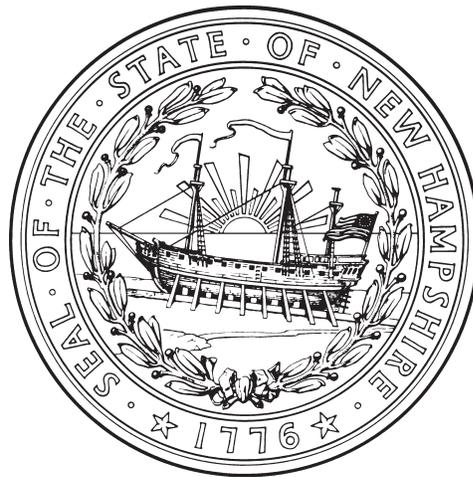


May 13, 2021
Nos. 14-15

STATE OF NEW HAMPSHIRE

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



**First Year of the 167th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 6, 2021 SESSION
COMMENCEMENT – MAY 13, 2021 SESSION**

SENATE JOURNAL 14 *(continued)*

May 6, 2021

May 6, 2021
2021-1336-EBA
08/10

Enrolled Bill Amendment to HB 79
The Committee on Enrolled Bills to which was referred HB 79

AN ACT relative to town health officers.

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 79

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 79

Amend RSA 128:9 as inserted by section 6 of the bill by replacing line 5 with the following:

may disqualify such person or interfere with the performance of his or her duties.

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

May 3, 2021
2021-1285-EBA
06/10

Enrolled Bill Amendment to HB 270-FN
The Committee on Enrolled Bills to which was referred HB 270-FN

AN ACT relative to post-conviction DNA testing.

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 270-FN

This enrolled bill amendment makes a grammatical correction

Enrolled Bill Amendment to HB 270-FN

Amend RSA 651-D:2, IV(c) as inserted by section 1 of the bill by replacing line 6 with the following:

required by the Federal Bureau of Investigation, and to forensic-specific requirements, and is

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

May 7, 2021
2021-1354-EBA
11/04

Enrolled Bill Amendment to HB 626-FN
The Committee on Enrolled Bills to which was referred HB 626-FN

AN ACT relative to historic horse racing.

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 626-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 626-FN

Amend section 7 of the bill by replacing line 1 with the following:

7 New Paragraph; Authorization; Sale of Tickets; Advertising. Amend RSA 284:21-h by inserting
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:

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

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

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

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

HB 157, relative to the state health improvement plan and the state health assessment and state health improvement plan advisory council.

HB 171, relative to food in cigar shops.

HB 190, relative to financial disclosures by legislators.

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

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

HB 356, relative to the city of Manchester employees' contributory retirement system.

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

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

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 442, relative to penalties for a school's failure to file department of education reports.

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

Senator Bradley 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 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.

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

Out of Recess. Call the Senate to Order.

SUSPENSION OF THE RULES

Without objection, Senate Rule 1-2 shall be suspended to allow the member to remain seated while speaking, until further notice. Adopted by the necessary 2/3 vote.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 15

May 13, 2021

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

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

Good morning. It's good to be with you all this morning in person. This is nice.

Let us Pray.

Dear God. We pray this day for the men and women of the Senate who have set upon an important endeavor to pass laws and do the work of the people. In this work they preserve our republic, our freedom of religion, our civilization, and help our suffering humanity. Lead them straight and true, give strength to their minds, stalwarts to their hearts, steadfastness in their faith. Serving the people of New Hampshire is hard, but satisfying work. Success doesn't always come with rousing speed, but the New Hampshire State Senate shall return again and again until the work is done. We ask for these Senators to be drawn towards ways of peace. They serve not for the lust of conquest. They serve to liberate. They serve to let justice arise and tolerance and good will among all of the people. They serve so that everyone in New Hampshire will have a haven of home. They serve fathers, mothers, children and wives, sisters, and brothers so that all might shine in the liberty of our great nation. We offer our continuance of prayer. And as we rise to each new day, and again with each new day spent that words of prayer be on our lips invoking wisdom for those who to preserve our lives. Give us strength in our daily tasks, to redouble the contributions we made for the physical and material support of our country and state. We pray that they shall prevail over the unholy forces and conquer the apostles of greed and racial arrogances. We hope that the work done here today will move forward an agenda for peace that will have all people live in freedom reaping the just rewards of their honest toil. Amen.

Senator Cavanaugh led the Pledge of Allegiance.

PRESIDENT MORSE: Well, good morning, and it's good to see you all here. I think we are all looking forward to this day. So, congratulations for working together to make today happen. Before we begin, I just want to remind everyone that we are stressing the importance of observing social distancing and wearing masks. We've worked very hard with the Department of Public Health to provide a low-risk environment today, so it's important that we adhere the guidance.

All of you should have iPads, calendar, snacks, water, extra masks, sanitizers, Kleenex, and trash bins. If you would like an additional beverage, please signal to a staffer, they would be happy to help you. We've done this before so don't be bashful. The reality is, we prefer to stay in our seats and get through this session. The difference today is we may take a few breaks. As we take those breaks, we'll certainly help you get through where you have to be. The Senate Democrats will be in the back in the anteroom, Senate Republicans will be in the chamber.

Also, I want to remind you, the microphones at your desk will record and amplify your voice. You do not need to touch or turn them on. Our sound operator is with us today and will unmute your microphone at the appropriate time. I ask that you remain in your seats while delivering your remarks so that your remarks can be picked up by the microphone, Senator Bradley.

Masks may be removed at your seat only. Please do not leave your seat unless you need to use the restroom or if a caucus has been called. If a caucus is called, please stay seated until your name is called. For Republicans, which I just said, Grant Bosse will lead us out into the Senate Chamber. For Democrat Senators, Marina will lead you to the House anteroom. Restrooms are accessible on the second floor. The Senate Anteroom will not be used for any other purpose besides caucus.

