought to Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

#### COMMERCE

HB 171, relative to food in cigar shops.

Ought to Pass, Vote 5-0. Senator Gannon for the committee.

This bill unanimously passed in the House on the consent calendar. An identical bill, SB 478, passed in the Senate last session. This bill would allow cigar shops to serve, not sell, food to patrons while they are smoking or drinking an alcoholic beverage. This bill wouldn't prohibit a patron from bringing their own food to a cigar shop. Finally, the Committee heard that it was safer for patrons to consume a little amount of food rather than drive home on an empty stomach.

HB 261, relative to apprenticeship programs in trade and industry.

Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This bill was filed at the request of both the U.S. Department of Labor and New Hampshire Department of Labor to better align state statutes with existing federal requirements. While minor language and duty changes are made, those changes would not restrict the ability of the New Hampshire Apprenticeship Council to continue to function. Some of the proposed changes would clarify the duties of the current Council and recognize the responsibilities that the U.S. DOL has taken on since 2007.

HB 272, relative to the labeling and sale of hemp products containing CBD.

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

Presently, CBD products are not regulated in New Hampshire and there are minimal federal regulations governing them as well. This bill would protect consumers by ensuring that any CBD products sold by retailers in New Hampshire are regulated, accurately labeled, and contaminant free. The Committee felt that this bill needed additional work, while also giving the FDA more time to issue guidance regarding the safety of these products.

#### EDUCATION

HB 500, relative to reducing school food waste and addressing child hunger.

Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

This bill simultaneously addresses two issues: food insecurity and food waste. This bill permits schools, through a partnership with a nonprofit or on its own, to freeze leftover school food that was never served. The school can then send the frozen meals home with children whose families have opted into the program. The bill provides flexibility to school districts for implementation and collaboration with local organizations and nonprofits while abiding by food safety guidelines and regulations. It bridges the gap between schools with an abundance of unserved food and nonprofits seeking excess food to serve families and children in their communities who are food insecure.

#### ELECTION LAW AND MUNICIPAL AFFAIRS

HB 64-L, relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.

Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill is a housekeeping bill which clarifies the exclusion of a renewable generation facility's property valuation from the municipality's tax base which is used to determine the statewide education property tax. Including these properties in the SWEPT calculations results in a decrease in state education aid to the community and an increase in property tax. The Department of Revenue of Administration determined that the language in this bill was needed in statute for clarity of the assessments.

HB 79, relative to town health officers.

Ought to Pass, Vote 5-0. Senator Perkins Kwoka for the committee.

This bill is an effort by the NH Health Officers Association to strengthen the public health system in New Hampshire and to incorporate numerous measures to achieve that goal. It modifies the law regarding town health officers by deleting the residency requirement, adding a training requirement and a criminal background check, and adding a reporting requirement. In collaboration with the Department of Health and Human Services, these changes will give Health Officers the tools they need to be better prepared should another public health emergency arise.

HB 88, relative to the city of Claremont police commission.

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

This bill changes the appointing of police commissioners in the city of Claremont from the City Manager to the City Council. A City Ordinance making this change, was passed in 2019 and this legislation will codify it in statute.

HB 101, relative to the close of a county's books of records.

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

As amended, this bill requires counties to close their books within 90 days of the close of the fiscal year but may be granted an extension for cause by the commissioner of the Department of Revenue Administration. In 2019, the General Court updated the statute about county audits by requiring audits to be completed within 120 days of the close of books. In some counties, audits have been delayed indefinitely due to non-closure of the books. This legislation will close that loophole and allow audits to be done in a timely manner.

Election Law and Municipal Affairs

April 15, 2021

2021-1146s

10/06

#### Amendment to HB 101

Amend RSA 28:3-a, I as inserted by section 1 of the bill by replacing it with the following:

***I. Counties shall close their books on or before 90 days following the end of the county fiscal year unless the county has been granted an extension by the commissioner of the department of revenue administration. The commissioner may grant one or more 45-day extensions for cause, and shall notify the chairperson of the county convention of each extension and the reasons it was granted.***

2021-1146s

#### AMENDED ANALYSIS

This bill requires counties to close their books 90 days following the end of the fiscal year unless granted an extension by the commissioner of revenue administration.

HB 126, relative to notice of execution of tax lien to mortgagees.

