HB 298 - AS INTRODUCED

2023 SESSION

23-0500
10/08

HOUSE BILL ***298***

AN ACT relative to placement of personal wireless service facilities.

SPONSORS: Rep. Parshall, Ches. 8; Sen. Ricciardi, Dist 9

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill allows state and local authorities additional authority in the review of applications for personal wireless service facilities.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 298 - AS INTRODUCED

23-0500
10/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to placement of personal wireless service facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Personal Wireless Service Facilities; Application Review. Amend RSA 12-K:10, II(a) to read as follows:

(a)***(1)*** Review the collocation application or modification application in light of its conformity with applicable building permit ***and structural integrity standards and*** requirements and consistency with this chapter. ***To facilitate this review each application shall be supported by adequate proof by a licensed engineer demonstrating compliance with all applicable national, state, and local building, electrical, and fire codes and ANSI/APCO Public Safety Grade Site Hardening Requirements, also referred to as "APCO ANSI 2.106.1-2019".*** A collocation application or modification application is deemed to be complete unless the authority notifies the applicant in writing, within 15 calendar days of submission of the specific deficiencies in the collocation application or modification application which, if cured, would make the collocation application or modification application complete. Upon receipt of a timely written notice that a collocation application or modification application is deficient, an applicant shall have 15 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the collocation application or modification application shall be reviewed and processed within 45 calendar days from the initial date received by the authority. If the applicant requires more than 15 calendar days to cure the specific deficiencies, the 45 calendar days deadline for review shall be extended by the same period of time; ***and***

(2) Inform itself of the environmental impact of any proposed personal wireless service facilities and ensure that, other than with regard to the environmental effects of radio frequency emissions that are consistent with the Federal Communications Commission's regulations concerning such emissions, the facilities and their operation will not significantly affect historical or environmentally-sensitive areas;

2 New Subparagraph; Planning Board Procedures; Review of Personal Wireless Service Facility Application. Amend RSA 676:4, I by inserting after subparagraph (i) the following new subparagraph:

(j) A planning board may require the applicant for any personal wireless service facility and/or any personal wireless service provider that will place personal wireless service equipment on the facility to (1) indemnify the authority for any costs or losses and (2) carry adequate liability coverage, including pollution insurance.

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

REGULAR CALENDAR

February 16, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Science, Technology and Energy to which was referred HB 298, relative to placement of personal wireless service facilities.

WITHOUT RECOMMENDATION

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Science, Technology and Energy**
Bill Number:	**HB 298**
Title:	**relative to placement of personal wireless service facilities.**
Date:	**February 16, 2023**
Consent Calendar:	**Regular Calendar**
Recommendation:	**WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill calls for enforcement of our New Hampshire statutes, in particular RSA 12-K:8, concerning model ordinances and guidance, which reads: "The director of the Department of Energy shall develop a set of model municipal ordinances relative to the deployment of personal wireless communications facilities. Prior to development, the director shall hold one or more public hearings and solicit comments from interested parties. The Department of Energy shall provide a copy of the set of model ordinances to any New Hampshire municipality that requests it." Such guidelines are long overdue. The Department of Energy has yet to provide our municipalities any template to protect their citizens from under-designed or ill-placed towers that potentially threaten historic and horticulturally sensitive areas of our communities, or from under-engineered towers that potentially violate fall zones. This enabling bill provides a means for municipalities to protect their citizens from what we know is an overzealous rollout of new and some would say questionable technology.

Amendment: 2023-0565h

Rep. Lucius Parshall

Statement in support of Inexpedient to Legislate: This bill allows state and local authorities additional authority in the review of applications for personal wireless service facilities. It is the result of an interim study conducted the previous year which determined that several state and local authorities were not aware of avenues to take during negotiations of placements of wireless service facilities. The committee is well aware of the several issues expressed by testifiers and their concerns in where placements are located but were faced with federal communications regulations. To provide education and direction, testimony revealed the bill gave more authority than needed and in fact could cause a conflict with federal directives. The amendment was not enough to solve this issue. Local authorities need to make themselves aware of every effort to negotiate proper location of these facilities without restricting construction of the communications systems.

Amendment:

Rep. Douglas Thomas

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Science, Technology and Energy
HB 298, relative to placement of personal wireless service facilities. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass with Amendment: This bill calls for enforcement of our New Hampshire statutes, in particular RSA 12-K:8, concerning model ordinances and guidance, which reads: "The director of the Department of Energy shall develop a set of model municipal ordinances relative to the deployment of personal wireless communications facilities. Prior to development, the director shall hold one or more public hearings and solicit comments from interested parties. The Department of Energy shall provide a copy of the set of model ordinances to any New Hampshire municipality that requests it." Such guidelines are long overdue. The Department of Energy has yet to provide our municipalities any template to protect their citizens from under-designed or ill-placed towers that potentially threaten historic and horticulturally sensitive areas of our communities, or from under-engineered towers that potentially violate fall zones. This enabling bill provides a means for municipalities to protect their citizens from what we know is an overzealous rollout of new and some would say questionable technology.
Rep. Lucius Parshall
Statement in support of Inexpedient to Legislate: This bill allows state and local authorities additional authority in the review of applications for personal wireless service facilities. It is the result of an interim study conducted the previous year which determined that several state and local authorities were not aware of avenues to take during negotiations of placements of wireless service facilities. The committee is well aware of the several issues expressed by testifiers and their concerns in where placements are located but were faced with federal communications regulations. To provide education and direction, testimony revealed the bill gave more authority than needed and in fact could cause a conflict with federal directives. The amendment was not enough to solve this issue. Local authorities need to make themselves aware of every effort to negotiate proper location of these facilities without restricting construction of the communications systems.
Rep. Douglas Thomas

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB298 Date: 2.7.23

Committee: SCIENCE

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Adam Schmidt	Concord, NH	785-4973	T-Mobile		X
Judy Aron	Acworth		self	✓	
Jeremy Cromball	Washington, DC	(202)316-1202	CTIA		X
Rick Fabrizio	Concord NH	603-224-5388	BIA		X
Ann MARIE Brenfield	N. Hampton	603-714-5814	self	✓	

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 298

BILL TITLE: **relative to placement of personal wireless service facilities.**

DATE: **February 7, 2023**

LOB ROOM: **302-304** **Time Public Hearing Called to Order:** **10:11 a.m.**

Time Adjourned: **11:00 a.m.**

Committee Members: Reps. Vose, D. Thomas, Bernardy, Harrington, Ploszaj, Summers, McWilliams, Parshall, Muns, C, Noel, W. Thomas, Cormen and Raynolds

Bill Sponsors:
Rep. Parshall **Sen. Ricciardi**

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- Rep. Parshall - introduced concept of bill
- Sen. Ricciardi - bill provides opportunity to towns/cities. Participate in safe/sustainable tech. Meet codes enabling siting policies (model ordinance). Five codes, natural disasters, historic disasters, pollution insurance. Model ordinance to be prepared by DOE. Define "adequate proof", define "environmental impact" - unclear that it is tower citing.
- BIA - Rich Fabrizio - oppose due to potential to block towers. Historic environmental consideration. Borderlines - biggest problem. need to conform to Fed Communications Act. Licensed engineer may be duplicative and costly. Course delays.
- Cecelia Doucette - MA for Safe Technology - Responsibly placed towers possible. Necessary education affect? Need the bill.
- Deb Hodgdon - Stratham citizen. Common investigation set up process - support bill
- Christine Matthews - Strafford citizen. Impacted near death, healed in environment of no towers - support bill.
- Jeremy Crandall - CTIA. need regulatory certainty. ANSI/APCO should not relevant to towers. Environment/historic studies are ill-defined. All local standards already exist. wirelesshealthfacts.org
- Deborah Chandler - South Hadley, MA - moving to NH. Impacted by wireless. Creating tiny house community. Supports legislation.
- Galen Beech - NH citizen. Favor bill. What's problem of adding more cell tower frequencies? Health. Causing cyanobacteria. Bill offers opportunity addresses concerns. Can we create non-wifi games

Respectfully Submitted,
Representative Bernardy, Clerk

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill HB298 on 2023-02-07

Support: 154 Oppose: 2 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Leggett, L	Litchfield, NH pwrmine@aol.com	A Member of the Public	Myself	Support	No	No	2/1/2023 5:37 PM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/2/2023 8:20 AM
Doucette, Cecelia	Ashland, MA MA4SafeTech@gmail.com	A Member of the Public	Massachusetts for Safe Technology	Support	No	No	2/5/2023 7:33 PM
Schreier, Lori	Westmoreland, NH Schreierlori@ail.com	A Member of the Public	Myself	Support	No	No	2/5/2023 8:11 PM
Kauffman, Jeri	Laconia, NH jmkauffman37@gmail.com	A Member of the Public	Myself	Support	No	No	2/5/2023 8:54 PM
Guven, Taci	Windham, NH taci.guven@yahoo.com	A Member of the Public	Myself	Support	No	No	2/5/2023 9:01 PM
York, MD, Gary	Contoocook, NH glyork@pm.me	A Member of the Public	Humanity	Support	No	No	2/5/2023 9:55 PM
Lloyd, Gisela	East Kingston, NH haus@onepinewoods.us	A Member of the Public	Myself	Support	No	No	2/6/2023 3:55 AM
Hersey, Nancy	Wolfeboro, NH nancyric@metrocast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 6:47 AM
Hodgdon, Deb	Stratham, NH hodgymail@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 7:54 AM
Bitomske, Shelly	Stratham, NH sbitomske@madisonresources.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:26 AM
Hodgdon, Taylor	Stratham, NH Taylor.hodgdon@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 9:00 AM
Johnson, Joy	Salem, NH jbcbtb10@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 9:22 AM

Hull, Rebecca	Antrim, NH rebhu7@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 9:36 AM
M Plummer, Cassie	Nashua, NH casplummer9@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 10:06 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 10:44 AM
White, Jennifer	Hancock, NH newhampshireforsafetechnology@gmail.com	A Member of the Public	Myself	Support	No	Yes	2/6/2023 11:59 AM
Block, Richard	Antrim, NH snowstar@tds.net	A Member of the Public	Myself	Support	No	No	2/6/2023 12:03 PM
White, Erik	Hancock, NH jenwhite.sho@gmail.com	A Member of the Public	Myself	Support	No	Yes	2/6/2023 12:28 PM
White, Evan	Hancock, NH evanwhite3310@gmail.com	A Member of the Public	Myself	Support	No	Yes	2/6/2023 12:29 PM
Loh, Samantha	Stratham, NH Samanthamloh@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 12:55 PM
Bitomske, Rachel	Stratham, NH Rachelmariebitomske@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 1:02 PM
Tanafon, Eric	New Ipswich, NH etanafon@protonmail.com	A Member of the Public	Myself and my family	Support	No	No	2/6/2023 1:27 PM
Comeaux, Olivia	Nashu, NH comeauol@icloud.com	A Member of the Public	Myself	Support	No	No	2/6/2023 2:11 PM
Flood, julie Flood	Wilton, NH julie@farmersandcooks.com	A Member of the Public	Myself	Support	No	Yes	2/6/2023 2:12 PM
Lynch, Margaret	Littleton, NH mlynch121@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 2:14 PM
Timpone, Thomas	Durham, NH Tfmt17@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 2:52 PM
Rogers, Mary	Winchester, NH tiplady2001@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 3:19 PM
Couture, Laurie A.	Newmarket, NH LAC@LaurieACouture.com	A Member of the Public	Myself	Support	No	No	2/6/2023 3:22 PM
Chalice, Michele	Keene, NH michele.chalice@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 3:41 PM
Packard, Nicole	Westborough, MA Nicolepackard15@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 3:48 PM

Hatab, Kathy	Hancock, NH khatab@mac.com	A Member of the Public	Myself	Support	No	No	2/6/2023 3:54 PM
DeCaprio, Michael	Kensington, NH mikedecaprio@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 4:04 PM
Dorf, Alexis	Laconia, NH alexisdorf@sbcglobal.net	A Member of the Public	Myself	Support	No	No	2/6/2023 4:12 PM
Chambers, Paula	Laconia, NH chamberspaula16@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 4:28 PM
Burnham, Mike	Laconia, NH Mandmresolve@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 4:34 PM
LeBrun, Cherylyn	Loudon, NH ulogioco135@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 4:41 PM
LaBombard, Lynne	Lebanon, NH Lmlabombard@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 4:47 PM
savastano, ann	Keene, NH annsava7@protonmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 4:49 PM
Laprise, Ellen	Dudley, MA elaprise55@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 4:54 PM
Dolbec, Catherine	Littleton, NH catjdoll@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 4:57 PM
Spring, Cynthia	Laconia, NH cspring2@mac.com	A Member of the Public	Myself	Support	No	No	2/6/2023 4:59 PM
Concordia, Nicole	Temple, NH nconcordia@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 5:08 PM
chapman, kevin	marlborough, NH denoct103@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 5:36 PM
Bettencourt, Nicole	Northwood, NH Nicolebettencourt@hotmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 5:43 PM
HODGDON, SCOTT	STRATHAM, NH hodgymail@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 5:59 PM
Bettencourt, Todd	Northwood, NH Tbettencourt99@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 5:59 PM
Bemis, Amanda	Litchfield, NH apells88@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:02 PM
Obaid, Taryn	Petaluma, NH tarynobaid@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:04 PM

Bettencourt, Chloe	Strafford, NH chloe.n.bettencourt@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:14 PM
Cushman, Leah	Weare, NH leah.cushman@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/6/2023 6:15 PM
Cushman, Stephen	Weare, NH cstephen521@hotmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:16 PM
LaLone, Edward	Epping, NH lalone.edward@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 6:18 PM
Panek, Charles	Pelham, NH fullmet460@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:19 PM
Cleveland, Jayson	Strafford, NH Jayson.cleveland@icloud.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:20 PM
Panek, Taylour	Windham, NH taylourpanek@criptext.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:20 PM
Panek, Thomas	Windham, NH yzspanek@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:22 PM
McCartney, Michelle	Concord, NH michelleredmond2000@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:23 PM
McCartney, Evan	Concord, NH bebop0505@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:24 PM
Bowers, Danielle	Concord, NH bktime777@protonmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:25 PM
Bowers, Steven	Concord, NH cpcliberty70@protonmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:26 PM
LUKES, RUSSELL	LACONIA, NH russlukes@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:27 PM
Merner, Kelly	Wilton, NH kellyamerner@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:27 PM
Minehart, Will	Wilton, NH sylvandream@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:28 PM
McKinney, Carolyn	Amherst, NH carolyn.mckinney@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:29 PM
O'Donnell, Kristy	Dublin, NH theodonnellzoo@aol.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:30 PM
O'Donnell, Brian	Dublin, NH bod1976@icloud.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:31 PM