When we break for lunch, the meal that you ordered will be brought to you at your seat by a member of the staff. Also, the Gallery is restricted to members of the press today. Today's session is being live streamed. The link to the General Court website for the public to watch our proceedings has been published in the Senate Calendar. And finally, at the conclusion of the Session, we will exit the Senate Chamber as you're directed by the same staff. Having said all that, I think it's time to get going.

FN REPORT FOR MAY 13, 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:

COMMERCE

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

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 610-FN, requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

JUDICIARY

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

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

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

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

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

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES

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

JUDICIARY

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

TRANSPORTATION

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

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

CONSENT CALENDAR:

COMMERCE

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

REGULAR CALENDAR:

JUDICIARY

HB 615-FN, reducing the penalty for certain first offense drug possession charges—if Inexpedient to Legislate recommendation is overturned.

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills which are still in their respective committees:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 567, permitting certain military personnel, emergency medical technicians, and paramedics to apply for licensure as a nursing assistant.

JUDICIARY

HB 108-FN-LOCAL, relative to minutes and decisions in nonpublic sessions under the right-to-know law.

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

HB 180, increasing the penalty for buyers under the law regarding trafficking in persons.

TRANSPORTATION

HB 222-FN, relative to official cover plates.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

COMMERCE

HB 385-FN, by Senator Daniels

HB 610-FN, by Senator Bradley

EDUCATION

HB 69, by Senator Giuda

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 77, by Senator Kahn

HB 285, by Senator Soucy

SPECIAL ORDER

Without objection, the following Bill is special ordered to the next session. Adopted.

COMMERCE

HB 610-FN, requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

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 to Third Reading.

COMMERCE

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

Inexpedient to Legislate, Vote 5-0. Senator Gannon for the committee.

This bill would have prohibited telecommunications companies and application developers from sharing, selling, and giving away the location information of their users. The Committee felt this bill had too many technical problems. At the public hearing, the Committee heard testimony that this bill could potentially force technology companies out of the state, expose carriers and mobile developers to costly litigation, further fragment consumer privacy laws, and disrupt the functionality of mobile applications for both in-state and out-of-state consumers.

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

Currently, the federal Occupational Safety and Health Act (OSHA) doesn't apply to public sector employees. This bill would establish a study committee that would examine and compare federal OSHA standards with the safety and health standards the New Hampshire Department of Labor has for public sector employees. As amended, only one senator would serve on the study committee and the meeting quorum would be reduced to three members.

Commerce
May 4, 2021
2021-1298s
04/10

Amendment to HB 448

Amend section 2 of the bill by replacing subparagraph I(b) with the following:

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

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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.

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

This bill would require third-party food delivery services to receive written consent from a restaurant before offering delivery services for that restaurant. Once food leaves a restaurant, they no longer have control over the quality of the food or the person delivering it. Consequently, orders can be delivered late or not at all; thus, resulting in the loss of a potential customer or a loss in revenue if an order needs to be remade. In certain instances, some restaurants may be completely unaware they are on third-party delivery websites. As amended, the effective date would be changed to September 1, 2021.

Commerce
May 4, 2021
2021-1297s
04/08

Amendment to HB 593-FN

Amend section 3 of the bill by replacing paragraph II with the following:

II. The remainder of this act shall take effect September 1, 2021.

EDUCATION

HB 152, relative to the apportionment of costs in cooperative school districts.

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

This bill permits the apportionment formula for a cooperative school district to be reviewed by the public body after the expiration of a five year period measured from the date of the meeting at which the last change was made to the cost apportionment formula. This bill permits school districts to keep their apportionment formula in place, as opposed to being subject to warrant article proposals seeking changes to apportionment formulas annually.

HB 182, relative to approval of coursework completed at other approved schools

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

This bill requires the principal or other administrator of a high school to grant credit for courses and programs completed at other approved schools. This bill also requires the principal or other administrator to show reasonable justification for denial of credits. HB 182 mirrors current law used to approve and deny credits from students of military families. The bill's intent is to allow students to advance their education without having to unnecessarily repeat courses of which they have already met the competencies.

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.

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

This bill would require university system and community college system students to pass the 2020 version of the United States Citizenship and Immigration Services naturalization test as a graduation requirement. During the public hearing on HB 319, concerns were raised. A technical concern related to the requirement of using a specific version of the test, in this case, the 2020 version, was raised by the university system. Naturalization test version standards are currently changing at the federal level. Concerns regarding proof of completion of the test were raised. Additionally, following the passage of HB 320 this session, NH high school students will have already completed this test requirement prior to graduation. Re-referring this bill back to Committee affords the Committee time to further address the concerns presented.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 476, relative to election officers at additional polling places.

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

This bill as amended removes the requirement that election officials for an additional polling place within a town be domiciled in the district where the additional polling place is located. It does not change the requirement that election officials be domiciled in the town. The amendment ratifies all actions, votes, and proceedings of the town of Middleton's annual town meeting held on March 13, 2021.

Election Law and Municipal Affairs
 May 3, 2021
 2021-1282s
 04/10

Amendment to HB 476

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

AN ACT relative to election officers at additional polling place and relative to legalizing, ratifying, and confirming all actions, votes, and proceedings of the annual meeting of the town of Middleton.

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

3 Town of Middleton; Ratification of Proceedings. All actions, votes, and proceedings of the town of Middleton annual town meeting held on March 13, 2021 are hereby legalized, ratified, and confirmed.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

2021-1282s

AMENDED ANALYSIS

This bill removes the requirement that election officials for an additional polling place in a town be domiciled in the district of the additional polling place. The bill also legalizes, ratifies, and confirms all actions, votes, and proceedings of the town of Middleton annual town meeting held on March 13, 2021.

JUDICIARY

HB 123-FN, granting immunity from prosecution for prostitution for reporting a sexual assault.
 Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill provides immunity from prosecution for prostitution for a person reporting to law enforcement that such person or another person is the victim of a sexual assault. The implementation of this bill will help to ensure that the fear of being arrested will not prevent a victim from reporting that they have been sexually assaulted, and importantly, puts NH in line with federal policy and the Violence Against Women Act. Therefore, the Committee recommends the bill Ought to Pass.