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

This bill will extend the time for the notice of the execution of a municipal or state tax lien to be given to a mortgagee from 45 days to 60 days. Due to the tax year being the same for all towns and cities, nearly all municipalities execute their property tax liens within the same few months each year. The result is that all properties in the state with unpaid property taxes must be researched, mortgagees identified, and certified notices prepared and mailed within the current 45 day window. The addition of 15 days will allow the time needed for municipalities to obtain the perfected property tax lien on all properties with unpaid taxes and be beneficial to all parties involved with the process.

HB 164, relative to the acquisition, sale, or demolition of municipal land or buildings.  
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

This bill amends RSA 41:14-a which outlines how a select board may acquire or sell municipal land, buildings or both. It adds the demolition or disposal of municipal buildings, other than a sale, to the breadth of the statute and adds the Heritage Commission, if such a commission exists within a town, and the Historic District Commission, if the building lies within the defined district, to become part of the review process for recommendations being made to the select board. When it comes to historic buildings, the Heritage Commission within a town is best positioned to inform the select board of a buildings historic value.

Election Law and Municipal Affairs  
April 15, 2021  
2021-1145s  
06/08

#### Amendment to HB 164

Amend the bill by replacing section 4 with the following:

4 Application. This act shall be effective in all towns in which the provisions of RSA 41:14-a have previously been adopted and remain in effect, without further action by the town.

HB 284, relative to the restoration of involuntarily merged lots.  
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill repeals the sunset provision to request restoration of lots that were involuntarily merged by the municipality. Currently, landowners may not be aware that the town has merged their lots for tax or zoning purposes. Having a deadline with which to petition the town, for recognition of the original plot lines, infringes on the rights of the property owner who did not request the merge. Removing the sunset date simply allows reasonable action to be taken by the landowner in cases of involuntarily merged lots.

Election Law and Municipal Affairs  
April 15, 2021  
2021-1142s  
11/05

#### Amendment to HB 284

Amend the bill by replacing section 1 with the following:

1 Restoration of Involuntarily Merged Lots. Amend RSA 674:39-aa, II(a) to read as follows:

(a) The request is submitted to the governing body [~~prior to December 31, 2021~~].

HB 409, relative to filling certain vacancies among members of school boards and other school district offices.  
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This bill provides that any vacancy occurring in school district offices between the beginning of the filing period and the election shall not be filled by official ballot until the following year. This will align the school district statute with the town statute and does not affect appointments to vacancies within the district.

HB 486-FN, relative to eligibility for the low and moderate income homeowners property tax relief.  
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This bill is an update to the NH Department of Revenue Low and Moderate Income Homeowners Property Tax Relief Program. This program is used to rebate a portion or all of the property owner's statewide education property taxes. The bill amends RSA 198:57 to increase the household income eligibility, property assessment and tax relief percentages which have not been updated since 2003. With these small changes, residents living on a fixed low income who currently do not qualify for this rebate, will now qualify for some relief.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 128, adding notification requirements to the weather modification statute.  
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill requires notice before a State agency attempts to modify the weather. The Prime Sponsor supported a bill last year that would have completely eliminated the statute governing weather modification experimentation (WME). Fearing that such an action would remove any guardrails for public safety and

ecological well-being, the Committee recommended ITL on SB 520 (2020). Responding to the comments of the Committee from 2020, the Prime Sponsor has presented a well-crafted, thorough, and thoughtful new bill in HB 128, which will ensure adequate public notice of the risks involved in the event that the State ever attempts WME. HB 128 is important for both the public's safety and the public's ability to hold their government accountable.

HB 190, relative to financial disclosures by legislators.  
Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill requires that the legislative ethics financial disclosure for members and officers of the General Court shall only be filed in January of the first year of the biennium. Changing the filing from annually to biannually still maintains public accountability through a legislator's obligation to revise and update their form if their financial situation changes during the course of the biennium. The Legislative Ethics Committee supports HB 190. HB 190 is a re-file of SB 500 (2020), which passed the Senate on the Consent Calendar before dying in the House during the COVID-19 pandemic.

HB 283, proclaiming April 11, 2021 as Wentworth Cheswill Day.  
Ought to Pass with Amendment, Vote 5-0. Senator Prentiss for the committee.