Hodgdon, Catherine	Windham, NH jeffhodgdon@hotmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:32 PM
Trexler, Larisa	Stoddard, NH trexlah@icloud.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:32 PM
Trexler, Ryan	Stoddard, NH trexlers@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:33 PM
McLeod, Thomas	Mont Vernon, NH chair@ldfnh.org	A Member of the Public	Myself	Support	No	No	2/6/2023 6:35 PM
McLeod, Ferngold	Mont Vernon, NH fern@mcleodsoft.net	A Member of the Public	Myself	Support	No	No	2/6/2023 6:35 PM
McLeod, Raphaella	Mont Vernon, NH chantokangaeru@protonmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:37 PM
Moore, Kristen	Milford, NH kristen_cotsifas@hotmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:38 PM
Comstock, Nancy	Litchfield, NH njcomstock@protonmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:39 PM
Rojas, Emily	Manchester, NH emilyrojas27@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:39 PM
Rojas, Cali	Manchester, NH calianne321@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:40 PM
Cedolin, Alexandra	Epping, NH ahwhyte@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:41 PM
Cedolin, Bradley	Epping, NH bbcedolin@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:42 PM
Millar, Allison	Keene, NH alimillar71@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:43 PM
Wilson, Audra	Alstead, NH h3islife@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:43 PM
Wilson, Rock	Alstead, NH fullermachine@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 6:44 PM
Bemis, Matt	Litchfield, NH xmattbemisx@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:45 PM
Peirce, Anne	Hancock, NH Peirce@adelphi.edu	A Member of the Public	Myself	Support	No	No	2/6/2023 6:45 PM
Schmidt, Theresa	Newbury, NH educise@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:46 PM

DeCaprio, Patricia	Kensington, NH trishsoineann@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 6:49 PM
Kliskey, Jessica	Stratham, NH silversmithjess@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 6:57 PM
Turner, Rod	Newbury, NH rsturner!@verizon.net	A Member of the Public	Myself	Support	No	No	2/6/2023 7:06 PM
Ackroyd, Dennis	Poland, ME 261Jordanshore@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 7:14 PM
Chamberlin, Kent	Durham, NH kent.chamberlin@unh.edu	A Member of the Public	Myself	Support	No	No	2/6/2023 7:46 PM
Kaminski, Marie	Bridgewater, NH Martkam4492@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 7:53 PM
Richard, Godelieve	Shelburne Falls, MA trilliumhealth@tutanota.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:02 PM
Sousa, Paula	Keene, NH paulasousa@aol.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:03 PM
Powers, Alla	Brookline, MA allapow@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:03 PM
Loh, Shane	Stratham, NH shanehloh@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:05 PM
Strycharz, Sarah	Concord, NH sarah@nhforever.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:41 PM
Blow, Alicia	Manchester, NH aliciavictoriamireles@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:43 PM
Davis, Heidi	Westboro, MA hdavisinc@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:45 PM
Cali-Pitts, Jacqueline	Portsmouth, NH cali0917@aol.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:46 PM
White, Melissa	Peterborough, NH marino_melissa@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:46 PM
Seigars, Kathleen	Greenfield, NH kseigars5@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:47 PM
Seigars, Linette	Greenfield, NH earthandstones8@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:48 PM
Davison, Ruth Ellen	Keene, NH livemoveinyou@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:49 PM

Dudak, Breanna	Marlow, NH bdudak8820@icloud.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:51 PM
Dudak, Coleman	Marlow, NH dudak93@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:51 PM
Porter, Jandee	Alstead, NH jandeeporter@live.com	A Member of the Public	Myself	Support	No	No	2/6/2023 8:52 PM
Mason, Safiyya	Sharon, MA sjhmason@verizon.net	A Member of the Public	Myself	Support	No	No	2/6/2023 9:04 PM
Spicer, Wendy	Stratham, NH wendybonner@gmail.com	A Member of the Public	Myself and my 3 young children	Oppose	No	No	2/6/2023 9:27 PM
Petrone, Augusta	Dublin, NH ehudson@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/6/2023 9:56 PM
Allen, William	New Boston, NH knowdak@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 10:14 PM
Allen, Debra	NEW BOSTON, NH knowdak@yahoo.com	A Member of the Public	Myself	Support	No	No	2/6/2023 10:15 PM
Eggers, Jim	Laconia, NH jameseggers@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 10:20 PM
Matthews, Christina	Strafford, NH Christina.sky77@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 10:32 PM
Matthews, Katerina	Strafford, NH Katerinaice5@gmail.com	A Member of the Public	Myself	Support	No	No	2/6/2023 10:33 PM
Allen, Hank	Eagle, ID hank@hdpacific.com	A Member of the Public	Myself	Support	No	No	2/6/2023 10:56 PM
Kishinevsky, Rebecca	Wilton, NH rp.kishinevsky@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2023 12:46 AM
Wade, Linda	North Hampton, NH lfw@lindafwade.com	A Member of the Public	Myself	Support	No	No	2/7/2023 1:23 AM
Vernet, Penelope	Exeter, NH pvernet@comcast.net	A Member of the Public	Myself	Support	No	No	2/7/2023 5:40 AM
Savastano, Thomas	Keene, NH Tpsav@outlook.com	A Member of the Public	Myself	Support	No	No	2/7/2023 6:23 AM
Tufts-Moore, Susan	Bedford, NH susantufts@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/7/2023 6:53 AM
Thomas, Peter	Dublin, NH Sturdy@gooddigs.net	A Member of the Public	Myself	Support	No	No	2/7/2023 7:00 AM

Briggs Jenkins, Jennifer	Jaffrey, NH jlbjenkins@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 7:01 AM
Montrone, Rebecca	Keene, NH rebecca@wondrousroots.org	A Member of the Public	Myself	Support	No	No	2/7/2023 7:13 AM
Drew, Janet	York, ME jdrew22222@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2023 7:25 AM
Friedman, Jennifer	Keene, NH Jennifer@friedman.org	A Member of the Public	Myself	Support	No	No	2/7/2023 7:31 AM
Vendetti, Marissa	Nashua, NH Mvendetti@protonmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 7:32 AM
labombard, kermit	LEBANON, NH jesse@vermontsalvage.com	A Member of the Public	Myself	Support	No	No	2/7/2023 7:38 AM
Kervick, Paul	Ferrisburgh, VT paul@vitallivingvt.com	A Member of the Public	Myself	Support	No	No	2/7/2023 7:48 AM
Poisson, Helen	Keene, NH helensillanpaa82@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 8:18 AM
Schmitt, John	Keene, NH jschmitt88@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2023 8:20 AM
Day, Claire	Bedford, NH clairemdbarry@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 8:30 AM
Condon, Laura	Bedford, NH lauracondon49@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 8:52 AM
Mills, Cole	Keene, NH Contactcolemills@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:02 AM
Colmant-Donabedian, Tania	Keene, NH taniacd77@zoho.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:14 AM
Taft, Janet	Newbury, NH jstaft7@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:14 AM
Merritt, Sawyer	Newbury, NH merrittsawyer@ymail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:16 AM
Merritt, Whit	Newbury, NH whitmerritt24@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:17 AM
Ferrantello, Donna	Keene, NH languesource@proton.me	A Member of the Public	Myself	Support	No	No	2/7/2023 9:19 AM
Merritt, Breck	Newbury, NH merritt.breck@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:20 AM

Reynolds, Kristen	Swanzey, NH reynolds3000@hotmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:24 AM
Donabedian, David	Keene, NH lerrnagnats@protonmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:25 AM
Finn, Merrick	Keene, NH dauntlessfinneas@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:31 AM
smith, judith	Atkinson, NH judecs.12@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 10:19 AM
Jackson, Shirley Joy	Nashua - summer visitor, NH shirleyjoy2@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 10:23 AM
Spellman, Deborah	Amherst, NH patlovers@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/7/2023 10:34 AM
fitt, k	clearwater, FL klovef25@gmail.com	A Member of the Public	New Hampshire for Safe Technology	Support	No	No	2/7/2023 10:43 AM
Russell, Kathryn	DOVER, NH hey_kath@hotmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 11:16 AM
Haneef, Alysia	Exeter, NH alysiahaneef@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2023 11:41 AM
Washio, Mana	Barrington, NH mwashio@earthlink.net	A Member of the Public	Myself	Support	No	No	2/7/2023 1:03 PM
Wood, Doug	Walpole, NH daw@grassrootsinfo.org	A Member of the Public	Americans for Responsible Technology	Support	No	No	2/7/2023 3:21 PM
Schwab, Rebecca	Penacook, NH rebecca.schwab@protonmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 4:14 PM
Davis, Ted	Southborough, MA tedd1001@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2023 6:40 PM
seeger, jessica	Hancock, NH jessicaseeger@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 8:10 PM
Stokes, Matthew	Hancock, NH matt.stokes@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2023 8:10 PM
Mason-Bogue, Angela	Concord, NH acmbogue@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:54 PM
Bogue, Michael	Concord, NH bogue27th@yahoo.com	A Member of the Public	Myself	Support	No	No	2/7/2023 9:56 PM

Testimony of
JEREMY CRANDALL
CTIA

In Opposition to
New Hampshire House Bill 298

Before the
New Hampshire House Science, Technology and Energy Committee

February 7, 2023

Chair, Vice-Chair, and members of the committee, on behalf of CTIA®, the trade association for the wireless communications industry, I am here in opposition to House Bill 298, related to placement of personal wireless service facilities.

Connecting New Hampshire is more important than ever. Reliable, high-speed mobile broadband is what New Hampshire residents demand because, on average, they have nearly seven wireless-connected devices in their homes. As more devices connect to wireless networks and innovations in telehealth, smart factories and distance learning require reliable mobile connectivity, it is critical that New Hampshire not be left behind when it comes to accessing wireless services.

Policies must keep the door open for wireless investment in New Hampshire's communities to deploy and upgrade infrastructure, deliver strong network reliability, create jobs and drive economic growth. In New Hampshire, the wireless industry contributes over $1 billion to the state's GDP annually and employs over 12,000 residents. Next generation mobile services will add 14,000 new jobs and $5.3 billion to the Granite State's GDP over the next decade. A Harris poll of New Hampshire registered voters commissioned by CTIA found broad support for policies that boost next-generation wireless connectivity, with 78 percent of voters supporting mobile wireless upgrades in their community.[1]

[1] The Harris Poll conducted the survey online on behalf of CTIA, within the state of New Hampshire from November 10-21, 2020, among n=1000 US residents 18+ who are registered to vote and live in New Hampshire.

CTIA has serious concerns that HB 298 will ultimately slow deployment of mobile infrastructure and stunt investment in New Hampshire - negatively affecting New Hampshire residents. Regulatory predictability is critically important to our members, whose capital budgets are created 18 to 24 months in advance. Given the federal and state siting requirements already in place, this legislation would create considerable regulatory confusion for our members and raise both legal and practical problems that will inhibit investment in New Hampshire and negatively affect connectivity in the state.

The requirement that collocations comply with the ANSI/APCO hardening standard would be costly, unnecessarily burdensome and ultimately conflict with federal law. In its 2020 Order interpreting Section 6409 of the 2012 Spectrum Act, the Federal Communications Commission (FCC) stated that localities could adopt "generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety." The ANSI/APCO standard is not a health and safety code - instead, it provides guidelines for public safety networks to be built to withstand the most extreme natural disasters and are above and beyond those applicable to commercial wireless networks. The ANSI/APCO standard was designed "to make mission critical communications network sites sufficiently robust to meet the service availability requirements of public safety."[2] In addition, "it is intended to assist *public safety communications network builders* with the guidelines necessary to build hardened *public safety grade networks*."[3] It is not intended or designed for commercial wireless networks. Ultimately, this is not a building or safety code that New Hampshire can enforce for collocations and modifications under federal law. Applying these public safety network guidelines to commercial networks is also not necessary to protect the public. Commercial networks are already subject to applicable codified health, safety and building codes that serve that function.

HB 298 also requires each local zoning authority to conduct an environmental review of each collocation and modification. This provision is flawed in several respects. First, it provides only a vague and boundless standard for such review that is not tied to any state environmental laws. It renders applicants unable to ascertain what factors the authority might consider, how it might weigh those factors or how to avoid a negative outcome from that review. This is precisely the type of regulatory uncertainty that derails investment.

---

[2] *See* "ANSI/APCO Public Safety Grade Site Hardening Requirements", page 6.
[3] *Id.*

Second, this bill puts in the hands of localities various review processes that appear to be within the jurisdiction of other state agencies whose role is to protect environmental, cultural and historic interests. These agencies have express duties to adopt rules and take other actions to address environmental, historic and cultural preservation. Imposing separate and potentially conflicting environmental reviews on local zoning boards while other relevant states agencies are charged with that work would create considerable and unnecessary confusion and delay.[4]

Finally, to the extent this bill applies to collocations and modifications that qualify as Eligible Facilities Requests under Section 6409(a) of the Spectrum Act of 2012, it violates federal law. Section 6409(a) provides that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."[5]

For the reasons outlined herein, we respectfully oppose HB 298.

---

[4] This potential third layer of review would be beyond not only what other state agencies are charged with implementing, but also beyond the federal environmental review to which communications facilities are already subject.

[5] 47 U.S.C. § 1455(a). *See also* 47 C.F.R. § 1.6100 (defining substantial change).

BUSINESS & INDUSTRY ASSOCIATION
New Hampshire's Statewide
Chamber of Commerce

Testimony of Rick Fabrizio
Business & Industry Association
HB 298
House Science, Technology and Energy Committee
Feb. 7, 2023

Mr. Chairman, members of the House Science, Technology and Energy Committee, I'm Rick Fabrizio, director of communications and public policy for the Business & Industry Association, New Hampshire's statewide chamber of commerce and leading nonpartisan business advocate.

BIA opposes House Bill 298 because of its potential to block new wireless transmitters in New Hampshire. This is at odds with what state residents want. A Harris poll of New Hampshire registered voters commissioned by CTIA showed 78% of voters support mobile wireless upgrades in their community, and 70% support installation of small cell antennas, which are essential for 5G deployment.