HB 129-FN, prohibiting the installation or use of electronic tracking software.
 Inexpedient to Legislate, Vote 5-0. Senator Kahn for the committee.

This bill would prohibit a person from, without consent, installing or activating an application on an electronic device that can track an individual's proximity to similar equipment or otherwise relay the individual's location information. Due to significant concerns regarding the unintended consequences that would arise as a result of this bill, the Committee recommends it to be Inexpedient to Legislate.

HB 197, relative to the use of deadly force in defense of another.
 Re-refer to Committee, Vote 5-0. Senator French for the committee.

This bill would permit the use of deadly force against another person in circumstance where deadly force is used in the commission of felony against a person in a vehicle. The Committee recommends the bill to be Re-Deferred to Committee, so that more time and consideration can be taken to examine this important and complex issue.

HB 200-FN, increasing the penalty for certain invasions of privacy.
 Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill would increase the criminal penalty for certain violations of privacy and nonconsensual dissemination of private sexual images. Due to a lack of testimony regarding this bill, the Committee believes it is impossible to move the language forward at this time and recommends the bill to be Inexpedient to Legislate.

HB 347-FN, relative to driving with a suspended license.
Re-refer to Committee, Vote 5-0. Senator Carson for the committee.

This bill would make driving after a license has been suspended for driving or operating under the influence of drugs or liquor in this or any out-of-state jurisdiction a misdemeanor, and would impose a fine on any person who does so. Further, it would also clarify that prior out-of-state convictions for driving after revocation or suspension may be considered when determining whether a person is guilty of a misdemeanor for driving after revocation or suspension. The Committee would like more time to look over this language as it deals with out-of-state jurisdictions and therefore, recommends the bill to be Re-Deferred back to Committee.

HB 436, relative to eyewitness identification procedures.
Re-refer to Committee, Vote 5-0. Senator Kahn for the committee.

This bill would add remedies for noncompliance with eyewitness identification procedures. There were several concerns with the bill raised during testimony that the Committee believes can be remedied by bringing stakeholders together to amend current language. Therefore, the Committee recommends that the bill be Re-Deferred to Committee.

HB 546-FN, relative to 911 immunity for reporting that a person has been the victim of a violent crime.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

This bill expands the 911 immunity law, by providing immunity from criminal charges for a person who reports to law enforcement that such person or another person has been the victim of a violent crime. Given the success of the current 911 immunity law regarding overdoses, the Committee believes that expanding the law to include the reporting of a violent crime is an appropriate and important step to combat crime and assist victims in our communities.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

COMMERCE

HB 227, relative to termination of tenancy at the expiration of the tenancy or lease term.
Inexpedient to Legislate, Vote 4-1. Senator Soucy for the committee.

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

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

The following Senators voted Yes: Bradley, Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Gannon, Sherman.

The following Senators voted No: Hennessey, Giuda, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Morse.

Roll Call, Yeas: 12 - Nays: 12. Failed.

Senator Bradley moved to Re-refer to Committee.

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

A roll call was requested by Senator Giuda, seconded by Senator Hennessey.

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

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

Roll Call, Yeas: 20 - Nays: 4. Adopted.

EDUCATION

HB 71, relative to school district emergency special meetings.
Ought to Pass, Vote 3-2. Senator Hennessey 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 Birdsell.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 282, relative to a private school that is approved as a tuition program.
Ought to Pass, Vote 3-2. Senator Ward for the committee.

Senator Sherman moved to Lay on the Table.

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

The following Senators voted Yes: Watters, Prentiss, Kahn, Rosenwald, Carson, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

The following Senators voted No: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Reagan, Birdsell, Gannon, Morse.

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

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

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 388, relative to changing a pupil's school or assignment because of a manifest educational hardship.
Ought to Pass, Vote 3-2. Senator Ward 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 Avard.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 581, relative to the burden of proof in special education hearings and establishing a committee to study special education IEP and dispute resolution processes.
Ought to Pass, Vote 4-1. Senator Prentiss 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 Avard.

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.

ENERGY AND NATURAL RESOURCES

HB 235, addressing impacts to other water users from new sources of water for community water systems.
Ought to Pass with Amendment, Vote 4-0. Senator Watters for the committee.

Energy and Natural Resources
May 6, 2021
2021-1333s
08/06

Amendment to HB 235

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

AN ACT addressing impacts to other water users from new sources of water for community water systems and relative to the PFAS fund and programs.

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

2 PFAS Fund and Program; Purpose. Amend RSA 485-H:1 to read as follows:

485-H:1 Purpose Statement. Communities across the state have been impacted by [~~per and polyfluoroalkyl substances (PFAS)~~] **perfluorochemical** contamination, largely through no fault of their own. **Perfluorochemicals are a class of chemicals that are part of a larger group of chemicals called per and polyfluoroalkyl substances (PFAS)**. The cost of remediating this contamination for many communities would result in dramatically higher water and sewer rates for end users. The existence of these man-made chemicals, some of which are occurring at unhealthy levels in New Hampshire's drinking water, require a strategy to protect, preserve, and enhance the water that New Hampshire citizens and environment rely upon.

3 PFAS Fund and Program; Definitions. Amend RSA 485-H:2, III and IV to read as follows:

III. "**PFAS drinking** water standard" means the maximum contaminant levels in accordance with RSA 485:16-e.

IV. "**PFAS loan** fund" means the PFAS remediation loan fund established in RSA 485-H:10.

4 PFAS Program; Drinking Water Protection; Groundwater. RSA 485-H:3 and 485-H:4 are repealed and reenacted to read as follows:

485-H:3 Implementation of Drinking Water Protection Program.

I. The department shall provide low-interest loans to municipalities, community water systems, and non-profit, non-transient non-community water systems whose testing of untreated source water shows an exceedance of a PFAS drinking water standard. Such loans shall be provided for the projects described below begun after September 30, 2019.