This bill proclaims April 11, 2021 as Wentworth Cheswill Day. The Committee Amendment reflects that the legislative process took longer than expected and amends the bill to proclaim April 11, 2022 as Wentworth Cheswill Day and acknowledges the 276<sup>th</sup> anniversary of his birth. Mr. Cheswill was born on April 11, 1746 in Newmarket, New Hampshire. Mr. Cheswill, a man of color, has been said to have been the first African-American elected official in the United States. He was a Revolutionary War veteran and served under John Langdon in Langdon's Company of Light Horse Volunteers. He was an elected Newmarket town official and served the town in various elected town offices from 1768 until his death in 1817. In 1801, Mr. Cheswill was among the founders of the first free library in the town and provided in his will for public access to his personal library. Mr. Cheswill is man deserving of honor and recognition, even if it is a year later than the original bill intended.

Senate Executive Departments and Administration  
April 14, 2021  
2021-1135s  
04/11

#### Amendment to HB 283

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

AN ACT proclaiming April 11, 2022 as Wentworth Cheswill Day.

Amend the bill by replacing section 1 with the following:

1 Wentworth Cheswill Day. The governor shall proclaim April 11, 2022 as Wentworth Cheswill Day in New Hampshire to celebrate the 276th anniversary of his birth and shall encourage all New Hampshire citizens to observe the day with appropriate educational activities. Mr. Cheswill was born on April 11, 1746 in Newmarket, New Hampshire. Mr. Cheswill, a man of color, has been said to have been the first African-American elected official in the United States. He was a Revolutionary War veteran and served under John Langdon in Langdon's Company of Light Horse Volunteers. He was an elected Newmarket town official and served the town in various elected town offices from 1768 until his death in 1817. In 1801, Mr. Cheswill was among the founders of the first free library in the town and provided in his will for public access to his personal library.

2021-1135s

#### AMENDED ANALYSIS

This bill proclaims April 11, 2022 as Wentworth Cheswill Day.

HB 369-FN, relative to the use of physical agent modalities by occupational therapists.  
Ought to Pass, Vote 5-0. Senator Ricciardi for the committee.

This bill clarifies the use of ultrasound and electrical physical agent modalities by occupational therapists and occupational therapy assistants and is a request of the Office of Professional Licensure and Certification (OPLC). HB 369 will ensure that physical agent modality services are available in New Hampshire without onerous regulation while maintaining public safety and OPLC oversight.

HB 456, relative to the disclosure of information from vital records.  
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill grants the Department of Corrections authority to access a limited data set of vital records data on deaths, marriages, and divorces held by the Division of Vital Records Administration. Other State entities, including the Department of Health and Human Services and the New Hampshire Retirement System, already have access to the limited data set of vital records to assist them in accomplishing their duties. Adding the Department of Corrections to the limited number of entities with access to the limited data set will aid the Department of Corrections in accomplishing their duty of collecting compensation for the victims of crimes. HB 456 will enable the Commissioner of the Department of Corrections and the Secretary of State to enter into a Memorandum of Understanding for the sharing of the data in pursuit of those duties.

#### HEALTH AND HUMAN SERVICES

HB 240, relative to identification of cannabis strain for therapeutic cannabis.  
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill requires an alternative treatment center to list the commercial strain name of the cannabis on the label of the packaging and permits the alternative treatment center to list the commercial strain names of the cannabis available to be dispensed on its public Internet website. This bill allows ATCs, staff, and patients to clearly identify strains of cannabis without the use of strain keys. This bill eliminates needless confusion in identifying specific strains of cannabis. The changes in this bill allow for patients to confidently purchase the specific strain of cannabis that is necessary to treat their condition(s).

#### JUDICIARY

HB 286, establishing a committee to study the response of law enforcement and the criminal justice system to homelessness in New Hampshire,  
Ought to Pass, Vote 5-0. Senator Whitley for the committee.

This bill establishes a committee to study the response of law enforcement and the criminal justice system to homelessness in New Hampshire. Given the current homelessness crisis and the lack of state policy regarding the relationship between law enforcement, the criminal justice system, and individuals facing homelessness, this study committee is a timely and important step towards determining best practices moving forward.