Legislation passed last year ramps up New Hampshire's historic investment in broadband expansion. Senate Bill 395, which sought to eliminate gaps in wireless coverage, states: "The need to eliminate those gaps in coverage is critical for individuals, our communities, and economic development." HB 298 ignores that. The House last year, by a more than 2-to-1 margin, rejected HB 1644, which sought to restrict new telecommunications antennae. HB 298's vague language could make it more restrictive than HB 1644.

HB 298's requirement to comply with Association of Public-Safety Communications Officials standards is inappropriate for cell transmitters, especially small cell sites. The APCO standard provides guidelines for public safety networks to be built to withstand storms and natural disasters, and does not generally apply to commercial wireless networks. And even APCO establishes limits, stating "The high cost associated with meeting these requirements may not be feasible at all sites." HB 298 ignores this well-established standard.

Additional local environmental and historic preservation reviews are redundant to state and federal requirements and unnecessary. Wireless carriers must comply with National Environmental Policy Act and National Historic Preservation Act reviews mandated by the Federal Communications Commission. HB 298's standard for local environmental review is boundless and there would be little basis to challenge denial of a site modification given its unlimited scope. Passing this bill will create requirements that vary by town and city, making compliance more burdensome and more expensive with costs borne by consumers. Even worse, it could stop the expansion of wireless services.

The N.H. Office of Strategic Initiatives states local boards have a great deal of influence over proposed wireless facilities, but they must be proactive and remain within federal Telecommunications Act guidelines. Section 704 of the act preserves local zoning authority over the placement, construction and modification of PWSFs with limitations, particularly they "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

HB 298 appears designed to have that effect even as New Hampshire invests in a robust telecommunications system needed for safety and economic success. HB 298 is unnecessary, unreasonable and counterproductive. It should be defeated.

Not Sleeping? Anxious? Depressed? Who knew -- it could be the radiation from your wireless devices…



*ALL ARE WELCOME TO JOIN US FOR A **FREE EDUCATIONAL WEBINAR:***

WIRELESS TECHNOLOGY RISKS & SAFER SOLUTIONS

WEDNESDAY, FEBRUARY 8, 6 P.M. ET
THURSDAY, FEBRUARY 23, 12 NOON ET

CO-HOSTS: NEW HAMPSHIRE FOR SAFE TECHNOLOGY AND
CECE DOUCETTE, DIRECTOR OF MASSACHUSETTS FOR SAFE TECHNOLOGY
& THE NON-PROFIT WIRELESS EDUCATION

TO REGISTER: MA4SAFETECH.ORG/EVENTS OR EMAIL
NEWHAMPSHIREFORSAFETECHNOLOGY@GMAIL.COM
CAN'T ATTEND? REGISTER AND WE WILL SEND YOU THE VIDEO RECORDING

Did you know New Hampshire is the first government in the U.S. to conduct a formal investigation of wireless risks and issue a groundbreaking report of harm along with safer ways to use today's technology?

They discovered **thousands** of peer-reviewed, published studies that link wireless radiation to our growing rates of **insomnia**, headaches, fatigue, anxiety, depression and more. In the long-term, the U.S. National Toxicology Program has found cell phone radiation causes cancer and DNA damage. It is also a leading cause of our disappearing pollinators.

This invisible radiation is constantly pulsed from all things wireless, unless we learn to use technology safely and responsibly.

Please join us to discuss this timely issue with technology safety educator Cece Doucette. She introduced similar legislation in Massachusetts and helped her schools become the first in the nation to begin safeguarding students and staff from wireless radiation. She is also an invited lecturer at the EMF Medical Conference.

Cece will walk us through the issue, answer questions, and demonstrate radiation emissions from wireless technology. You'll learn simple strategies you and your loved ones can use TODAY to access technology much more safely. Feel free to invite others.

If this is new to you, consider watching the award-winning film Generation Zapped in advance (Amazon Prime, library subscriptions to Kanopy or Hoopla, or download for a small fee).

IF YOU ARE UNABLE TO ATTEND BUT WOULD LIKE TO JOIN ANOTHER CONVERSATION, OR PERHAPS HOST ONE OF YOUR OWN, PLEASE CONTACT **MA4SAFETECH@GMAIL.COM**. *THANK YOU!*

TITLE I
THE STATE AND ITS GOVERNMENT

Chapter 12-K
DEPLOYMENT OF PERSONAL WIRELESS SERVICE FACILITIES

Section 12-K:1

12-K:1 Goals; Purpose. –

I. The federal Telecommunications Act of 1996 regulates the deployment of wireless services in the United States. Its purpose is to make these services available to the American people quickly and in a very competitive manner. Nothing in this chapter is intended to preempt the federal Telecommunications Act.

II. The visual effects of tall antenna mounts or towers may go well beyond the physical borders between municipalities, and should be addressed so as to require that all affected parties have the opportunity to be heard.

III. Carriers wishing to build personal wireless service facilities (PWSFs) in New Hampshire should consider commercially available alternative PWSFs to tall cellular towers, which may include the use of the following:

(a) Lower antenna mounts which do not protrude as far above the surrounding tree canopies.

(b) Disguised PWSFs such as flagpoles, artificial tree poles, light poles, and traffic lights, which blend in with their surroundings.

(c) Camouflaged PWSFs mounted on existing structures and buildings.

(d) Custom designed PWSFs to minimize the visual impact of a PWSF on its surroundings.

(e) Other available technology.

IV. A PWSF map is necessary to allow for the orderly and efficient deployment of wireless communication services in New Hampshire, and so that local communities have adequate information with which to consider appropriate siting and options to mitigate the visual effects of PWSFs.

V. Municipalities will benefit from state guidance regarding provisions to be considered in zoning ordinances relative to the deployment of wireless communications facilities, including one or more model ordinances.

V-a. It is the policy of this state to facilitate the provision of broadband and other advanced personal wireless services across the state; and to promote access to broadband and advanced personal wireless services for all residents, students, government agencies, and businesses to ensure the availability of educational opportunities, economic development, and public safety services throughout New Hampshire. Deployment of personal wireless service facilities infrastructure is also critical to ensuring that first responders can provide for the health and safety of all residents of New Hampshire. Consistent with the federal Middle Class Tax Relief

and Job Creation Act of 2012, Public Law 112-96, section 6409, which creates a national wireless emergency communications network for use by first responders that will be dependent on facilities placed on existing antenna mounts or towers, it is the policy of this state to facilitate the collocation of personal wireless services facilities on existing antenna mounts or towers in all areas of New Hampshire, while also allowing for expeditious modification of existing personal wireless service facilities to keep pace with technological improvements.

VI. Except as provided in RSA 12-K:10 and RSA 12-K:11, nothing in this chapter shall be construed as altering any municipal zoning ordinance, and this chapter itself shall not be construed as a zoning ordinance.

Source. 2000, 240:1, eff. Aug. 7, 2000. 2013, 267:1, 2, eff. Sept. 22, 2013.

Section 12-K:2

12-K:2 Definitions. –

In this chapter:

I. " Accessory equipment " means any equipment serving or being used in conjunction with a PWSF or mount. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

II. " Antenna " means the equipment from which wireless radio signals are sent and received by a PWSF.

III. " Applicant " means a carrier or any person engaged in the business of providing the infrastructure required for a PWSF who submits a collocation application or a modification application.

IV. " Authority " means each state, county, and each governing body, board, agency, office, or commission of a municipality authorized by law to make legislative, quasi judicial, or administrative decisions relative to the construction, installation, modification, or siting of PWSFs and mounts. The term shall not include state courts having jurisdiction over land use, planning, or zoning decisions made by an authority.

V. " Average tree canopy height " means the average height found by inventorying the height above ground level of all trees over a specified height within a specified radius.

VI. " Base station " means a station at the base of a mount or in the area near the PWSF that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

VII. " Building permit " means a permit issued pursuant to RSA 676 by an authority prior to the collocation or modification of PWSFs, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.

VIII. " Camouflaged " means for a personal wireless service facility one that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

IX. " Carrier " means a person that provides personal wireless services.

X. " Collocation " means the placement or installation of new PWSFs on existing towers or

mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting the attachment of PWSFs in compliance with applicable codes. "Collocation" does not include a "substantial modification."
XI. " Collocation application " shall mean a request submitted by an applicant to an authority for collocation on a tower or mount.
XII. " Director " means the director of the department of energy.
XIII. " Disguised " means, for a PWSF, designed to look like a structure which may commonly be found in the area surrounding a proposed PWSF such as, but not limited to, flagpoles, light poles, traffic lights, or artificial tree poles.
XIV. " Electrical transmission tower " means an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.
XV. " Equipment compound " means an area surrounding or near the base of a tower or mount supporting a PWSF, and encompassing all equipment shelters, cabinets, generators, and appurtenances primarily associated with the PWSF.
XVI. " Equipment shelter " means an enclosed structure, cabinet, shed vault, or box near the base of a mount within which are housed equipment for PWSFs, such as batteries and electrical equipment.
XVII. " Height " means the height above ground level from the natural grade of a site to the highest point of a structure.
XVIII. " Modification " means the replacement or alteration of an existing PWSF within a previously approved equipment compound or upon a previously approved mount. Routine maintenance of an approved PWSF shall not be considered a modification.
XIX. " Modification application " means a request submitted by an applicant to an authority for modification of a PWSF.
XX. " Mount " means the structure or surface upon which antennas are mounted and includes roof-mounted, side-mounted, ground-mounted, and structure-mounted antennas on an existing building, as well as an electrical transmission tower and water tower, and excluding utility poles.
XXI. " Municipality " means any city, town, unincorporated town, or unorganized place within the state.
XXII. " Personal wireless service facility " or " PWSF " or " facility " means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services. A PWSF includes the set of equipment and network components, exclusive of the underlying tower or mount, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide personal wireless services.
XXIII. " Radio frequency emissions " means the emissions from personal wireless service facilities, as described in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(B)(iv).
XXIV. " Tower " shall mean a freestanding or guyed structure, such as a monopole, monopine, or lattice tower, designed to support PWSFs.
XXV. " Substantial modification " means the mounting of a proposed PWSF on a tower or

mount which, as a result of single or successive modification applications:
(a) Increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by either more than 10 percent or the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or
(b) Involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than 20 feet, or more than the width of the tower or mount at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower or mount via cable; or
(c) Increases or results in the increase of the permitted square footage of the existing equipment compound by more than 2,500 square feet; or
(d) Adds to or modifies a camouflaged PWSF in a way that would defeat the effect of the camouflage.
XXVI. " Utility pole " means a structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.
XXVII. " Water tower " means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

Source. 2000, 240:1. 2003, 319:9. 2004, 257:44, eff. July 1, 2004. 2013, 267:3, eff. Sept. 22, 2013. 2017, 156:64, eff. July 1, 2017. 2021, 91:200, eff. July 1, 2021.

Section 12-K:3

12-K:3 Wireless Carriers Doing Business in this State. –
Each carrier or its appointed agent doing business, or seeking to do business, in this state shall:
I. Be allowed to construct new towers, provided that these towers comply with municipal regulations for maximum height or maximum allowed height above the average tree canopy height, subject to any exceptions, waivers, or variances allowed or granted by the municipality.
II. Comply with all applicable state and municipal land use regulations laws.
III. Comply with all federal, state, and municipal statutes, rules, and regulations, including federal radio frequency radiation emission regulations and the National Environmental Policy Act of 1969, as amended.
IV. Provide information at the time of application to construct an externally visible tower or to make a substantial modification to an existing tower, mount, or PWSF, or prior to construction if no approval is required, to the municipality in which the tower, mount, or PWSF is to be constructed and to the department of energy as follows:
(a) A copy of its license from the Federal Communications Commission (FCC) demonstrating its authority to provide personal wireless services in the geographical area where the PWSF is

located, or where a person is seeking to construct a new tower or make a substantial modification to a tower, mount, or PWSF on behalf of a carrier, a signed authorization from a representative of the carrier, and a copy of the carrier's license.
(b) Upon request, maps showing all of the carrier's current externally visible tower and monopole PWSF locations in the state within a 20-mile radius of the proposed externally visible new ground-mounted PWSF, including permanent, temporary or to-be-decommissioned sites, if any.
(c) Upon request, a description of why less visually intrusive alternatives for this tower or mount were not proposed.

Source. 2000, 240:1. 2003, 319:9. 2004, 257:44, eff. July 1, 2004. 2013, 267:4, eff. Sept. 22, 2013. 2017, 156:64, eff. July 1, 2017. 2021, 91:200, eff. July 1, 2021.

Section 12-K:4

12-K:4 Payment of Costs. – A wireless carrier seeking approval to deploy a wireless communication facility may be required to pay reasonable fees, including regional notification costs, imposed by the municipality in accordance with RSA 676:4, I(g).

Source. 2000, 240:1, eff. Aug. 7, 2000.

Section 12-K:5

12-K:5 Fall Zones. – Zoning ordinances may include provisions for fall zones for new towers and substantial modifications to the extent necessary to protect public safety.

Source. 2000, 240:1, eff. Aug. 7, 2000. 2013, 267:5, eff. Sept. 22, 2013.

Section 12-K:6

12-K:6 Personal Wireless Services Facilities Map. – The director of the department of energy shall develop a personal wireless service facilities map for the state. This map shall include all externally visible tower and monopole PWSF locations in the state, both active and inactive, for all carriers. This map shall also include for each of the above locations a site description. Upon request of the director, any wireless carrier or its appointed agent doing business in this state shall provide a map of all of its existing externally visible tower and monopole PWSF locations in the state and a site description of each.

Source. 2000, 240:1. 2003, 319:9. 2004, 257:44, eff. July 1, 2004. 2013, 267:6, eff. Sept. 22, 2013. 2017, 156:64, eff. July 1, 2017. 2021, 91:200, eff. July 1, 2021.

Section 12-K:7

12-K:7 Regional Notification. –

I. (a) Any municipality or other authority which receives an application to construct a new tower or to complete a substantial modification to an existing tower or mount which will be visible from any other New Hampshire municipality within a 20-mile radius shall provide written notification of such application and pending action to such other municipality within the 20-mile radius.

(b) This notification shall include sending a letter to the governing body of the municipality within the 20-mile radius detailing the pending action on the application and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within the 20-mile radius, presenting a synopsis of the application, providing relevant information concerning the applicable permits required and the date of the next public hearing on the application. Where a public hearing is scheduled by the local governing body, such notice shall be published not less than 7 days nor more than 21 days prior to the public hearing date.