II. The department shall provide the loans described in paragraph I for projects needed to meet a PFAS drinking water standard if the applicant demonstrates, and the department agrees, that the project is the most cost-effective way to meet PFAS drinking water standards and if the project meets the other provisions of this chapter and department rules adopted pursuant to this chapter.

III. The department shall adopt rules, and include conditions in loan documents, to ensure that the applicant has made and will make reasonable efforts to obtain and use funds from any potentially liable third party prior to and after taking a loan from the PFAS loan fund, and that any money received from a potentially liable third party after the loan is provided is applied to early repayment of such loan to the extent reasonable. In addition, the department shall adopt rules establishing criteria to ensure that an applicant shall not be eligible for loans for any project or portion of a project to the extent the negligence of the applicant caused the contamination that resulted in the exceedance of a PFAS drinking water standard.

IV. If the department forgives any part of a loan related to costs for a project for which a third party might otherwise be liable, the right to recover payment from such third party shall be subrogated to the department to the extent of such forgiveness. Any money recovered by the department from such third party shall be deposited in the PFAS loan fund.

V. Loans may be made for up to the total cost of the project minus any contribution from a liable or potentially liable third party or any other portion deemed ineligible under this chapter and department rules.

485-H:4 Implementation of Groundwater, Surface Water and Aquatic Life Protection.

I. The department shall provide low interest loans to publicly-owned and non-profit wastewater and/or wastewater residual treatment or storage facilities that are required to treat effluent and residuals to achieve applicable PFAS standards prior to discharge or disposal.

II. The department shall provide the loans described in paragraph I if the applicant demonstrates, and the department agrees, that the project is the most cost-effective way to meet applicable PFAS standards and if the project meets the other provisions of this chapter and department rules adopted pursuant to this chapter. The applicant shall provide evidence in the application for funding that there is not a more cost-effective way to meet applicable PFAS standards.

III. The department shall adopt rules, and include conditions in loan documents, to ensure that the applicant has made reasonable efforts to obtain and use funds from any liable or potentially liable third party prior to and after taking a loan from the PFAS loan fund, and that any money received from a liable or potentially liable third party at a later time is applied to early repayment of the loan from the PFAS loan fund to the extent reasonable. In addition, the department shall adopt rules establishing criteria to ensure that an applicant shall not be eligible for loans for any project or portion of a project to the extent the negligence of the applicant caused the contamination that resulted in the exceedance of an applicable PFAS standard.

IV. If the department forgives any part of a loan related to costs for a project for which a third party might otherwise be liable, the right to recover payment from such third party shall be subrogated to the department to the extent of such forgiveness. Any money recovered by the department from such third party shall be deposited in the PFAS loan fund.

V. Loans may be made for up to the total cost of the project minus any contribution from a liable or potentially liable third party or any other portion deemed ineligible under this chapter and department rules.

5 Loan Forgiveness. Amend RSA 485-H:5 to read as follows:

485-H:5 Loan Principal Forgiveness Based Upon Need.

I. The department shall forgive up to 10 percent of the loan principal to *municipalities*, community water systems, and non-profit, non-transient non-community water systems using the same qualifying standards for forgiveness used in the drinking water state revolving loan program established under RSA 486:14.

II. The department shall forgive up to 10 percent of the loan principal for publicly-owned and non-profit wastewater treatment facilities using the same qualifying standards for forgiveness used in the clean water state revolving loan program established under RSA 486:14.

III. Total loan forgiveness under this section shall not exceed \$5 million [~~for both drinking water and clean water combined~~].

6 PFAS Program; Rules; Loan Fund. Amend RSA 485-H:7 through 485-H:10 to read as follows:

485-H:7 Drinking Water and Groundwater Trust Fund Exception. Notwithstanding any law to the contrary, any funds deposited into the drinking water and groundwater trust fund established in RSA 6-D:1 as a result of this chapter may be transferred to the department to be used for funding PFAS remediation projects, including those at wastewater treatment facilities, at the discretion of the *drinking water and groundwater trust* fund's advisory commission.

485-H:8 Duties of the Department.

I. The department shall perform the following duties to the limit of available funding:

(a) Establishing and administrating the PFAS remediation loan program to assist municipalities; community and non-profit, non-transient non-community water systems; and publicly owned and non-profit wastewater treatment facilities with the cost of complying with [~~state maximum contaminant level for~~] *applicable PFAS standards*.

(b) Establishing and administering a loan forgiveness program to assist disadvantaged communities with loan repayment.

(c) Awarding loan funds to projects that meet *the provisions of this chapter including* the following criteria:

(1) The project is or was necessary to comply with a [~~state mandated~~] *PFAS drinking water standard or other applicable* PFAS standard and the applicant for funding is a municipality, a community water system, or a non-profit, non-transient public water system, or a publicly-owned or non-profit wastewater and/or wastewater residual treatment or storage facility.

(2) The applicant has demonstrated, to the satisfaction of the department, that ~~[low or no-cost solutions are neither viable nor effective]~~ ***the project is the most cost-effective way to meet PFAS drinking water standards and other applicable PFAS standards.***

(d) Awarding reimbursements to projects from the fund in a manner consistent with this chapter.

II. Every year beginning December 1, 2020, the department shall prepare and file a report with the general court evaluating the progress made relative to PFAS contamination, the efficiency of the program established under this chapter, and whether it continues to provide the maximum benefit to New Hampshire citizens, and providing any recommendations on potential additional tasks for which the fund could be used to address PFAS contamination.

485-H:9 Rules. The department shall adopt rules, under RSA 541-A, relative to administering ~~[PFAS remediation loan programs for eligible projects necessary to meet state PFAS standards]~~ ***this chapter.***

485-H:10 PFAS Remediation Loan Fund Established. There is hereby established in the department the PFAS remediation loan fund which shall be maintained by the state treasurer in distinct and separate custody from all other funds, notwithstanding RSA 6:12. The state treasurer may invest the ***PFAS remediation loan*** fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the ***PFAS remediation loan*** fund. All moneys in the ***PFAS remediation loan*** fund shall be non-lapsing and shall be continually appropriated to the department. The PFAS remediation loan fund shall be used to fund loans and reimbursements in accordance with this chapter. Funds from any bond proceeds, grants, loan repayments, legislative appropriations, donations, and other funds ***related to the PFAS remediation loan fund*** shall be credited to ~~[this]~~ ***the PFAS remediation loan*** fund.