#### TRANSPORTATION

HB 100, relative to driving to the left of an unbroken painted line.  
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill adds an exemption to the prohibition on crossing unbroken painted center lines while driving on any way. This bill, as amended, allows for motor vehicle operators to cross unbroken painted center lines to pass a pedestrian, motorized wheelchair, or a mobility scooter or device, or a device moved by human power provided such movement can be made safely. This bill allows for motor vehicle operators to pass vehicles and pedestrians at a safe distance without the risk of being ticketed for crossing unbroken painted center lines.

Senate Transportation  
April 14, 2021  
2021-1130s  
11/04

#### Amendment to HB 100

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

1 Motor Vehicles; Rules of the Road; Highway Markings. Amend RSA 265:22, I(d) to read as follows:

(d) In order to pass a pedestrian, ***a motorized wheelchair, a mobility scooter or device***, or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely[.]; ***or***

2 New Subparagraph; Motor Vehicles; Rules of the Road; Highway Markings. Amend RSA 265:22, I by inserting after subparagraph (d) the following new subparagraph:

(e) In order to comply with RSA 265:37-a, I.

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

2021-1130s

## AMENDED ANALYSIS

This bill modifies the exemptions to the prohibition on crossing unbroken painted center lines while driving on any way.

HB 421, relative to organ donation on a driver's license.  
Ought to Pass, Vote 5-0. Senator Sherman for the committee.

This bill clarifies that a person's decision to donate their own body, organ, or tissue upon death is not subject to amendment or revocation after such person's death. This bill protects an individual's decision. Additionally, this bill provides clarifying language pertaining to the uniform anatomical gift act so that the law can more easily be understood.

HB 451-FN, relative to organizations authorized to issue decals for multi-use decal number plates and relative to gold star family decals for motor vehicles.  
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill permits three groups to issue decals for motor vehicles. This bill permits the Grand Lodge of Free and Accepted Masons of New Hampshire and the New Hampshire State Council of the Knights of Columbus to issue decals for multi-use plates. This bill also authorizes the New Hampshire office of veterans' services to issue free of charge gold star family decals for motor vehicles owned by certain family members of persons killed while on duty in United States armed services.

HB 496-FN, relative to license plate covers.  
Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill prohibits persons from attaching or permitting to be attached to a license plate any coverings that are colored, smoked, or tinted. The fine for the violation shall be \$150. This bill restricts alternative ways an individual may obstruct the view of their license plate.

## WAYS AND MEANS

HB 330, relative to sports book locations.  
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

This bill simply corrects an oversight that left physical sports book locations unable to accept tier II bets. Tier II bets are bets placed after an event has begun. Currently, tier II bets can only be placed using the mobile sports betting application. Therefore, guests of sports book facilities wishing to place a tier II bet must go to their phones and use the mobile application. The sports book location would receive no revenue for such transactions though the guests are sitting in their establishment. This bill will authorize tier II bets to be placed in physical sports book facilities. The committee amendment removes the limitation on physical sports book locations.

Senate Ways and Means  
April 13, 2021  
2021-1126s  
08/06

## Amendment to HB 330

Amend RSA 287-I:5 as inserted by section 1 of the bill by replacing it with the following:

287-I:5 Sports Book Retail Operations. The commission and its agents are further authorized to operate physical sports book retail locations within the state for the purposes of accepting tier I, **tier II**, and tier III sports wagers from authorized bettors and paying prizes relating to those wagers. The sports book retail locations may be co-located with other commercial businesses or general commercial retail locations. ~~[No more than 10 sports book retail locations may be in operation at any given time.]~~

2021-1126s

## AMENDED ANALYSIS

This bill allows tier II sports wagers and removes the limit on the number of sports book locations in the state.

The question is on the adoption of the Consent Calendar.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: D'Allesandro.

Roll Call, Yeas: 23 - Nays: 1. Adopted.

## REGULAR CALENDAR

### ENERGY AND NATURAL RESOURCES

HB 99, relative to seasonal platforms on public waters of the state.  
Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Energy and Natural Resources

April 12, 2021

2021-1122s

12/11

#### Amendment to HB 99

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Anchored Seasonal Platforms. Amend RSA 270 by inserting after section 72-a the following new subdivision:

#### Anchored Seasonal Platforms

270:72-b Definitions. In this subdivision:

I. "Anchored seasonal platform" means a seasonal platform, inflatable platform, float, or device attached to such platform, inflatable platform, or float, that is attached by chains, cables, ropes, or related equipment to a fixed object or stationary point, or that is attached to an anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable body of water.