II. (a) Any person, prior to constructing a new tower in any location where no approval is required but which will be visible from any other New Hampshire municipality within a 20-mile radius, shall provide written notification of such planned construction to such other municipality within the 20-mile radius.

(b) This notification shall include sending a letter to the governing body of the municipality within the 20-mile radius detailing the planned construction and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within a 20-mile radius, presenting a synopsis of the planned construction.

III. Municipalities within the 20 mile radius described in paragraphs I or II and their residents shall be allowed to comment at any public hearing related to the application. Regional notification and comments from other municipalities or their residents shall not be construed to imply legal standing to challenge any decision.

Source. 2000, 240:1, eff. Aug. 7, 2000. 2013, 267:7, eff. Sept. 22, 2013.

Section 12-K:8

12-K:8 Model Ordinances and Guidance. – The director of the department of energy shall develop a set of model municipal ordinances relative to the deployment of personal wireless communications facilities. Prior to development, the director shall hold one or more public hearings and solicit comments from interested parties. The department of energy shall provide a copy of the set of model ordinances to any New Hampshire municipality that requests it.

Source. 2000, 240:1. 2003, 319:9. 2004, 257:44, eff. July 1, 2004. 2017, 156:64, eff. July 1, 2017. 2021, 91:200, eff. July 1, 2021.

Section 12-K:9

12-K:9 Rulemaking. – The director of the department of energy, after holding a public hearing, shall adopt rules under RSA 541-A to provide sufficient information to municipalities, other state agencies, wireless companies doing business or seeking to do business in this state, and the public.

Source. 2000, 240:1. 2003, 319:9. 2004, 257:44. 2012, 171:3, eff. Aug. 10, 2012. 2017, 156:64, eff. July 1, 2017. 2021, 91:200, eff. July 1, 2021.

Section 12-K:10

12-K:10 Application Review. –
Notwithstanding any ordinance, bylaw, or regulation to the contrary, in order to ensure uniformity across New Hampshire with respect to the process for reviewing a collocation application and a modification application, each authority shall follow the following process:
I. Collocation applications and modification applications shall be reviewed for conformance with applicable building permit requirements but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review.
II. The authority, within 45 calendar days of receiving a collocation application or modification application, shall:
(a) Review the collocation application or modification application in light of its conformity with applicable building permit requirements and consistency with this chapter. A collocation application or modification application is deemed to be complete unless the authority notifies the applicant in writing, within 15 calendar days of submission of the specific deficiencies in the collocation application or modification application which, if cured, would make the collocation application or modification application complete. Upon receipt of a timely written notice that a collocation application or modification application is deficient, an applicant shall have 15 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the collocation application or modification application shall be reviewed and processed within 45 calendar days from the initial date received by the authority. If the applicant requires more than 15 calendar days to cure the specific deficiencies, the 45 calendar days deadline for review shall be extended by the same period of time;
(b) Make its final decision to approve or disapprove the collocation application or modification application; and
(c) Advise the applicant in writing of its final decision.
III. If the authority fails to act on a collocation application or modification application within the 45 calendar days review period, the collocation application or modification application shall be deemed approved.
IV. Notwithstanding anything to the contrary in this chapter, an authority may not mandate, require or regulate the installation, location, or use of PWSFs on utility poles.
V. A party aggrieved by the final action of an authority, either by an affirmative denial of a collocation application or modification application under paragraph II or by its inaction, may bring an action for review in superior court for the county in which the PWSF is situated.

Source. 2013, 267:8, eff. Sept. 22, 2013.

Section 12-K:11

12-K:11 Limitations on Applications. –
I. In order to ensure uniformity across New Hampshire with respect to the consideration of every collocation application and modification application, no authority may:
(a) Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to, its designed service, customer demand for service, or quality of its service to or from a particular area or site.

(b) Evaluate a collocation application or modification application based on the availability of other potential locations for the placement of towers, mounts, or PWSFs.
(c) Decide which type of personal wireless services, infrastructure, or technology shall be used by the applicant.
(d) Require the removal of existing mounts, towers, or PWSFs, wherever located, as a condition to approval of a collocation application or modification application.
(e) Impose environmental testing, sampling, or monitoring requirements or other compliance measures for radio frequency emissions on PWSFs that are categorically excluded under the FCC's rules for radio frequency emissions pursuant to 47 C.F.R. section 1.1307(b)(1).
(f) Establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality.
(g) In conformance with 47 U.S.C. section 332(c)(7)(B)(iv), reject a collocation application or modification application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions.
(h) Impose any restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration.
(i) Prohibit the placement of emergency power systems that comply with federal and New Hampshire environmental requirements.
(j) Charge an application fee, consulting fee or other fee associated with the submission, review, processing, and approval of a collocation application or modification application that is not required for similar types of commercial development within the authority's jurisdiction. Fees imposed by an authority or by a third-party entity providing review or technical consultation to the authority must be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of a collocation application or modification application. Notwithstanding the foregoing, in no event shall an authority or any third-party entity include within its charges any travel expenses incurred in a third-party's review of a collocation application or modification application, and in no event shall an applicant be required to pay or reimburse an authority for consultant or other third-party fees based on a contingency or result-based arrangement.
(k) Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the authority imposes similar requirements on other permits for other types of commercial development or land uses. If surety requirements are imposed, they shall be competitively neutral, non-discriminatory, reasonable in amount, and commensurate with the historical record for local facilities and structures that are abandoned.
(l) Condition the approval of a collocation application or modification application on the applicant's agreement to provide space on or near any tower or mount for the authority or local governmental services at less than the market rate for space or to provide other services via the structure or facilities at less than the market rate for such services.
(m) Limit the duration of the approval of a collocation application or modification application.
(n) Discriminate on the basis of the ownership, including by the authority, of any property, structure, or tower when evaluating collocation applications or modification applications.
II. Notwithstanding the limitations in paragraph I, nothing in this chapter shall be construed

to:
(a) Limit or preempt the scope of an authority's review of zoning, land use, or permit applications for the siting of new towers or for substantial modifications to existing towers, mounts, or PWSFs.
(b) Prevent a municipality from exercising its general zoning and building code enforcement powers pursuant to RSA 672 through RSA 677 and as set forth in this chapter.

Source. 2013, 267:8, eff. Sept. 22, 2013.

Commission to Study the Environmental and Health Effects of Evolving 5G Technology

Section 12-K:12 to 12-K:14

12-K:12 to 12-K:14 Repealed by 2019, 260:2, eff. Nov. 1, 2020. –

Not Sleeping? Anxious? Depressed? Who knew -- it could be the radiation from your wireless devices…



*ALL ARE WELCOME TO JOIN US FOR A **FREE EDUCATIONAL WEBINAR**:*

WIRELESS TECHNOLOGY RISKS & SAFER SOLUTIONS

WEDNESDAY, FEBRUARY 8, 6 P.M. ET
THURSDAY, FEBRUARY 23, 12 NOON ET

CO-HOSTS: NEW HAMPSHIRE FOR SAFE TECHNOLOGY AND
CECE DOUCETTE, DIRECTOR OF MASSACHUSETTS FOR SAFE TECHNOLOGY
& THE NON-PROFIT WIRELESS EDUCATION

TO REGISTER: MA4SAFETECH.ORG/EVENTS OR EMAIL
NEWHAMPSHIREFORSAFETECHNOLOGY@GMAIL.COM
CAN'T ATTEND? REGISTER AND WE WILL SEND YOU THE VIDEO RECORDING

Did you know New Hampshire is the first government in the U.S. to conduct a formal investigation of wireless risks and issue a groundbreaking report of harm along with safer ways to use today's technology?

They discovered **thousands** of peer-reviewed, published studies that link wireless radiation to our growing rates of **insomnia**, headaches, fatigue, anxiety, depression and more. In the long-term, the U.S. National Toxicology Program has found cell phone radiation causes cancer and DNA damage. It is also a leading cause of our disappearing pollinators.

This invisible radiation is constantly pulsed from all things wireless, unless we learn to use technology safely and responsibly.

Please join us to discuss this timely issue with technology safety educator Cece Doucette. She introduced similar legislation in Massachusetts and helped her schools become the first in the nation to begin safeguarding students and staff from wireless radiation. She is also an invited lecturer at the EMF Medical Conference.

Cece will walk us through the issue, answer questions, and demonstrate radiation emissions from wireless technology. You'll learn simple strategies you and your loved ones can use TODAY to access technology much more safely. Feel free to invite others.

If this is new to you, consider watching the award-winning film Generation Zapped in advance (Amazon Prime, library subscriptions to Kanopy or Hoopla, or download for a small fee).

IF YOU ARE UNABLE TO ATTEND BUT WOULD LIKE TO JOIN ANOTHER CONVERSATION, OR PERHAPS HOST ONE OF YOUR OWN, PLEASE CONTACT **MA4SAFETECH@GMAIL.COM**. *THANK YOU!*

DOH!



Homemade Electrolyte Drink





University of New Hampshire

College of Engineering and Physical Sciences
Department of Electrical and Computer Engineering

Kingsbury Hall
33 Academic Way
Durham, NH 03824-2619

V: 603.862.1357
F: 603.862.1832
TTY: 7.1.1 (Relay NH)

www.ceps.unh.edu/ece ece.dept@unh.edu

February 6, 2023

Members of the New Hampshire House
Science, Technology and Energy Committee

Dear Committee Members:

I am writing you as a former member of the New Hampshire State Commission that was tasked with exploring the Environmental and Health Effects of Evolving Wireless and 5G Technology. This Commission was formed through bipartisan legislation and was supported by the Governor. The Commission was comprised of unbiased experts in fields relating to health and radiation and were highly qualified to evaluate the issue in a fair and in-depth manner. The Commission submitted its final report in November 2020, with a key finding being that exposure to wireless communication radiation is harmful to the health of humans and the environment. Those findings apply to all forms of wireless radiation, which include all generations of cellphone radiation. The Commission also recommended the migration to wired internet access when possible.

My purpose in writing is to ask for your support of HB 298 which is currently under review by your committee. Scientists, physicians, environmental and public health professionals, epidemiologists, pediatricians along with engineers such as myself have been calling for state and local governments to be proactive in protecting their constituents against radiation exposure. I realize that providing such protection may seem challenging. However, initiatives such as the New Hampshire Commission and the successful lawsuit brought about by the Environmental Health Trust and others are exposing the dubious claims by the FCC that wireless radiation is harmless. Given the mounting evidence regarding the clear harm of radiation, it is only a matter of time before meaningful protective regulations are put in place.

The bill you are considering now is very modest in its reach, but despite this, you will likely be hearing from industry lobbyists telling you that passage of the bill will harm the New Hampshire economy. As an experienced radiofrequency engineer, I can assure you that this is not the case. Many other municipalities, such as Chattanooga, Tennessee have used fiber optic cable in place of wireless alternatives, and they have realized far superior internet access in terms of speed, security and energy efficiency which in turn has led to significant growth in their economy. As we found out in the NH Commission, the telecommunication industry is promoting wireless solutions because their profits are far greater in the wireless arena than in the wired arena.

Wireless radiation dangers are real, and they can be significant in their impact on human health and the environment. Wired solutions, which include fiber optics, provide a much better alternative to wireless, and it will provide more opportunities in the New Hampshire economy.

Although HB 298 does not legislate significant changes in our state's laws regarding wireless deployment, it does provide them with a bit more latitude in how they can manage it. Because of this, I encourage you to support it.

Sincerely,



Kent Chamberlin, PhD
Professor & Chair Emeritus
Fulbright Distinguished Chair
Chair, Virtual Learning Academy Charter School Board of Trustees
Vice-Chair, International Commission on the Biological Effects of Electromagnetic Fields

January 16, 2022

To: Patrick Abrami <abrami.nhrep@gmail.com>, Gary Woods <Gary.Woods@leg.state.nh.us>, Denise Ricciardi <Denise.Ricciardi@leg.state.nh.us>, HouseScienceTechnologyandEnergy@leg.state.nh.us; MA4SafeTech@gmail.com

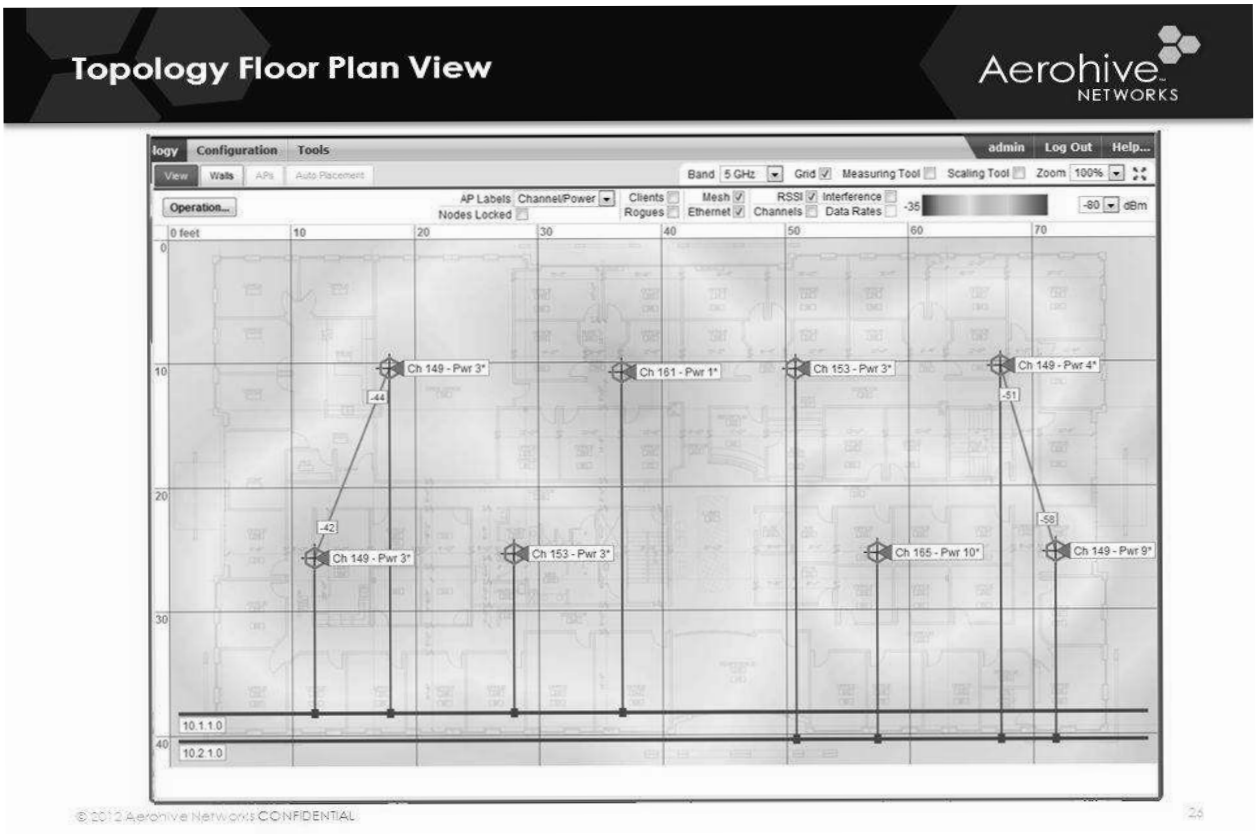
Subject: New Hampshire House Bill 1644 (HB1644) is *relative to the placement of telecommunication antennae and establishing a registry for residents who are experiencing biological symptoms from wireless radiation exposure*

Dear Rep Abrami:

Please accept my testimony on bill HB1644. Unfortunately, I am unable to attend the hearing on this important bill in person.