7 Drinking Water and Groundwater Trust Fund. Amend RSA 485-F:3, III to read as follows:

III. Costs paid from the drinking water and groundwater trust fund for the action described in paragraph I(a) and recovered by the state under RSA 147-B:10, shall be deposited to the trust fund. In addition, upon payment from the trust fund for any costs for which a third party would otherwise be liable, the right to recover payment from such third party shall be assumed by the drinking water and groundwater advisory commission to the extent of payment made from the trust fund. ***Except as provided in RSA 485-H:6***, any money so recovered shall be repaid to the trust fund. No party shall receive multiple compensation for the same injury, and any such compensation shall be repaid to the trust fund.

8 Effective Date.

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

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

2021-1333s

AMENDED ANALYSIS

This bill requires the department of environmental services to adopt rules concerning small groundwater withdrawals from new sources of water. The bill also clarifies the administration of the PFAS fund and program by the department of environmental services.

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 250, relative to pet vendors.

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

Energy and Natural Resources

May 4, 2021

2021-1290s

08/10

Amendment to HB 250

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

1 Pet Vendor; Definition. Amend RSA 437:1, IV to read as follows:

IV. "Pet vendor" means any person, firm, corporation, or other entity that transfers ~~[25]~~ **30** or more dogs, ~~[25]~~ **30** or more cats, 30 or more ferrets, or 50 or more birds, live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire, between ~~[July 1 and June 30]~~ **January 1 and December 31** of each year. Pet vendor also means any person, firm, corporation, or other entity that transfers amphibians, reptiles, fish, or small mammals customarily used as household pets to the public in quantities set in rules adopted by the department, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire between ~~[July 1 and June 30]~~ **January 1 and December 31** of each year. Nothing in this paragraph shall be construed to alter or affect the municipal zoning regulations that a pet vendor shall conform with under RSA 437:3.

2 Exemptions; Commercial Kennel Deleted. Amend RSA 437:7 to read as follows:

437:7 Exceptions.

I. The license provisions of this subdivision shall not apply to breeders of dogs or cats that do not meet the definition of pet vendor in RSA 437:1, veterinarians, or the transfer of livestock or poultry.

II.(a) A person who has previously not met the requirements for licensure as a pet vendor but who intends to transfer more than 30 dogs or 30 cats in a year may apply to the commissioner for an exemption from licensure as a pet vendor if he or she meets the following criteria:

(1) The person has transferred fewer than 30 dogs or 30 cats annually in the previous 4 12-month periods beginning January 1 and running through the following December 31; and

(2) The person has not been required to register as a pet vendor in the previous 4 12-month periods beginning January 1 and running through the following December 31.

(b) The commissioner shall make a determination on such exemption within 15 days of its submission. Such exemption shall expire on the June 30 following its issuance.

(c) A person exempt from licensure as a pet vendor under this paragraph may transfer no more than 15 dogs or 15 cats in addition to the 30 dog or 30 cat limit in subparagraph (a) within the period his or her exemption is valid.

3 Requirements for Sale of Animals. Amend the introductory paragraph of RSA 437:3 to read as follows:

No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license, giving such information as the commissioner shall require. ~~[The application]~~ **A pet vendor that transfers more than 50 or more dogs, 50 or more cats, 50 or more ferrets, or 50 or more birds** shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations **in his or her application**. The application shall be accompanied by a non-refundable \$200 fee. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

4 Transfer of Animals; Suspensions. Amend RSA 437:4 to read as follows:

437:4 Refusal to Issue; Revocation **or Suspension** of License. The commissioner, after notice to the licensee and opportunity for hearing, as set forth in the rules adopted under RSA 437:9, may deny an application, **or suspend** or revoke a license for any of the following reasons:

I. The applicant or licensee violated the statutes of the state of New Hampshire or of the United States or any rule adopted by the commissioner pursuant to this chapter;

II. The applicant made false or misleading statements in his or her application for a license;

III. The licensee knowingly transferred any animal affected with a communicable disease except as allowed under RSA 437:5 and RSA 437:8, II;

IV. The licensee ceased to operate the business for which the license was issued; or

V. The applicant or licensee held any similar license issued in another jurisdiction which was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA 437 during the preceding 5 years.

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

2021-1290s

AMENDED ANALYSIS

This bill sets the limit of dogs, cats, and ferrets that may be transferred without a pet vendor license. This bill also creates an exemption from the requirement to obtain a pet vendor license for certain breeders of dogs and cats, and authorizes the suspension of licenses for violations.

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.

ENERGY AND NATURAL RESOURCES

HB 315, relative to the aggregation of electric customers.

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

Energy and Natural Resources

May 4, 2021

2021-1294s

10/08

Amendment to HB 315

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

AN ACT relative to the aggregation of electric customers and municipal host customer generators serving political subdivisions.

Amend the bill by replacing all after section 10 with the following:

11 Eligible Customer Generator; Exception Added for Municipal Hosts. Amend RSA 362-A:1-a, II-b through II-d to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including one megawatt, ***except as provided for a municipal host as defined in paragraph II-c***, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

II-c. ***"Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021. A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.***

II-d. "Eligible fuel" means natural gas, propane, wood pellets, hydrogen, or heating oil when combusted with a burner, including air emission standards for the device using the approved fuel.

[H-d] II-e. "Heat led" means that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.

12 Utility Property Tax; Eligible Customer-Generator; Exclusion Clarified. Amend RSA 83-F:1, V(d) to read as follows:

(d) The electrical generation, production, storage, and supply equipment of an "eligible customer-generator" as defined in RSA 362-A:1-a, II-b, ***up to and including one megawatt***;

13 Effective Date.

I. Section 1-10 of this act shall take effect 60 days after its passage.

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

2021-1294s

AMENDED ANALYSIS

This bill revises the procedures applicable to municipal or county aggregators and municipal electric utilities for the aggregation of energy services. This bill also establishes an exemption under net energy metering for group net metered facilities that generate electricity to offset electrical requirements of a group consisting of political subdivisions.