II. "Director" means the director, division of state police, department of safety.

III. "Division" means the division of state police, department of safety.

IV. "Shorefront property" means any property abutting public waters of the state. "Shorefront property" shall include:

(a) A lot on the public waters that is divided by a road so that the lot is on the opposite side of the road from the public waters or divided by an exclusive right-of-way which has been acquired as a result of an eminent domain proceeding which resulted in the break or loss of property between the property owner's residence and shore frontage.

(b) A lot of record with not less than 25 feet of frontage.

(c) Shorefront property shall not mean a deeded right-of-way, nor shall it mean lots not contiguous to the shore with any other type of legal shorefront access. Property owned in common by associations and other groups shall be deemed owned by the group and shall not convey any rights to individual members of such group.

270:72-c Anchored Seasonal Platform; Limitations.

I. No person shall erect, install, maintain, or exercise control over an anchored seasonal platform on the public waters of the state who is not the legal owner of the adjacent shorefront property except as authorized in paragraph III below.

II. Any person erecting, installing, maintaining, or exercising control over an anchored seasonal platform on any public body of water shall attach his or her name and contact information to any such seasonal platform as provided in this subdivision and in accordance with rules established under RSA 270:72-g.

III. Seasonal platforms installed on public waters that support a local, state, or federal government agency, an agency's sub-contractors, or a conservation group engaged in the non-recreational activities may be installed provided the platform meets the minimum requirements established in RSA 270:72-d.

270:72-d Anchored Seasonal Platform Location.

I. No anchored seasonal platform shall be located:

(a) In such a manner that it constitutes a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation; or

(b) In such proximity to moorings or to other anchored seasonal platforms as to constitute a hazard to public safety; or

(c) In such a manner that it presents an unreasonable adverse effect on the environment, including but not limited to water quality, wildlife habitats, or natural areas; or

(d) In such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land.

II. The director shall develop rules for the purposes of this subdivision pursuant to RSA 541-A and 270:72-g.

270:72-e Removal of Anchored Seasonal Platforms; Powers of Director.

I. The director or his or her agents shall remove or cause the removal of, or shall move or cause the moving of, any anchored seasonal platform, which:

(a) Is in violation of RSA 270:72-d; or

(b) Does not bear the legible owner's name and legible contact information as required under RSA 270:72-c; or

(c) Constitutes a hazard to public safety because of the manner in which it is constructed or maintained.

II. The owner of record of anchored seasonal platform, if known, shall be notified by the director or his or her agents of the removal or relocation, by certified mail with return receipt requested, within 10 days of removal or relocation.

III. Any anchored seasonal platform which is removed pursuant to paragraph I or is found adrift shall be stored in a safe place and the owner shall be notified. The owner shall reimburse the state or agent of the state for any costs incurred including the cost of removal, relocation, transporting, storing and disposal the platform.

IV. If a seasonal platform is removed or found adrift and the owner cannot be determined it shall be stored for a period of at least 4 weeks to allow the owner the opportunity to reclaim the platform. The owner is responsible for reimbursing the state for all costs identified in paragraph III above.

270:72-f Liability. Nothing in this subdivision shall relieve the owner or installer of an anchored seasonal platform from liability relating to water pollution, accidents, or other liabilities associated with ownership of an anchored seasonal platform.

270:72-g Rulemaking.

I. The director of the division shall adopt rules under RSA 541-A relative to:

(a) The use, design, weight or size, construction, labeling, lighting, placement including safe spacing, and required maintenance of individual anchored seasonal platforms.

(b) The enforcement of this subdivision.

(c) Controls of seasonal platforms of any local, state, or federal government agency, such an agency's sub-contractors, or to any conservation groups engaged in the non-recreational execution of their duties including, but not limited to, work related to law enforcement, bridge and road work, pollution control, the protection of fish and wildlife, or environmental studies.

270:72-h Penalty. Any person violating the provisions of this subdivision shall be guilty of a violation for the first offense and guilty of a misdemeanor for any additional offenses.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

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

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

HB 184, relative to the operation of personal water craft around the marshlands or flats of the Rye estuary and the New Castle back channel.

Ought to Pass, Vote 4-0. Senator Perkins Kwoka for the committee.

The question is on the adoption of the motion of Ought to Pass.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

HB 437, establishing a committee to study the shortage of animal slaughter and meat processing facilities in New Hampshire and the implementation of the meat inspection program.