I am a parent of school aged children. My children's health was first impacted in their school after the school deployed High-density WI-FI. Their school also located the wireless access points (WAP's) right next to the students (see the photos below). We now know proximity to an emitting antenna is a factor in how much radiation one receives and we know the manufacturers generally recommend distance with respect to locating WAP's. The school did not understand the risks and instead hired industry representatives to make claims of safety.

In the image below from the school's wireless provider you can see the intensity of High Density radiation. The areas of red and yellow below depict intensity of RF radiation in the classroom via the vendor's own modeling and coverage recommendation. This is an example of the signal coverage and intensity in a School and is typical of High Density / Mesh Wi-fi system being used in many schools:

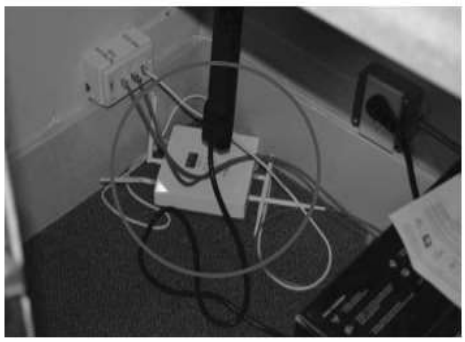


The school also located the wireless nodes very close to the students *(see the photos below)* and as we now know proximity to an emitting antenna is a factor in how much radiation one receives.

Wireless Equipment In Schools Is Too Close To Students



Antennas very close to head/body of students



Antennas under the desks of students

- **Under current use patterns:** Students can be subject to levels of exposure higher than the FCC guideline (obsolete) because of the close proximity of wireless devices and Access Points (WAP's) to the body.
- Often Access points in school classrooms and dorms are against the FCC guidelines. **Per current guideline** Wi-Fi antennas must be **at least 20 cm /8 inches away from body**. In practice students are very close to antennas for many hours a day.

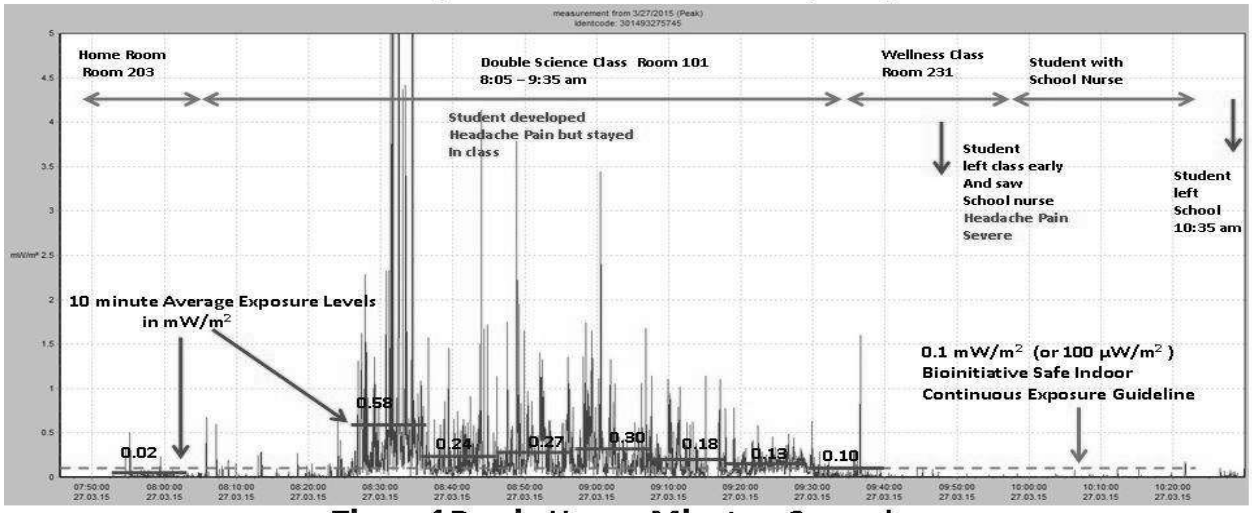
5

Above photos are examples of non-compliant Wi-fi Access Points (WAP's) in a private Massachusetts school where a student developed EHS

Prior to the severe and negative impacts on my children's health I was not aware of the existence of microwave sickness and trusted the school and the FCC. However, I now know the school failed to prevent my children's illness.

Below is a graph of the exposure one of my children endured in school. This exposure provoked severe symptoms and the childs was no longer able to remain in school . Though the exposure level in the graph is below the excessively high level the FCC allows, the peak exposure is not considered by the FCC and this is the electric field change, or the punch / pulse that impacts the body. This exposure had a severe impact on my child's well being. (Note: this graph was taken from a blind study. For more information view this link: *10 minute dosimetry case study*)

WiFi Exposure Data of 3/27/2015



There are diagnostic criteria and classification codes clinicians have access to when they encounter patients with microwave induced illness. Sadly, there is currently no cure other than avoidance of non ionizing radiation that is constantly emitted from Wi-Fi Access Points and cell towers.

My family's experience has helped me understand that the exposure from wi-fi and cell towers is equally disabling for those who are acutely impacted but getting a diagnosis of microwave sickness can be upending to say the least.

When my children were forced to change schools- from a school they adored to attend a school that was not utilizing WI-FI- the process of moving was both daunting and heartbreaking. (please see school mitigation recommendations here) Though we persevered with the solace that we could control exposure from wi-fi both at home and at the new school, we found it very challenging to find a safe place to live that was out of the range of cell towers. Through this difficult process we began to understand that many existing cell towers are unregistered and therefore often it is impossible to determine the existence of a tower or antenna without taking RF measurements at the physical location. Setbacks called out via town by laws, policies or statutes from residential

properties, schools, playgouds, churches etc are rare but critical for those wanting to protect their health and mitigate their exposure. Suggestions for such setbacks can be found here : Boulder Small Cell Policy Report

We have also found that even though the FCC is charged with licensing telecommunications providers the process of registering these emitters is quite decentralized and insufficient almost by design it seems. This bill would add a layer of protection and accountability that currently does not exist and thus it is very important.

My personal situation made clear to me that the exposure from wi-fi and cell towers is equally disabling for those impacted by pulsed microwave radiation and there is currently no cure other than avoidance of this type of non ionizing radiation.

HB1644 is very important as it will allow those currently impacted by radiation to be afforded important, science-based setbacks that will better allow disabled citizens to protect their property, health and safety by establishing crucial setbacks for citizens near telecommunications infrastructure.

As written, HB1644 will also allow for a registry of harm for those citizens already impacted which currently does not exist. The FCC has utterly failed to acknowledge harm through the dockets are full of the testimonies of citizens who are greatly suffering harm from acute exposure to RFR.

Further to this bill, I believe residents should have a right to know where telecommunications antennas are located in their communities via a centralized and simple permit registration. Abutters to any new infrastructure should be notified in writing with a proposed plan that calls out specifications of all antenna sets within the antenna design. It is my hope that citizens will have a chance to comment in open public hearing prior to telecommunications infrastructure permit approvals in a transparent process so that all parties can be satisfied of a fair process for both the citizens and the providers prior to any structure citing. This ability to search antena locations accurately, without licensees burying the antenna location address under complicated and hard to find LLC structures with alternative addresses and insufficient contact

information- is extremely important to determining the address of actual telecommunications infrastructure. A registry such as that described above would allow those disabled by RF radiation emitted from antennas and towers; to protect themselves to the best of their ability. Many people impacted do not have the resources to employ a certified technician to measure RF and not having access to a bona fide registry such as the one this bill might help to create is a substantial burden on the disabled.

Access to rights of way should be equally afforded to all individuals per the Americans with Disabilities Act and its revisions. Failing to provide for safe rights of way due to antennas emitting disabling radiation into the right of way in the case of Small cell street light antennas, is a tragedy in the making and access must be safely offered to all citizens- the disabled included.

Please pass this important bill so families can protect their children with science based set backs from telecommunications infrastructure and so that those diabled by microwave radiation can have access to register the impact they suffer. This will help many young families living with this nightmare to find a safe place to live and thrive.

Respectfully,

H. Davis
774-571-9308
Westboro, MA

Wondrous Roots, Inc.

Rebecca L. Montrone, B.S.
Certified Holistic Health Practitioner, AADP
Nutrition, herbs & complementary therapies

"...and if the root be holy, so are the branches..."

HB298

February 7, 2023

RE: My support of this bill

As a healthcare practitioner I work with very many people affected by electromagnetic frequencies (EFA). In fact, in my office I have a number of EFA blockers and to the 5G level (although at present in NH there is no 5G), which help greatly when meeting with people in my practice whose health is affected in various ways – sometimes very seriously – by electromagnetic radiation.

As you are aware, on November 1 of 2020, New Hampshire released an 111-page report on 5G, coming to the conclusion that the safety of 5G technology is a concern for the health of the people, the animals, and the environment.

In addition, with every 5G cell tower, small towers will need to be placed every 500 ft or so in every neighborhood:

"With RF Radiation, how close the source is to our physical bodies is more important than the power level (or wattage) of the radiation. RF Radiation dissipates with distance. A low powered exposure right next to someone, is more dangerous than a more powerful exposure a long ways away. Also the longer the exposure time is, the more dangerous it is.

5G will be the worst of both worlds. Because 5G frequencies are subject to more obstructions and interference, they expect to need a ***5G mini cell tower every 2 to 8 houses****. So we will have more 5G Radiation emitting sources around us, and closer to us. And they will be more powerful, continuous emissions."*

Another level of my personal concern: I am a Keene resident and live on Winter Street, just one street over from Summer Street where the erection of such a tower is being proposed. I do not want a 4G/5G-ready tower in my neighborhood. This is a heavily populated area, and we cannot place our health at risk.

Respectfully submitted,

Rebecca Roentsch Montrone, BS – Certified Holistic Health Practitioner, AADP

Wondrous Roots, Inc.
103 Roxbury Street, Suite 300
Keene, New Hampshire 03431
T. 603.439.2603
www.wondrousroots.org
rebecca@wondrousroots.org

Americans for Responsible Technology
184 Main Street • Port Washington • New York • 516.883.0887 • www.AmericansForResponsibleTech.org

February 7, 2023

New Hampshire House of Representatives
Committee on Science, Technology and Energy
107 North Main Street
Concord, NH 03301

Ladies and gentlemen of the Committee

I write in support of **HB 298**, which affords local communities more information about the deployment of wireless technology in their communities and provides much needed safety requirements to protect public safety, property and the environment.

Our non-profit organization has helped hundreds of communities across the country adopt protective legislation which takes full advantage of the powers reserved for local governments by the U. S. Congress when it passed the 1996 Telecommunications Act.

The environmental impacts of constant exposure to RF radiation are just now coming into focus, as scientists around the world examine the impact of the massive increase resulting from the deployment of new generations of wireless technology. Science moves slowly, but inexorably, and like similar innovations in medicine and science, we are learning now that these things do more than we expected.

New Hampshire is setting an example for the rest of the country by being pro-active in protecting public health and the environment from potential harm from RF radiation. We applaud your efforts and urge you to stay the course for the benefit of future generations.

Sincerely,

Douglas A. Wood
Founder and National Director

Attachments: Smart Planning Provisions, Municipal Code Checklist, Model Ordinance

Americans for Responsible Technology
184 Main Street • Port Washington • New York • 516.883.0887 • www.AmericansForResponsibleTech.org

SMART PLANNING PROVISIONS FOR LOCAL GOVERNMENTS

Various state laws require the following disclaimer: This document is not intended, and should not be construed, as offering legal advice. Please consult a qualified attorney for advice on these matters.

The Telecommunications Act of 1996 is the primary governing document for the siting, construction, and modification of wireless telecommunications facilities in the United States. In the Act, Congress specifically preserved the authority of local governments to exercise control over these activities in their communities.[1]

47 U.S.C. 332(c) clearly states

> "Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities."

The Act specifies five exceptions. Local governments may not:

1. Unreasonably discriminate among providers of functionally equivalent services ;
2. Prohibit or have the effect of prohibiting the provision of personal wireless services;
3. Fail to act on any application to place, construct or modify a wireless facility within a reasonable period of time;
4. Deny an application to place, construct or modify a wireless facility without a written record supported by substantial evidence;
5. Regulate the placement, construction or modification of a wireless facility based on environmental effects of radiofrequency emissions.

Other than these exceptions, local governments may adopt whatever provisions are appropriate for their communities. With the sudden proliferation of wireless antennas related to the deployment of the next generation of wireless telecommunications referred to as "5G," many

[1] The law is silent on regulatory authority over the "operation" of the wireless facilities.

local governments are taking the opportunity to revise and update their zoning codes to avail themselves of the powers preserved to them by Congress.

By taking action to incorporate "smart planning" provisions into their municipal zoning codes governments are able to exert control over the deployment of wireless facilities in their communities.

These provisions are <u>not</u> automatically conferred on local governments by the TCA. Without immediately taking steps to <u>preserve their legal authority</u> over these matters, local governments are leaving themselves defenseless against the irresponsible deployment of wireless technology in their communities, and will be bound by whatever provisions are in their codes at the time the application is received. Wireless companies and site developers[2] will always choose antenna locations that are the least expensive most convenient ***for them***, regardless of the needs or desires of the community.