Recess. Out of recess.

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

Senator Avard offered a Floor Amendment.

Sen. Avard, Dist 12

Sen. Watters, Dist 4

May 11, 2021

2021-1400s

10/06

Floor Amendment to HB 315

Amend the bill by replacing section 12 with the following:

12 Utility Property Tax; Exclusion From Definition of Utility Property. Amend RSA 83-F:1, V(d) to read as follows:

(d) The electrical generation, production, ***storage***, and supply equipment of an “eligible customer-generator” as defined in RSA 362-A:1-a, II-b, ***and of a “limited producer” as defined in RSA 362-A:1-a, III if selling under RSA 362-A:2-a, for facilities with a rated electricity production capacity of up to and including one megawatt;***

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.

HB 338-FN, relative to penalties for dog theft and tampering with a dog’s radio collar.

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

Energy and Natural Resources

May 4, 2021

2021-1296s

08/04

Amendment to HB 338-FN

Amend RSA 466:42-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Whoever steals a dog shall be guilty of a misdemeanor for the first and second offense, and a class B felony for each subsequent offense.

2021-1296s

AMENDED ANALYSIS

This bill makes the first and second instances of the crime of dog theft a misdemeanor, and any subsequent instance a class B felony.

This bill also makes it a crime to remove certain collars from certain dogs.

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 351, relative to the system benefits charge.

Re-refer to Committee, Vote 4-0. Senator Gray for the committee.

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

Senator Avard moved Inexpedient to Legislate.

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

HEALTH AND HUMAN SERVICES

HB 350, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

Re-refer to Committee, Vote 3-2. Senator Gray for the committee.

Senator Gray 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, Gray, Ward, Ricciardi, Daniels, Avard, Carson, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, French, Kahn, Rosenwald, Whitley, Reagan, Perkins Kwoka, Sherman.

Roll Call, Yeas: 15 - Nays: 9. Adopted.

Recess. Out of recess.

JUDICIARY

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

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

Senate Judiciary

April 15, 2021

2021-1147s

04/05

Amendment to HB 296-FN

Amend RSA 644:9-b, III as inserted by section 1 of the bill by replacing it with the following:

III. Any person who violates the provisions of this section shall be guilty of a violation for a first offense, and a misdemeanor for a second or subsequent offense if the court finds that the person has previously been convicted of a violation of this section at the time of the subsequent act.

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

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 1

May 13, 2021

2021-1470s

04/08

Floor Amendment to HB 296-FN

Amend RSA 644:9-b, II as inserted by section 1 of the bill by replacing it with the following:

II. A person commits the offense of unsolicited disclosure of an intimate image when:

(a) The person sends by electronic device an unsolicited intimate image depicting sexually explicit conduct to a recipient with the intent to harass the recipient; and

(b) The person knows that the recipient has not consented to receiving the image, and the recipient has not consented to receiving the image; and

(c) The recipient was harassed by the receipt of the image.

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.

HB 427, prohibiting corporal punishment of children in state agency programs.
Re-refer to Committee, Vote 5-0. Senator Carson for the committee.

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

HB 615-FN, reducing the penalty for certain first offense drug possession charges.
Inexpedient to Legislate, Vote 3-2. Senator French for the committee.

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

Senator Whitley moved Ought to Pass.

Senator Whitley moved to divide the question on the Ought to Pass motion: Divide Sections 2 and 5, and then, the Remainder of the Bill and the Effective Date.

The Chair ruled the question divisible.

The question is on the adoption of the motion of Ought to Pass: Sections 2 and 5.

A roll call was requested by Senator Avard, seconded by Senator Birdsell.

The following Senators voted Yes: Watters, Prentiss, Kahn, Rosenwald, Whitley, Perkins Kwoka.

The following Senators voted No: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Sherman, Morse.

Roll Call, Yeas: 6 - Nays: 18. Failed.

The question is on the adoption of the motion of Ought to Pass: Remainder of the Bill and the Effective Date.

A roll call was requested by Senator Avard, seconded by Senator Hennessey.

The following Senators voted Yes: Whitley, Perkins Kwoka.

The following Senators voted No: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Sherman, Morse.

Roll Call, Yeas: 2 - Nays: 22. Failed.

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

May 11, 2021

2021-1418s

04/06

Floor Amendment to HB 615-FN

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

AN ACT amending the penalties for certain drug offenses under the controlled drug act.

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

1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I to read as follows:

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he *or she* represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he *or she* represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a violation involving any of the following, a person shall be sentenced to a maximum term of imprisonment of not more than 30 years, a fine of not more than \$500,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of life imprisonment, a fine of not more than \$500,000, or both:

(1) Five ounces or more of a mixture or substance containing any of the following, including any adulterants or dilutants:

(A) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; or

(B) Cocaine other than crack cocaine, its salts, optical and geometric isomers, and salts of isomers; or

(C) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

(2) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine (PCP), or its analog, in a quantity of 10 grams or more including any adulterants or dilutants.

(3) Heroin or its analog[;] **or** crack cocaine, [~~or a fentanyl class drug~~] in a quantity of 5 grams or more, including any adulterants or dilutants.

(4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including adulterants or dilutants.

(5) A fentanyl class drug in a quantity of .5 gram, or more, including any adulterants or dilutants.

(b) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

(2) A substance classified in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants;

(3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or dilutants, or where the amount is undetermined;

(4) Heroin or its analog[;] **or** crack cocaine, [~~or a fentanyl class drug~~] in a quantity of one gram or more, including any adulterants or dilutants;

(5) Methamphetamine or its analog, in a quantity of one ounce or more including any adulterants or dilutants;

(6) Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;

(7) Flunitrazepam in a quantity of 500 milligrams or more;

(8) A fentanyl class drug in a quantity of .25 gram or more, including any adulterants or dilutants.