Ought to Pass, Vote 4-0. Senator Gray for the committee.

The question is on the adoption of the motion of Ought to Pass.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

#### JUDICIARY

HB 530, relative to candidate background checks for law enforcement officers.

Ought to Pass, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of the motion of Ought to Pass.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

#### WAYS AND MEANS

HB 565, establishing a committee to study charitable gaming.

Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

The question is on the adoption of the motion of Ought to Pass.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

#### CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the Bills that were removed from the consent calendar.

#### JUDICIARY

HB 375, allowing the destruction of valueless contraband by the chief of police. Ought to Pass, Vote 5-0. Senator Gannon for the committee.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23

April 20, 2021

2021-1165s

08/04

#### Floor Amendment to HB 375

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

AN ACT allowing the destruction of valueless contraband by the chief of police, the chief's designee, the county sheriff, or the sheriff's designee.

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

1 Destruction of Property Held by Police. Amend RSA 471-C:13 to read as follows:

471-C:13 Property Held in Police Department Property Rooms.

*I. Notwithstanding any other provisions of law to the contrary, all noncontraband abandoned or lost personal property which has a value of \$250 or more and which has been held in a police department **or sheriff's office** property room for a period of at least 180 days, or which has a value of less than \$250 and has been held for a period of at least 90 days, may be disposed of by the police department **or sheriff's office** by returning it to the finder, if known, if the finder was other than a police officer **or a sheriff** who discovered the property during the course of the police officer's **or sheriff's** usual police duties. If the property cannot be returned to the finder, the property shall be sold at public auction with the proceeds to be turned over to the town or city treasurer[-], except that any bicycle which has been held in a police department **or sheriff's office** property room for a period of 90 days or more shall be sold at public auction with the proceeds to be used for the support of local bicycle safety programs, or, if no local bicycle safety programs are available, then with the consent of the local governing body, to be used for any other purpose. The police department **or sheriff's office** shall be relieved of all liability for any claim thereafter arising or made with respect to property disposed of under this section. A good faith judgment of the value of the property by the police department **or sheriff's office** shall be determinative for purposes of this section.*

*II. If the noncontraband abandoned or lost personal property cannot be returned under paragraph I, and if it is determined in good faith by the police department or sheriff's office to be of no monetary value, then such property may be destroyed or disposed of as directed by the chief of police for the department or the chief's designee, or the county sheriff or the sheriff's designee.*

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

2021-1165s

#### AMENDED ANALYSIS

This bill allows the destruction of valueless contraband by the chief of police, the chief's designee, the county sheriff, or the sheriff's designee.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

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

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

#### TRANSPORTATION

HB 174, relative to reporting a collision between a cat and a motor vehicle.  
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation

April 14, 2021

2021-1133s

08/05

#### Amendment to HB 174

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

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

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

The following Senators voted Yes: Hennessey, Bradley, Watters, Prentiss, Gray, Ward, Ricciardi, Kahn, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman.

The following Senators voted No: Giuda, French, Daniels, Morse.

Roll Call, Yeas: 20 - Nays: 4. Adopted, bill ordered to Third Reading.

#### WAYS AND MEANS

HB 565, establishing a committee to study charitable gaming.

The Chair Rescinded Order to Third Reading on HB 565.

Senator Giuda moved to Lay on the Table.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

## MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley 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.

The question is on the adoption of the motion to adjourn from the Early Session.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted. Adjournment from the Early Session.

LATE SESSION  
ANNOUNCEMENTS

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Mister President, thank you for recognizing me. I rise for a moment of Unanimous Consent. I was a little absent over this last week and just want to share with my colleagues, this is the kind of thing in chamber that would be much more collegial which is the spirit in which I rise. My brother has two children. These are my nephews; I am Uncle Jay. And they're an unusual set of brothers, unlike my gene pool, my brothers, these are boys that were 6'3" and 250, 260 pound weightlifters, big fellows, big personalities, big hugs. One, the younger brother, from 2004 to 2009 was a member of our U.S. military in the army, he became a demolition expert. He served in Iraq and on extended tour and left the army in 2009. Spent two years in our National Guard and was the sergeant and training officer. Younger brother needed the older brother to pull him out of a PTSD situation, and that fellow, the younger brother, spent six years in the Chicago Police Department, married, a wife who is the sergeant in the Chicago Police Department and they had one child. This isn't a story that ends with the younger brother being a victim of suicide, it was the older brother who took his life. A couple of years ago he married, we entered the Covid period, he had a child, we stayed close but mostly through Zoom since the Covid crisis. And a week ago on Tuesday he took his life. There is all the signs of depression and mental health disorders that we should be picking up and maybe we didn't. And so, the last week has been one of mourning and acceptance and celebration of life and confusion and anger and emptiness that comes with the loss of a loved one.