The purpose of adopting "smart planning" provisions is to (1) provide clarity and guidance to applicants, (2) minimize the total number of antennas required to obtain coverage of the community, and (3) minimize the impact on residential communities.

Some sample "smart planning" provisions:

• Local governments can specify preferred locations (e.g., industrial or retail areas) for antenna placement and require that applicants submit documented proof that such locations will not provide coverage of the area before considering other locations.

• Local governments can require that applicants post conspicuous notices at proposed antenna locations prior to a public hearing on the application.

• Local governments can specify that the municipality has the right to hire its own RF engineer to conduct random, unannounced emission testing of any antenna location, paid for by the antenna owner.

• Local governments can require that aggregate emissions of all co-located equipment be within FCC human exposure guidelines.

• Local governments can require applicants and antenna operators to document possession of commercial liability insurance against health claims related to radiofrequency radiation exposure, naming the local government as additional insured.

• Local governments can define "adequate coverage" as occurring when a wireless carrier's coverage is such that the vast majority of its customers can successfully use the

---

[2] Most applications for small cell antennas are submitted by site developers who obtain the necessary permits to construct the antenna, and then lease space to one or more telecoms.

carrier's personal wireless service most the time, in most locations within the municipality.

• Local governments can require the submission of verified and certified drive tests (telecoms have been known to submit false test results) and official dropped call reports to verify the need for the antenna, and that the proposed location is the least obtrusive to obtain adequate coverage.

These are just a few of the options available to local governments seeking to exert some control over the deployment of wireless facilities in their communities, but again, these provisions are not automatically granted to the local government: they must be expressly reserved in a "smart" zoning code.

For a sample municipal code and examples of how communities across the country are dealing with wireless infrastructure, please consult the Tool Kit on our website, www.Americans4RT.org.

MODEL WIRELESS TELECOMMUNICATIONS ORDINANCE
for Siting of "Small Cell" Telecommunication Infrastructure

*This document is intended for use by towns and villages that have existing code for wireless communications infrastructure developed and adopted **prior** to the introduction of "small cell" wireless equipment and its widespread deployment in public rights-of-way.*

***We strongly advise against the placement of 4G/5G small cell antennas in any residential areas due to the lack of safety testing**, and recommend that every effort be made by applicants to limit placement of antennas to the least populated areas, such as along highways or in large parking lots, and as far as possible from schools, daycare centers, playgrounds, parks and other area where children spend time. Locating antennas in or near residential areas increases issues regarding aesthetics and property values. These considerations are being used by some municipalities to challenge or deny permit applications.*

Moreover, as public resistance to 4G/5G antennas grows and technology improves, the need for locating any antennas in residential areas may decline. We note that some wireless carriers are using existing towers and lower-band frequencies formerly used for analog television signals to carry so-called "5G" signals, eliminating the need for small cells.

Municipal officials and local attorneys should be cognizant that rulings and orders of the Federal Communications Commission (FCC) are not laws, and do not have the force of law. They are merely the agency's interpretation of the law and of its own powers and authority. Recently, decisions of the FCC regarding the National Environmental Policy Act (NEPA) were overturned by the District Court in Washington, DC. Congress is currently threatening bipartisan legislation to curb the over-reach of the FCC, and a number of cities are challenging the authority of the agency to preempt local control over the siting of small cell antennas.

The wireless industry often threatens legal action against any municipality considering health effects in its deliberations, based on Section 704 of the 1996 Telecommunications Act which prohibits consideration of "environmental effects" in making siting decisions. However, that prohibition is conditional on the antenna meeting all FCC emission standards at all times during its operation, which is why many local municipalities are requiring annual random, independent testing of all antennas.

DISCLAIMER: This document is provided for informational purposes only, and is not intended to substitute for legal advice regarding zoning regulations or code compliance with local, state or federal law. Americans for Responsible Technology makes no assurances or guarantees regarding the applicability or suitability of this language for any municipality, and shall not be held responsible for any legal action arising from the use of language or concepts contained herein. Local municipalities should be aware that sample ordinances offered by wireless telecommunications companies, their subcontractors or the organizations they sponsor are

generally not protective of the rights, welfare and property of local municipalities, their homeowners and other residents.

Section 1: FINDINGS

The Town of _____ hereby finds:

1.1 The wireless telecommunications industry has expressed interest in submitting applications to place antennas and associated equipment on new or existing structures in the Town's public rights-of-way for deployment of "small cell" wireless telecommunications facilities (hereinafter "small cell installations").

1.2 The deployment of small cell installations can have both positive and negative impacts on our community. Multiple small cell installations within the public right-of-way can impact property values; pose a threat to the public health, safety and welfare; create traffic and pedestrian safety hazards; impact trees where proximity conflicts may require trimming of branches or require removal of roots; create visual and aesthetic blights and potential safety risks from excessive size, height, weight, noise or lack of camouflaging which negatively impact the quality and character of the Town.

1.3 The Town currently regulates all wireless telecommunications facilities in the public right-of-way through a zoning and permit process. The Town's existing code has not been updated to reflect current telecommunications trends or necessary legal requirements. Further, the existing code provisions were not specifically designed to address the unique legal and practical issues that arise in connection with multiple small cell installations deployed in the public rights-of-way.

1.4 The Town recognizes its responsibilities under the federal Telecommunications Act of 1996 and state law, and believes that it is acting consistent with the current state of the law in ensuring that development activity does not endanger public health, safety, or welfare. The Town intends this Ordinance to ensure that the installation, augmentation and operation of small cell installations in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the federal Telecommunications Act and (*insert applicable State code*) with the rights, safety, privacy, property and security of residents of the Town.

1.5 This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any wireless telecommunications service provider's ability to provide reasonable and necessary wireless communications services; (2) prohibit or effectively prohibit any entity's ability to provide reasonable and necessary interstate or intrastate telecommunications service; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify wireless telecommunications service facilities solely on the basis of environmental effects of

radio frequency emissions so long as such wireless facilities comply in every instance and regard with all FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the Town may not deny under federal or state law; or (6) otherwise authorize the Town to preempt any applicable federal or state law.

1.6 Based on the foregoing, the Town (*Board, Selectmen or other governing body*) finds and determines that the preservation of public health, safety and welfare requires that this Ordinance be enacted and be effective immediately upon adoption.

NOW, THEREFORE, the Town of _____ does ordain as follows:

Section 2: DEFINITIONS

"Co-Located Small Cell Installation" means a single telecommunication tower, pole, mast, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

"Exempted Telecommunications Facility" includes, but is not limited to, the following unless located within a recognized Historic District:

a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet;

b. A ground or building mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed thirty-five feet;

c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet;

d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.

e. Mobile services providing public information coverage of news events of a temporary nature.

f. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar personal-use devices.

g. Government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.

h. Town-owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy feet.

i. Telecommunication facilities less than fifty feet in height, in compliance with the applicable sections of this chapter, located on a parcel owned by the Town and utilized for public and/or quasi-public uses where it is found by the Town Board to be compatible with the existing uses of the property and serving the public interest.

j. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this chapter, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures.

"Major Telecommunications Facility" means telecommunication towers, poles or similar structures greater than 60 feet in height, including accessory equipment such as transmitters, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

"NEPA" is the National Environmental Policy Act.

“Public Right of Way” means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Chapter shall include Public Utility Easements, but only to the extent the Town has the authority to permit use of the area for this purpose. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Town.

"Related Third Parties" shall include any entity contracting with applicant for the design, construction, maintenance, use or operation of the proposed small cell installation, including such entity's officers, employees, contractors, subcontractors, volunteers and agents or any subsidiaries, affiliates, successors in interest or legal assigns.

"Small Cell Installation" means all equipment required for the operation and maintenance of so-called "small cell" wireless communications systems that transmit and/or receive signals but are not "Major Telecommunications Facilities," including antennas, microwave dishes, power supplies, transformers, electronics, and other types of equipment required for the transmission or receipt of such signals.

Section 3: PERMITTING PROCESS

3.1 Permit Required. No small cell installation shall be constructed, erected, modified, mounted, attached, operated or maintained within the Town on or within any public right-of-way without the issuance of a permit. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.

3.2 Application Content. All permit applications must include:

A. Detailed site and engineering plans for each proposed small cell installation, including full address, GIS coordinates, a list of all associated equipment necessary for its operation, as well as a proposed schedule for the completion of each small cell installation covered by the application;

B. A master plan showing the geographic service area for the proposed small cell installation(s), and all of applicant's existing, proposed and anticipated installations in the Town;

C. Certification that the proposed small cell installation(s) addresses an existing and significant gap in coverage in the service area, such certification to include a detailed map of the "gap areas" and documentation of such gaps causing an inability for a user to connect with the land-based national telephone network or maintain a connection capable of supporting a reasonably uninterrupted communication.

D. Photographs of proposed facility equipment;

E. Visual impact analyses with photo simulations including both "before" and "after" appearances, including simulations of the appearance of the equipment from the perspective of any property owner within 250 feet.

F. Certification by an independent certified radio-frequency (RF) engineer that the small cell installation will be in compliance with all FCC standards for RF emissions as they relate to the general public, including aggregate emissions for all co-located equipment;

G. Certification that the applicant has a right under state law to install wireless telecommunications facilities in the public right-of-way;

H. Documentation demonstrating significant effort to locate the small cell installation in non-residential areas and in accordance with all other provisions of this chapter;

I. Documentation that owners of all properties within 500 feet of the proposed small cell installation have been notified in writing via certified mail of the proposed installation, including its exact location;

J. An executed indemnification agreement as set forth in section 3.6 hereof;

K. All required documentation to demonstrate full compliance with NEPA requirements as set forth by the FCC, unless exemption is claimed. If exempt, applicant must state the basis is for such exemption and provide proof, including all supporting documents, that each exempt installation meets prescribed requirements;

L. A disclosure of all related third parties on whose behalf the applicant is acting, including contracting parties and co-locaters;

M. If the small cell installation is proposed to be attached to an existing utility pole or wireless support structure owned by an entity other than the Town, sufficient evidence of the consent of the owner of such pole or wireless support structure to the proposed colocation;

N. Performance specifications and data that identify the maximum and minimum amount or level of radio-frequency emissions that are produced by the equipment when it is in full operating mode, and a monitoring plan for the Applicant's equipment capable of tracking and recording the daily amounts or levels of radio-frequency emissions that are produced by the equipment in order to verify that the average and peak emissions do not exceed the applicable FCC regulations.

3.3 Application Fee. The Town shall assess a per-installation fee of _____*(See Note 1*) to cover the Town's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell installation to ensure compliance with zoning requirements.

3.4 Consultant Fee. The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. The reasonable cost of the review shall be paid by the Applicant.

3.5 Compliance Bond. Upon approval of the application, the Permittee shall be required to post a bond in the amount of $50,000 (fifty thousand dollars) for each small cell installation, such bond to be held and maintained during the entire period of Permittee's operation of each small cell installation in the Town as a guarantee that no such installation, including any co-located equipment, exceeds or will exceed the allowable FCC limits for radio frequency radiation exposure to the general public as determined by a qualified independent radio frequency engineer under Section 3.7.2 hereof.

3.6 Indemnification. Permittee shall provide an executed agreement in the form provided by the Town, pursuant to which Permittee and any related third parties agree to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a successful legal action brought against the Town for loss of property value or other harm caused by the placement or operation of a small cell installation. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding whether incurred by the Permittee, the Town and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Permittee to indemnify the Town for all of the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of this Section.

3.7 Annual Recertification.

3.7.1 Each year, commencing on the first anniversary of the issuance of the permit, the Permittee shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns within the Town by location, certifying that (1) each active small cell installation is covered by liability insurance in the amount of $2,000,000 per installation, naming the Town as additional insured; and (2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal regulations concerning radio frequency exposure limits.

3.7.2 The Town shall have the right to employ a qualified independent radio frequency engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Town to certify their compliance with all FCC radio-frequency emission limits as they pertain to exposure to the general public. The reasonable cost of such tests shall be paid by the Permittee.

3.7.3 In the event that such independent tests reveal that any small cell installation or installations owned or operated by Permittee or its Lessees, singularly or in the aggregate, is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Town shall notify the Permittee and all residents living within 1500 feet of the small cell installation(s) of the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance and maintain them in compliance throughout the period of the lease shall result in the forfeiture of all or part of the Compliance Bond, and the Town shall have the right to require the removal of such installation(s), as the Town in its sole discretion may determine is in the public interest.

3.7.4 Any small cell wireless installation which is no longer in use shall be removed by the Permittee within 30 days of being taken out of use.

3.7.5 Any small cell wireless installation which is not removed within 30 days after being listed as no longer in use in the annual recertification affidavit shall be subject to a fine of $100/day until such installation is removed.

3.7.6 Where such annual recertification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

3.8 Non-Permitted Installations. Any small cell installation constructed, erected, modified or enhanced prior to the issuance of a site-specific permit from the Town shall be removed prior to the submission of any other application. No application for a small cell installation shall be considered, and no so-called "shot clock" for approval shall commence, while such unauthorized installations remain.

3.9 Notice of Permit Filing. Notice of the filing of any permit submitted pursuant to this ordinance shall be sent to all property owners within 500 feet of each and every proposed small cell installation within five (5) days of such filing, such notice to be sent by certified mail at the expense of the Permittee.

3.10 Public Availability of Permit Applications. All permit applications submitted pursuant to this ordinance, including all related documents, shall be made available for viewing and/or copying by any member of the public during normal business hours at the relevant office of the Town. Any charge for copies shall be limited to the Town's actual cost. No additional charges may be assessed against any member of the public for access to the entire permit and all of its related documents.

Section 4: LOCATION AND CONFIGURATION PREFERENCES

4.1 Siting Guidelines. The purpose of this section is to provide guidelines to applicants and the reviewing authority regarding the preferred locations and configurations for small cell installations in the Town, provided that nothing in this section shall be construed to permit a small cell installation in any location that is otherwise prohibited by this ordinance or any other section of the Town code.

4.2 Order of preference - Location. The order of preference for the location of small cell installations in the Town, from most preferred to least preferred, is:

1. Industrial zone
2. Commercial zone
3. Mixed commercial and residential zone

4. Residential zone

(*See Note 2*)

Section 5: INSTALLATION SPECIFICATIONS

5.1 The Permittee must construct, install and operate the small cell installation in strict compliance with the plans and specifications included in the application.