(c) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

(2) A substance or mixture classified as a narcotic drug in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants;

(3) Methamphetamine, or its analog in a quantity of less than one ounce including any adulterants or dilutants;

(4) Heroin or its analog[;] **or** crack cocaine, [~~or a fentanyl class drug~~] in a quantity of less than one gram, including any adulterants or dilutants;

(5) Marijuana in a quantity of one ounce or more including any adulterants or dilutants, or hashish in a quantity of 5 grams or more including any adulterants or dilutants;

(6) Flunitrazepam in a quantity of less than 500 milligrams;

(7) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV;

(8) A fentanyl class drug in a quantity of less than .25 gram, including any adulterants or dilutants.

(d) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$25,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 6 years, a fine of not more than \$50,000, or both:

(1) Marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than 5 grams including any adulterants or dilutants;

(2) Any schedule V substance or its analog.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, VIII to read as follows:

VIII. Any person who knowingly or purposely obtains or purchases (1) any substance which he *or she* represents to be a controlled drug or controlled drug analog, or (2) any preparation containing a substance which he *or she* represents to be a controlled drug or controlled drug analog, except as authorized in this chapter, shall be guilty of a misdemeanor. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony.

3 Effective Date. This act shall take effect January 1, 2022.

2021-1418s

AMENDED ANALYSIS

This bill amends the penalties for certain drug offenses under the controlled drug act.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Birdsell.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, Ward, Ricciardi, Daniels, Avard, Carson, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, French, Kahn, Rosenwald, Whitley, Cavanaugh, Reagan, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 12 - Nays: 12. Failed.

Senator Bradley moved to Lay on the Table. Adopted.

TRANSPORTATION

HB 251-FN, requiring children under the age of 2 yearsto be restrained in a motor vehicle. Ought to Pass with Amendment, Vote 5-0. Senator Ricciardi for the committee.

Senate Transportation

April 28, 2021

2021-1229s

11/10

Amendment to HB 251-FN

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

AN ACT establishing a committee to study requiring New Hampshire children to be placed in rear facing restraints in motor vehicles.

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

1 Committee Established. There is established a committee to study requiring New Hampshire children to be placed in rear facing restraints in motor vehicles.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

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

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Review the research on the percentage of New Hampshire parents that currently utilize rear facing restraints for their children in motor vehicles.

II. Review the research on the injuries and treatment of children in motor vehicle accidents in New Hampshire.

III. Compare the motor vehicle accidents involving children in New Hampshire to national data as well as other states that require children under the age of 2 years old to be restrained in rear facing child restraints in motor vehicles.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall submit a preliminary report of its findings and any recommendations for proposed legislation on or before November 1, 2021, and shall submit a final report of its findings and any recommendations for proposed legislation on or before November 1, 2022, to the president of the senate, the speaker of the house of representatives, the chair of the house transportation committee, the chair of the senate transportation committee, the senate clerk, the house clerk, the governor, and the state library.

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

2021-1229s

AMENDED ANALYSIS

This bill establishes a committee to study requiring New Hampshire children to be placed in rear facing restraints in motor vehicles.

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.

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.

COMMERCE

HB 385-FN, relative to workers' compensation for heart and lung disease in firefighters.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

Recess. Out of recess.

EDUCATION

HB 69, relative to the display of the national motto in schools.
Inexpedient to Legislate, Vote 5-0. Senator Prentiss for the committee.

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

Senator Giuda moved Ought to Pass.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

Sen. Ward, Dist 8

Sen. Ricciardi, Dist 9

Sen. Hennessey, Dist 1

May 13, 2021

2021-1465s

06/05

Floor Amendment to HB 69

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

AN ACT relative to the authority of schools to display the national and state mottos.

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

1 New Section; State and National Mottos. Amend RSA 189 by inserting after section 17-a the following new section:

189:17-b Authority of Schools to Display the National and State Mottos. Notwithstanding any other provision of law to the contrary, no power or authority of the state of New Hampshire, or any political subdivision thereof, shall in any way restrict, or be construed to restrict, the authority of any school or school district to display the national motto, "In God We Trust," or the state motto, "Live Free or Die," in any school building.

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

2021-1465s

AMENDED ANALYSIS

This bill prohibits the state of New Hampshire or any political subdivision from restricting a school from displaying the national or state motto.

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.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 77, requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office.

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

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

Sen. Bradley, Dist 3

May 12, 2021

2021-1426s

05/10

Floor Amendment to HB 77

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

AN ACT requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office and relative to the broadband matching grant initiative.

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

2 Broadband Matching Grant Initiative; Rules Regarding Challenge Process and Program Eligibility. RSA 4-C:39, II(b) is repealed and reenacted to read as follows:

(b) Establishment of a challenge process, with reasonable timelines, through which information may be provided to the state to ensure that funds are not used to build projects in served areas or areas where construction has commenced. Projects in planning, design, or terms negotiations, and not under construction as of January 1, 2021, shall be eligible for funding.

3 Contingency; SB 85; Broadband Matching Grant Initiative. If SB 85 of the 2021 legislative session, establishing the broadband matching grant initiative, becomes law and inserts RSA 4-C:39, II(b), relative to the challenge process and program eligibility, section 2 of this act shall take effect on July 1, 2021 at 12:01 a.m. If SB 85 does not become law or does not insert RSA 4-C:39, II(b), relative to the challenge process and program eligibility, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

2021-1426s

AMENDED ANALYSIS

This bill:

I. Requires that town and city clerks provide a daily update of candidates who have filed for nomination to the secretary of state.

II. Contingently amends eligibility criteria for the broadband matching grant initiative established in SB 85.

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.

HB 285, relative to verification of voter checklists.