And I share this so that we all remember Judge Broderick's crusade to recognize mental illness in all its forms and for all of us to be vigilant, to look for the signs in our loved ones and try to stay close. He had so many friends, and maybe because of the period that we're in we just weren't together enough to be able to help him in the ways that we could have. I don't want to wait until September 5th when we celebrate, or recognize, suicide prevention week. I want to share this with you today so that it's a reminder that there are many people in pain, there are many people in isolation and all of us can play a role in saving lives that can be productive. And I thank you for allowing me to share this with you.

PRESIDENT MORSE: Senator Kahn, I just want you to know that you can tell that all our thoughts and prayers are with you.

SENATOR KAHN: Thank you, Mister President and thank you, colleagues.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and Jay, my sympathies as well. I rise for Unanimous Consent. I do want to wish everyone a happy Earth Day. It's a wonderful day, although cold, to get out and celebrate New Hampshire, the land we love from the mountains to the sea. And just perhaps reflect about how far we have come since Earth Day was established in 1970 and really, how much, how far we've come shows how much we can do when we work together. You know I, for those who grew up in the 60s we remember and the 50s, the leaded gas the air pollution, what acid rain did to New Hampshire or you know Mendum's Pond in my district had one of the highest levels of mercury in the country. Of course, I also remember in the 1950s going outside and dancing around when the DDT foggers stroll up and down the streets, trying to do something about Dutch elm disease and of course the mosquitoes. And you know everybody got called to conscience by Rachel Carson's, Silent Spring in 1962. It showed the dangers of

DDT and other chemicals, but I really think for me her book, *The Sea Around Us*, which really kind of introduced the notion of an ecology worldwide that we all share. And what an extraordinary effort was made under President Nixon. You know we got the EPA, we got OSHA, we got the Clean Air Act, and then 1972 we got the Clean Water Act and then we funded the clean up of the wastewater treatment plants and water treatment plants throughout New Hampshire, in 1973 got the Endangered Species Act, and you know these are great bipartisan accomplishments. And I think about New Hampshire too we've got an awful lot to be proud of. You know I think we all must take pride with the Weeks Act and establishing the White Mountain National Forest and that was done for water quality. That's why that was done at the time because the mountains were being stripped of their timber and that endangered the water supply for the rest of the state. And you know, it reminds us here we are with our current challenges about water, and I may be Senator Watters, but there's really only one Senator Water in the body and that's you, Mister President, and how New Hampshire has risen to the challenge of PFAS, and now we're facing plastics pollution, but that's the kind of bipartisan action that we've been able to do in the Senate. And I would look around the body, I think every single one of us has sponsored legislation, you know it might be on clean energy, it might be on water, it might be on waste management, it might be on land conservation, on natural resources, and we suggest today that we really are prepared when we work together for the great challenges before us.

You know, some people look out at the landscape of the loss and threats to our environment and I would like to see prospects of hope. We've got a lot to do. You know, New Hampshire's winter temperatures have warmed five degrees since 1970, and the Gulf of Maine is one of the fastest warming bodies of water on the planet. It's why we lost shrimp. It's why we may soon lose lobster as well. You know with carbon, my oceans work, ocean acidification, which is going to make it impossible for most everything with a shell to survive, or sea level rise, extreme precipitation. You know, we all know this and, but you know, we also know that New Hampshire can find a unique way to rise to meet these challenges together and the thing about New Hampshire is, we're going to do it you know where it sustains economic development, and I think most importantly it sustains New Hampshire's great way of life.

So, let's celebrate, colleagues and roll up our sleeves. I hope that we can accomplish what Greta Thunberg has called us to do to give young people their future back. Thank you, Mister President.

PRESIDENT MORSE: Thank you, Senator Watters. Senator Watters, you forgot to mention it's a great day to plant a tree.