5.2 Where feasible, as new technology becomes available, the Permittee shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approval required by the Town.

5.3 The Permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Permittee shall notify the Town of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.

5.4 At all times, all required notices and signs shall be posted on the site as required by the FCC and state law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.

5.5 The Permittee shall maintain current at all times liability and property insurance for each small cell installation in the Public Right of Way in the amount of $2,000,000 (two million dollars) naming the Town as additional insureds.

5.6 The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.

5.7 Every effort shall be made to locate small cell installations no less than 1500 feet away from the Permittee's or any Lessee's nearest other small cell installation, or within _____ feet of any permanent residential dwelling. (*See Note 3*)

5.8 Single or co-located small cell installations must be mounted on an existing structure such as a utility or lighting pole that can support its weight and the weight of any existing co-located equipment. All new wires needed to service the small cell installation must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.

5.9 All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each installation is to have its own dedicated power source to be installed and metered separately.

5.10 If a Permittee proposes to replace a pole in order to accommodate a small cell installation, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven feet.

5.11 Each small cell installation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight, or attractive nuisances. The Town may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location or accessibility, a small cell installation has the potential to become an attractive nuisance.

5.12 The Permittee shall repair, at its sole cost and expense, any damage including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to Town streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a small cell installation in the public right-of-way. The Permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the Permittee fails to complete such repair within the number of days stated on a written notice by the permitting authority, the permitting authority shall cause such repair to be completed at Permittee's sole cost and expense.

5.13 Prior to issuance of a building permit, the applicant shall obtain the permitting authority's approval of a tree protection plan prepared by a certified arborist if the small cell installation will be located within the canopy of a street tree, or a protected tree on private property, or within a 10-foot radius of the base of such a tree. Depending on site specific criteria (e.g., location of tree, size, and type of tree, etc.), a radius greater than 10 feet may be required by the permitting authority.

5.14 Applicant shall abide by all local, state and federal laws regarding design, construction and operation of the small cell installation, including all state and federal Occupational Safety and Health Administration (OSHA) requirements for worker safety in, around and above power lines.

Section 6: APPLICABILITY

This chapter shall apply to all small cell installations and co-located small cell installations in the Town, and shall not apply to any Exempted Telecommunications Facility or Major Telecommunications Facility.

* * *

Note 1: In its *Declaratory Ruling and Third Report and Order* issued in September, 2018, the FCC suggests that application fees be no more than $500 per application, which can include up to five small cell installations, with an additional $100 per installation after five. The FCC also suggests a fee limitation of $270 per year for each small cell installation to cover any recurring fees, including rights-of-way. However, municipalities may charge their actual costs for processing such applications.

Note 2: The town may also wish to include preference for the *configuration* of small cell installations, from most-preferred to least-preferred. Configuration preferences might be:

(1) Co-located with existing wireless facilities,
(2) Mounted on existing utility poles,
(3) Mounted on new poles or towers.

Considerations include the structural integrity of existing utility poles, the fact that mandating co-located equipment could result in an unfair esthetic burden on some residents or neighborhoods, and the possibility that new poles might be bigger, heavier and more obtrusive than existing poles.

Note 3: Every possible effort should be made to prevent the placement of small cell installations in close proximity to residences. Viable and legally defendable setbacks will vary based on zoning.

This document was produced for American for Responsible Technology
by Grassroots Communications, 184 Main Street, Port Washington NY 11050.
© 2020 Grassroots Communications, Inc. All rights reserved. Permission to copy is hereby granted to municipalities, their elected officials, legal counsel, employees, contractors and residents.

Americans for Responsible Technology
184 Main Street • Port Washington • New York • 516.883.0887 • www.AmericansForResponsibleTech.org

Checklist for Municipal Codes Addressing Small Cell Installations

___ The code requires applicants to document possession of liability insurance which **does not** exclude coverage for health claims due to radiofrequency (RF) radiation exposure (a "pollution exclusion"). The insurance must be issued to the parent company (e.g., Verizon), not the contractor, agent or company subdivision. Self insurance is not acceptable.

___ The code requires the applicant to document significant effort to place antennas in non-residential areas, far away from schools and daycare centers, and proof that such alternate sites will not result in adequate coverage.

—— The code requires applicant to provide to all homeowners within 500 feet of the proposed antenna installation notification by certified mail 60 days before construction.

___ The code requires the applicant to document a significant gap in service which will be remedied by the proposed antenna installation.

___ The code requires the applicant to post conspicuous signs of pending applications at all proposed sites 60 days before construction.

—— The code permits the municipality to hire an RF engineer to conduct random, unannounced RFR emission testing of any or all antenna installation(s) at the expense of the operator, and provides for substantial penalties for violations.

___ The code requires that RF radiation emission limits apply to the aggregate emissions of all co-located equipment, not just emissions of single antennas. In the event such emissions exceed FCC guidelines, all antennas must be turned off until the aggregate emissions are lowered to acceptable limits.

___ The code requires applicants to certify that the company is subject to all local state and federal laws, including the Americans with Disabilities Act, and that the operation of the antennas will not jeopardize the health and well being of any citizens.

___ The code requires applications and permits for all RF antennas including free-standing, pole mounted and strand-mounted antennas.

This information is intended for educational purposes only. It is not intended to offer and should not be construed as legal advice. Please consult with qualified legal experts for applications and restrictions in your state.

Gary York, MD

I support this bill as it allows local governments to have more oversight of applications for personal wireless communication facilities, especially placement and setback requirements (environmentally-sensitive areas).

FWIW, I spent some time recently at one of the cell towers in my town, and took a survey of EMF readings on my Safe and Sound Pro II RF meter. I monitored readings ~250 feet from the cell tower, and recorded for 10 minutes; a MAX reading of 80,000 microwatts/square meter, and a 10-minute AVG of >2,000 microwatts/square meter, both readings indicative of extreme (highest) exposure. The closest 2 neighborhood private homes are located <500 feet from the tower.

Rebecca Hull

As a Planning Board member in my town here in NH we are not permitted to discuss cell phone towers! Either in or outside of meetings with other board members because of the 1996 FCC Act. They are concerned that when a tower application comes along the company will be more apt to sue us, if we have previously "colluded" - even though we are the board in town who would review the application.
That is why educating towns about ordinances and allowing them more leeway to make their own decisions about maintaining safety for citizens is imperative. Please pass HB298

Eric Tanafon

Many people, including in my family, are strongly affected by electromagnetic radiation, especially 5g. There needs to be a process to ensure that people's health is not destroyed by arbitrary placement of these radiation sources.

julie Flood Flood

We as residents and citizens of NH absolutely need rights and options we need municipalities to protect our communities from cell towers, antennas and 5G small cell equipment within the framework of current law. I support this Bill.

Thank You
Julie Flood

Margaret Lynch

Please Support Bill HB298! Wireless radiation is toxic to our health and the environment. These antenna need to be kept away from residential houses and our children.
Thank you

Laurie A. Couture

I support HB 298, as it protects our historical infrastructure, buildings, and environment.ally-sensitive areas of the state.

Michele Chalice

I support the ability of New Hampshire residents to be able to understand and choose the safety and health of themselves and their family members.

This bill's modest provisions for communities to regulate the placement of cell towers, antennas, and 5G small cell
equipment, within the framework of current law, are critical to also PROTECTING THE VALUE OF OUR PROPERTIES as we come to understand more about the potential health effects of physical proximity to this equipment.

Thank you for your attention to this issue.

Sincerely,
Michele Chalice

Cherylyn LeBrun

I support the bill-HB298

ann savastano

I am speaking for myself but am part of an informal neighborhood coalition which is very concerned about the damaging effects of a 4G SWF (part of a grid preparatory to 5G antennae) which is slated for installation this spring in our largely residential neighborhood. Much of our neighborhood is part of a designated historic district, and at least one house is on the NH historic register. We are concerned not only because of the emerging data concerning health and environmental hazards, but also about the historical integrity of our neighborhood and effect on property values. What specific recourse would HB 298 provide for historic districts?

We are, of course, shocked by the seeming lack of ways for residents to oppose the roll-out of SWF's, especially given the likelihood of health and environmental issues, and given that "health and safety" seems to be a watchword for governance these days. I very much appreciate your efforts to curb the overreach of telecom companies regarding SWF's! Thank you.

kevin chapman

HB 298 is about specific safe placement of wireless facilities, instead of ignorant arbitrary placement of these dangerous radiation sources. Our bodies are approximately 85% water and these EMFs are able to damage our cells by oscillating water molecules in our cells. Some people's bodies can recover from this damage, but others can't because of constant exposure. Long term exposure can eventually harm all living organisms. I selected my residence based on the safe distance from any cell tower. By supporting HB 298 all NH citizens health will be better protected. I pray you will help all of us.

Nicole Bettencourt

I support this bill.

Todd Bettencourt

I support this bill .

RUSSELL LUKES

Municipalities must have enhanced power to protect private citizens in homes, schools, and medical facilities from the the dangers from all forms of cell towers, small cell equipment, and antennas including the newer 5G equipment.

Anne Peirce

There is some evidence that 5 G is dangerous to health. Until it is clear that there are no detrimental effects no 5 G should be allowed.

Theresa Schmidt

It is imperative for local government to be able to review and inform itself of the environmental impact of any proposed personal
wireless service facilities and ensure that, other than with regard to the environmental effects of radio frequency emissions that are consistent with the Federal Communications Commission's regulations concerning such emissions, the facilities and their operation will not significantly affect historical or environmentally-sensitive areas or the health of our citizens. Radiofrequency emissions have been implicated for their reported adverse effects on health, and therefore they must be kept at a distance from the public. I do not agree with allowing business or personal interests to influence my health in this manner, there is no choice as to how to get away from the potentially deleterious influences of EMFs generated by these fields. Thank you for protecting our health.

Best regards,

Dr. Theresa A. Schmidt, DPT, MS,OCS

Rod Turner

"It is imperative for local government to be able to review and inform itself of the environmental impact of any proposed personal wireless service facilities and ensure that, other than with regard to the environmental AND PERSONAL HEALTH effects of radio frequency emissions that are consistent with the Federal Communications Commission's regulations concerning such emissions, the facilities and their operation will not significantly affect historical or environmentally-sensitive areas or the health of our citizens. Radiofrequency emissions have been implicated for their reported adverse effects on health, and therefore they must be kept at a distance from the public. I do not agree with allowing business or personal interests to influence my health in this manner, there is no choice as to how to get away from the potentially deleterious influences of EMFs generated by these fields. Thank you for protecting our health."

Best regards,
Rod Turner

From: https://pubmed.ncbi.nlm.nih.gov/31991167/
Adverse health effects of 5G mobile networking technology under real-life conditions
Ronald N Kostoff 1 , Paul Heroux 2 , Michael Aschner 3 , Aristides Tsatsakis 4
Affiliations PMID: 31991167 DOI: 10.1016/j.toxlet.2020.01.020

"Abstract

This article identifies adverse effects of non-ionizing non-visible radiation (hereafter called wireless radiation) reported in the premier biomedical literature. It emphasizes that most of the laboratory experiments conducted to date are not designed to identify the more severe adverse effects reflective of the real-life operating environment in which wireless radiation systems operate. Many experiments do not include pulsing and modulation of the carrier signal. The vast majority do not account for synergistic adverse effects of other toxic stimuli (such as chemical and biological) acting in concert with the wireless radiation. This article also presents evidence that the nascent 5G mobile networking technology will affect not only the skin and eyes, as commonly believed, but will have adverse systemic effects as well." (From: https://pubmed.ncbi.nlm.nih.gov/31991167/. Accessed 2/7/23)

References

IEEE Committee on Man and Radiation-COMAR Technical Information Statement: Health and Safety Issues Concerning Exposure of the General Public to Electromagnetic Energy from 5G Wireless Communications Networks.

Bushberg JT, Chou CK, Foster KR, Kavet R, Maxson DP, Tell RA, Ziskin MC. Health Phys. 2020 Aug;119(2):236-246. doi: 10.1097/HP.0000000000001301. PMID: 32576739 Free PMC article.

Chemical polarization effects of electromagnetic field radiation from the novel 5G network deployment at ultra high frequency.

Matthew UO, Kazaure JS. Health Technol (Berl). 2021;11(2):305-317. doi: 10.1007/s12553-020-00501-x. Epub 2021 Jan 27. PMID: 33527067 Free PMC article.

5 G wireless telecommunications expansion: Public health and environmental implications.

Russell CL. Environ Res. 2018 Aug;165:484-495. doi: 10.1016/j.envres.2018.01.016. Epub 2018 Apr 11. PMID: 29655646

Electromagnetic Fields, Pulsed Radiofrequency Radiation, and Epigenetics: How Wireless Technologies May Affect Childhood Development.

Sage C, Burgio E. Child Dev. 2018 Jan;89(1):129-136. doi: 10.1111/cdev.12824. Epub 2017 May 15. PMID: 28504324 Review.

Low-level exposure to radiofrequency electromagnetic fields: health effects and research needs.

Repacholi MH. Bioelectromagnetics. 1998;19(1):1-19. PMID: 9453702 Review.

The population health effects from 5G: Controlling the narrative.

de Vocht F, Albers P. Front Public Health. 2022 Dec 19;10:1082031. doi: 10.3389/fpubh.2022.1082031. eCollection 2022. PMID: 36600933 Free PMC article. No abstract available.

The association between self-reported mobile phone usage with blood pressure and heart rate: evidence from a cross-sectional study.

Amiri F, Moradinazar M, Moludi J, Pasdar Y, Najafi F, Shakiba E, Hamzeh B, Saber A. BMC Public Health. 2022 Nov 7;22(1):2031. doi: 10.1186/s12889-022-14458-1. PMID: 36344963 Free PMC article.

Scientific evidence invalidates health assumptions underlying the FCC and ICNIRP exposure limit determinations for radiofrequency radiation: implications for 5G.

International Commission on the Biological Effects of Electromagnetic Fields (ICBE-EMF). Environ Health. 2022 Oct 18;21(1):92. doi: 10.1186/s12940-022-00900-9. PMID: 36253855 Free PMC article.

The Effect of Electromagnetic Radiation Transmitted from Routers on Antibiotic Susceptibility of Bacterial Pathogens.