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

Election Law and Municipal Affairs

May 3, 2021

2021-1286s

11/08

Amendment to HB 285

Amend the bill by replacing section 1 with the following:

1 Vital Records Administration; Secretary of State; Duties. Amend RSA 5-C:4, IV to read as follows:

IV. The secretary of state shall compare information contained on each death record received by the division of vital records with information contained in the statewide centralized voter registration database and submit to the state registrar a list of every city or town that has a registered voter matching the decedent's information. ***Where there is not a full match of name, date of birth, and residence, the secretary of state shall provide information of partial matches for further review and confirmation by the town or city pursuant to paragraph V.***

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

4 Centralized Voter Registration Database; Address Maintenance. Amend RSA 654:45, I to read as follows:

I.(a) The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the current information on the voter registration forms, the accepted absentee ballot applications, the voter checklists, and voter actions as recorded on the marked checklist maintained by each city, ward, and town in the state. ***The database shall maintain addresses in accordance with United States Postal Service standardized addresses as described in the current USPS Publication 28.***

(b) The secretary of state shall provide for a verification process that voters sharing a place and date of birth, along with a substantially similar name to include nicknames or likely maiden/married name changes, are unique voters. Should any voter appear to be a duplicate registration, information shall be forwarded to the supervisors of the checklist of the city or town where registered for review and confirmation. Such clerks shall notify the secretary of state of the result of such review, and should the records show that a single individual may have voted more than once in any election such information shall be forwarded to the attorney general for further investigation or prosecution.

5 New Subparagraph; Centralized Voter Registration Database; Address Verification. Amend RSA 654:45, IV by inserting after subparagraph (c) the following new subparagraph:

(d) Beginning July 1, 2022, the secretary of state shall, no less than annually, cause voter records to be checked with the United States Postal Service for changes of address. All records identified as moving shall be provided to the city or town supervisors of the checklist for verification pursuant to RSA 654:39, III.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

SPECIAL ORDER

Without objection, HB 285 is special ordered to the next session. 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.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Perkins Kwoka: HB 315

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: I ask for Unanimous Consent please. Thank you. Mister President, I want to speak to my colleagues about the value of public education, and how significant public education has been to the growth and development of this nation. But I want to speak particularly about the district that I represent which has a number of minority schools. And those students are getting the best education and opportunity through the public system. And I want to refer it specifically to my own family. My mother and father were the children of immigrants. My grandfather came to this country when he was sixteen years of age, my grandmother when she was fifteen years of age. Never got to go to school, never had an opportunity to go to school. My father graduated from East Boston High School, class of 1928. He was given that opportunity because of public education. My mother never got to graduate from school because her family needed the money and she went to work in the candy factory in Cambridge, Massachusetts; Schrafft's Chocolates.

What I want to say is this; the thing that has made America great is the opportunity, the opportunity for a public education. In the district that I represent, we have the oldest public high school in the state of New Hampshire; Manchester High School Central. A lot has happened at Manchester High School Central. But I want to present to my colleagues here, that the thing that was available was opportunity, the opportunity to go to school, a good public school. I served on my local school board for ten years, so I've worked hard along with my colleagues to make those schools better. We can never lose sight of the fact that the basic opportunity of public education is the portal by which we can all improve, we can all become better. And if we begin

to dilute that, and we begin to just ravage that, by cutting it apart, we're doing the worst thing that we can do by dividing people. Public education brought us all together, the rich, the poor, the black, the white, the Hispanic, the Italo, the Irishmen, we all got together in a social environment where we were able to interact. Please, please don't lose sight of that fact. The thing that made this country what it is, is the ability for anyone and everyone to get an education, and that's what that public system provided. Thank you, Mister President.

(The Chair recognized Senator Ricciardi.)

SENATOR RICCIARDI: Thank you, Mister President. I just wanted to talk about that May 9th to May 15th is National Police Week is here. That in 1962, President Kennedy proclaimed May 15th as National Peace Officer's Memorial Day and the calendar week in which May 15th falls as our National Police Week. This is established by a Joint Resolution of Congress in 1962. National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty, for the safety and protection of others. I also want to thank all the men and women serving in our great state of New Hampshire and across the country and to take a moment to remember those officers that we have lost. Thank you, Mister President.

(The Chair recognized Senator Sherman.)

SENATOR SHERMAN: Thank you, Mister President. Very briefly, I would ask for Unanimous Consent in recognizing the firefighters of Stratham and the surrounding towns in defending the house and property of our own Doug Scamman who had a major fire on his property and fortunately, thanks to the firefighters, no one was hurt. He lost his barn, but he and Stella are fine. So, thank you to the firefighters for their prompt response. If you ever have a chance to go look at the pictures from the Seacoast Online, you'll see just how terrific that fire was and what an amazing job the firefighters did in protecting our own Doug Scamman. Thank you.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

PRESIDENT MORSE: There's just a couple of things. One, next week we have twenty-two bills on the calendar as we stand here today. Any committees on Monday and Tuesday that vote out bills, we will be doing an addendum to see if we can beef up that twenty-two next week. The following week we will do the same thing so that on the floor when we take up the twenty-seventh as many bills as we have out at that point where the goal is to head towards just the financial bills coming out in June, but we're fifty-five more in committee, not counting those twenty-two already so, we've got a ways to go.

LATE SESSION

Third Reading and Final Passage

HB 69, relative to the authority of schools to display the national and state mottos.

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 and relative to the broadband matching grant initiative.

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

HB 152, relative to the apportionment of costs in cooperative school districts.

HB 182, relative to approval of coursework completed at other approved schools

HB 235, addressing impacts to other water users from new sources of water for community water systems and relative to the PFAS fund and programs.

HB 250, relative to pet vendors.

HB 251-FN, establishing a committee to study requiring New Hampshire children to be placed in rear facing restraints in motor vehicles.

HB 282, relative to a private school that is approved as a tuition program.

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

HB 315, relative to the aggregation of electric customers and municipal host customer generators serving political subdivisions.

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

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

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 476, relative to election officers at additional polling place and relative to legalizing, ratifying, and confirming all actions, votes, and proceedings of the annual meeting of the town of Middleton.

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

HB 581, relative to the burden of proof in special education hearings and establishing a committee to study special education IEP and dispute resolution processes.

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.

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.

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