SENATOR WATTERS: It is! A little cold, but...

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I'd like Unanimous Consent please. Thank you, Mister President. I'd like to explain to my colleagues why I vote against the consent calendar. It's never opposition to any of the bills and I want that to be perfectly clear to everybody. I have expressed opposition to the consent calendar since the consent calendar was formed. I voted against it the day it was accepted by the Senate. I think the Senate is a deliberative body and consent takes away the ability to deliberate. So, I've certainly never voted against any bill that's on the calendar, but I want to express my concern about what we're losing. By losing the opportunity to have discussion and debate in the deliberative body. And once we take that away, it'll be all consent. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Personal Privilege, Mister President. Thank you very much. I just want to offer for those of you who don't know what happened on House Bill 565, which was the bill in Ways and Means that was put on the table. The rationale for that, and as we all see, it's a 5-0 vote, is to protect the Senate position on the charitable gaming study issue. It's partly my fault that there was not an explanation prior to the beginning of session, as I did know that there was the possibility of the tabling motion last night when I had conversations with my counterpart. But then not having heard anything subsequent to that I didn't intervene and try to let everybody know why we would be protecting the Senate position. I think, Mister President, it speaks to what you said to all of us at the very beginning of the session, when we are remote and there are going to be last minute changes, especially the easy ones that we all agree to, there needs to be good communication amongst all of us. And, you know, I apologize for not having followed up on the possibility of a tabling motion, but I think it's just, it should serve as a reminder that we help all of ourselves out by good communication. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. Real briefly and piggy backing off of Senator Watters, I just want to publicly thank my next door neighbors. They're from Asian descent, from Taiwan, and Jean and Tina gave me two Asian Pear trees and I planted them so the old trees are gone and Tina it's a nice memorial, so we're going to be enjoying some Asian Pear fruit before long. So, I just want to recognize them and I want to thank them and I wanted it to be in the public domain. Thank you, Mister President.

Senator Bradley moved that, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17).

The question is on the adoption of the motion that all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

#### LATE SESSION

##### Third Reading and Final Passage

HB 64-LOCAL, relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.

HB 79, relative to town health officers.

HB 88, relative to the city of Claremont police commission.

HB 99, relative to seasonal platforms on public waters of the state.

HB 100, relative to driving to the left of an unbroken painted line.

HB 101, relative to the close of a county's books of records.

HB 126, relative to notice of execution of tax lien to mortgagees.

HB 128, adding notification requirements to the weather modification statute.

HB 164, relative to the acquisition, sale, or demolition of municipal land or buildings.

HB 171, relative to food in cigar shops.

HB 174, relative to reporting a collision between a cat and a motor vehicle.

HB 184, relative to the operation of personal water craft around the marshlands or flats of the Rye estuary and the New Castle back channel.

HB 190, relative to financial disclosures by legislators.

HB 240, relative to identification of cannabis strain for therapeutic cannabis.

HB 261, relative to apprenticeship programs in trade and industry.

HB 283, proclaiming April 11, 2022 as Wentworth Cheswill Day.

HB 284, relative to the restoration of involuntarily merged lots.

HB 286, establishing a committee to study the response of law enforcement and the criminal justice system to homelessness in New Hampshire,

HB 330, relative to sports book locations.

HB 369-FN, relative to the use of physical agent modalities by occupational therapists.

HB 375, allowing the destruction of valueless contraband by the chief of police, the chief's designee, the county sheriff, or the sheriff's designee.

HB 409, relative to filling certain vacancies among members of school boards and other school district offices.

HB 421, relative to organ donation on a driver's license.

HB 437, establishing a committee to study the shortage of animal slaughter and meat processing facilities in New Hampshire and the implementation of the meat inspection program.

HB 451-FN, relative to organizations authorized to issue decals for multi-use decal number plates and relative to gold star family decals for motor vehicles.

HB 456, relative to the disclosure of information from vital records.

HB 496-FN, relative to license plate covers.

HB 500, relative to reducing school food waste and addressing child hunger.

HB 530, relative to candidate background checks for law enforcement officers.

**MOTION TO RECESS TO CALL OF THE CHAIR**

Senator Bradley 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.

The question is on the adoption of the motion to recess to the Call of the Chair.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted. The Senate is in recess to the Call of the Chair.