Pegios A, Kavvadas D, ?arras K, Mpani K, Soukiouroglou P, Charalampidou S, Vagdatli E, Papamitsou T. J Biomed Phys Eng. 2022 Aug 1;12(4):327-338. doi: 10.31661/jbpe.v0i0.2111-1433. eCollection 2022 Aug. PMID: 36059284 Free PMC article."

Respectfully in health,

Godelieve Richard

Please help reduce electromagnetic pollution. I and others get severe symptoms from exposure to wireless radiation. I have diagnosis from MDs who understand this condition. Many people feel the negative effects of wireless. Our bodies do best with the energy of nature. Wireless is very stressful to human beings. Typical symptoms are: insomnia, agitation, headaches, tingling, difficulty concentrating and more severe symptoms can occur as well.
thank you
Kind Regards,
Godelieve Richard

Alicia Blow

I support this bill so that we can continue to safely regulate what we allow to be built on our state land, and this is for the health and well-being of the people of New Hampshire!

Wendy Spicer

The cancer rates in children are steadily increasing. This risky new technology serves only the tech industry. Our country does not need more conveniences. We need healthy children.

Christina Matthews

I support HB298

Katerina Matthews

I support HB298

Hank Allen

It is so very important for cities and states to maintain local control over their Wireless infrastructure. The FCC is a captured agency of the telecommunications industry. They have failed to update their health and safety policy in favor of corporate profits. As a result, my self and thousands of others are being injured across the nation. Please vote in favor of this bill.

May God Bless the Great State of New Hampshire.

Jennifer Briggs Jenkins

There are studies showing 5G causes harmful effects to people. We should be able to have a say as to whether we want these towers installed in our neighborhoods.

Janet Drew

The voices of medical experts and others informed by science make it clear. FCC's allowable radiation limits are the highest in the world, and are a hazard to all families. Our nation is already suffering a huge mental health crisis.
Pause & Plan.
The Chinese spy balloon was collecting both Visual & (unprotected) wireless data !
WIRE US!

Your first responsibility is to the town residents, so your decision should be clear.

Focus on publicly owned, wired system
Safer, more secure; less open to hacking
More energy efficient

Public ownership means we control design and Operation &
Can always get contract to run technics

Please form IT/telecom study committee to develop an appropriate planned utility, avoid harms from corporate misuse & redundancy. Deny willy nilly installations.
Please do your part today, to make a safe utility plan, needed in MA, New England & nationwide.
Pause & Plan - Wire US
Do connectivity right.
TY

Jennifer Friedman

This past summer a 40 ft. Cell phone tower was erected 80ft from my house, effectively on the front lawn of my neighbors home. Now, I worry constantly about my health, being bombarded, 24/7 with the electromagnetic field radiating from the tower. I. Addition to health concerns, the value of my property has been significantly reduced as there are few buyers who would voluntarily purchase a home this close to a cell tower. These things do not belong in neighborhoods!

Paul Kervick

I support this bill- EMF's have not been researched as to the many detrimental health effects that are appearing across our country

John Schmitt

I support HB298 and any other bill that will help prevent the installation of any cell towers near our homes. If a tower is installed outside my house, then I'll have to sell my house and move elsewhere due to health safety concerns. And I'm sure the value of my home will drop considerably if a cell tower is installed anywhere near my home, so that would amount to a form of theft!!!

Claire Day

I am strongly in favor of this bill. I read with concern and interest the Governor's study (several years ago) and conclusions regarding the impact of 5G and RF. This bill represents positive action in this area.

Thank you,

Tania Colmant-Donabedian

I am opposed to the planting of 5G units in Keene which is not only dangerous for humans but for animal life as well.

Janet Taft

I write in support of Bill HB298. I bought 159 acres and built a net zero home in Newbury, NH, to avoid proximity to cell towers that adversely affected my health. I had to work with an environmental physician and eventually relocate to stop the non-remitting headache and fatigue I experienced in 2013 for 10 months living in Waltham, MA, too close to cell towers and measurably high wireless radiation.

Public safety standards have been set too high by industry. We need measures to protect our rights, based on scientific research, and to set safety standards that will preserve our health from the proliferation of wireless devices, antennae, and cell towers. Thank you for your attention to this important matter,

Janet Taft, MSN, MBA, Yale University

David Donabedian

Data concerning the health and environmental effects of 4G small cell towers -- which set the stage for 5G antennae -- indicates that they are harmful. At this point, the FCC has given the telecom industry carte blanche to roll these "SWF's" out with almost no control from municipalities or residents. This bill at least increases the available options for resisting this roll-out. Safer options are available. Measures need to be taken to protect NH neighborhoods from great harm..

Merrick Finn

I am deeply concerned about the deleterious health effects from rolling out 5G in small or large cities. The telecom industry is hungry for profits and refuses to acknowledge the broad base of clinical studies that clearly indicate humans are suffering from exposure to high levels of radiation emitted from such towers.

judith smith

Our over 55 community lives with three Cell Towers with at least 40 to 60 antennae between them. one mile east, one mile west with one erected and turned on at the beginning of the pandemic quarantine.. Through a previous electrical wiring injury a short in the bathroom fan downstair, and maladjustments of the furnace cooling fan that gets stuck on high and vibrates through my unit, I have become sensitive to electromagnetic fields, waves and radiation non and ionizing. Especially the pulsed radio frequency microwave.

At First I thought it was symptoms from routine treatment of lawns and children's playground, soccer field and baseball

park. with pesticide and herbicide. I came to realize that the presence of one can intensify the other. Itch, burn, depression anxiety insomnia, My grandson on the spectrum is very sensitive, I felt fortunate to live with a bird sanctuary, woods, playground and ball park. We lived out of door a lot. When the pandemic quarantine hit, he was finishing grade school. He had two seizures for the first time in his life ,when he returned to school after quarantine. He is a wiz on the computer, but he did not do well with remote learning. He missed school and learning alongside teachers and school mates. The seizures happened an hour or so from entering the classroom. He cannot visit me here. anymore. We had cardinals, herons, blue jays, mourning doves, finches came to nest in all the trees, There has been a definite decline since the last Tower

was turned on at the end of the road.

We had a three hour power outage a winter past, and my symptoms of brain fog, anxiety, depression, headaches and muscle

cramping and pain, left immediately. proving to me the potentially catastrophic nature of all the exposures. I visited a daughter who used to live one mile from a Cell Tower with only 4 antennae, she shut off her wifi at night and I could get a restful sleep and start a repair. I was symptom FREE. able to take in a move and a small hike. The unit below me emptied out for two months and the wifi was off. Again symptoms left, I came ""back to myself" head clear, sleeping better, prepared to move. The rents hiked, and housing shortages abounded. Then a resident moved in switched on the wifi and I became dysregulated." with symptoms. This is taking a toll on my family, it is isolating and I have lost agency of my life I have been healthy, able to dance, yoga qigong Tai chi massage with passion for health and restoration of balance. I have grave concerns for the addition of any more antennae of any kind and what it is doing to our children, our mothers and grandparents. Doctors can only treat symptoms. It is lowering immunity, with adverse effects on the brain ,and nervous system with endocrine dysregulation causing altercations and fluctuation in hormone messaging, neuro bioelectrical transmission, reception and neuronal health.

Quest and Lab Corp only seem to screen from catastrophic illness to treat with drugs.. with compromised detoxification pathways, over stimulated and burned out immune systems, clogged up circulatory systems hormone dysregulation, congested livers and lungs easy to lead to broken brains as well as broken hearts. I have utilized private labs in the past

who could evaluate the presence of mycotoxin, bacteria absorption and distribution of nutrient. N.D. can order and interpret these blood assays. As you know beings need to feel safe ,and connected with family, friends and neighbors who are healthy enough to care for each other. As one dedicated physician told me, "chronic stress can wreak havoc on any condition." Thank you for your careful consideration with regard to these matters. I was able to purchase a pendant, a grounding mat and a computer on sale with the covid relief check, They have provided some relief, however, it is like putting a finger in the dike hoping to hold back the deluge.

k fitt

HB 298 is a very significant bill to save peoples' lives from acute and chronic unnecessary suffering and demise, which is murder. People are allowed to have Quiet Enjoyment inside of their homes without lethal, unseen, stealth technology invading their homes and bodies. There are multiple thousands of unbiased research studies, for example The Bio-Initiative Report, that most radio frequency (RF) is majorly past the safe building biology limits. I have had to leave and sell two homes because of the high RF that was making me sick and the home uninhabitable sadly. Please help keep our homes safe from these invisible invaders. Thank you.

Mana Washio

I am a supporter of the Bill, HB298.

My name is Mana Washio, and I currently live in Barrington, NH. I lived in MA & RI before moving to NH. I became EHS in 2013, when my husband and I lived in Watertown, MA.

While we were on vacation, NSTAR came and installed a bank of infamous Smart Meters. Our bedroom was surrounded by them, and there were also two circuit breaker panels underneath our bedroom (because we lived on the 1st floor). We also had a WiFi router in our bedroom, without knowing its harm.

Immediately after the Smart Meter installation, I started having piercing headaches, as if someone was inserting an ice pick into my brain. It was SO bad, I could not sleep at all. I also developed all sorts of GI issues, heart palpitation, chest pain, concentration difficulties, and so on.

My symptoms subsided when I went away from my home, and it became worse when I came home. I also felt VERY strong pain standing right in front of the Smart Meters outside, so I knew what was causing the problem.

EHS diagnosis was extremely difficult to attain, because there are VERY few doctors who could diagnose. I was only able to get one in 2022, after moving to RI.

I was a performing musician for many years, but large concert venues where people gather with their cell phones became the hardest place to work. I was forced to completely switch my career, and now I work as a Health Coach & a Reiki practitioner. Although I love my current job, I had to start all over and had completely different training before I was able to start making decent salary.

My job as an EHS individual & Health Coach is to bring more awareness about this issue. I regularly coach my clients on the importance of EMF mitigation, especially because now I coach a lot of cancer patients.

You cannot smell, touch or see EMF, but the ill-effects of EMF and the condition called EHS are real. I strongly believe every person deserves a healthy home environment, and that is exactly why I support the Bill HB298.

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 298

BILL TITLE: relative to placement of personal wireless service facilities.

DATE: February 16, 2023

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. D. Thomas | Seconded by Rep. Notter | AM Vote: 20-0

Amendment # 2023-0565h

Moved by Rep. D. Thomas | Seconded by Rep. Notter | Vote: 10-10

MOTIONS: OUGHT TO PASS

Moved by Rep. D. Thomas | Seconded by Rep. Bernardy | Vote: 10-10

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. D. Thomas | Seconded by Rep. Bernardy | Vote: 10-10

MOTIONS: RETAINED

Moved by Rep. D. Thomas | Seconded by Rep. Notter | Vote: 2-18

☑ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep JD Bernardy, Clerk

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB 298 **Motion:** OTP **AM #:** 2023-0565h **Exec Session Date:** 16 Feb 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman	1		
Thomas, Douglas W. Vice Chairman	1		
Notter, Jeanine M.	1		
~~Harrington, Michael D.~~ Renzullo, Andrew	1		
Merner, Troy E.	1		
~~Lewicke, John~~ Brown, Carroll	1		
Berezhny, Lex	1		
Bernardy, JD Clerk	1		
Ploszaj, Tom	1		
Summers, James	1		
~~McGhee, Kat~~ Homblet, Joan	1		
McWilliams, Rebecca J.	1		
Chretien, Jacqueline H.	1		
Parshall, Lucius	1		
Caplan, Tony	1		
Muns, Chris	1		
Noël, Henry W.	1		
Thomas, Wendy E.N.	1		
Cormen, Thomas H	1		
Raynolds, Ned	1		
TOTAL VOTE:	20	0	

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB 298 **Motion:** OTPA **AM #:** 2023-0565h **Exec Session Date:** 16 Feb 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman		1	
Thomas, Douglas W. Vice Chairman		1	
Notter, Jeanine M.		1	
~~Harrington, Michael D.~~ Renzullo, Andrew		1	
Merner, Troy E.		1	
~~Lewicke, John~~ Brown, Carroll		1	
Berezhny, Lex		1	
Bernardy, JD Clerk		1	
Ploszaj, Tom	1		
Summers, James		1	
~~McGhee, Kat~~ ~~Haublat~~, Joan	1		
McWilliams, Rebecca J.	1		
Chretien, Jacqueline H.	1		
Parshall, Lucius	1		
Caplan, Tony	1		
Muns, Chris		1	
Noël, Henry W.	1		
Thomas, Wendy E.N.	1		
Cormen, Thomas H	1		
Raynolds, Ned	1		
TOTAL VOTE:	10	10	

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: ~~HB 298~~ Motion: ITL AM #: 2023-0565h Exec Session Date: 16 Feb 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman	1		
Thomas, Douglas W. Vice Chairman	1		
Notter, Jeanine M.	1		
~~Harrington, Michael D.~~ Renzullo, Andrew	1		
Merner, Troy E.	1		
~~Lewicke, John~~ Brown, Carroll	1		
Berezhny, Lex	1		
Bernardy, JD Clerk	1		
Ploszaj, Tom	1		
Summers, James	1		
~~McGhee, Kat~~ Hamblet, Joan		1	
McWilliams, Rebecca J.		1	
Chretien, Jacqueline H.		1	
Parshall, Lucius		1	
Caplan, Tony		1	
Muns, Chris		1	
Noël, Henry W.		1	
Thomas, Wendy E.N.		1	
Cormen, Thomas H		1	
Raynolds, Ned		1	
TOTAL VOTE:	10	10	

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB 298 Motion: Retain AM #: 2023 Exec Session Date: 16 Feb 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman		1	
Thomas, Douglas W. Vice Chairman		1	
Notter, Jeanine M.		1	
~~Harrington, Michael D.~~ Renzullo, Andrew		1	
Merner, Troy E.		1	
~~Lewicke, John~~ Brown, Carroll		1	
Berezhny, Lex		1	
Bernardy, JD Clerk		1	
Ploszaj, Tom		1	
Summers, James		1	
~~McGhee, Kat~~ Hamblet, Joan		1	
McWilliams, Rebecca J.		1	
Chretien, Jacqueline H.		1	
Parshall, Lucius		1	
Caplan, Tony		1	
Muns, Chris	1		
Noël, Henry W.		1	
Thomas, Wendy E.N.	1		
Cormen, Thomas H		1	
Raynolds, Ned		1	
TOTAL VOTE:	2	18	